

continually rail against the State, Church, and Bishops of England. But Sir Richard Saltonstall, Mr. Humphry, and Mr. Cradock, the first Governor of the Company, being then in England, gave a full answer to all those bold allegations and accusations, the effect of which shall more particularly be declared in the following chapters.

Captain Levet,<sup>1</sup> about this time returning for England, died at sea; by which occasion some letters, sent from indiscreet persons, fell into the hands of them that had no good will for the Plantation, and by that means clamors were raised against them, which furnished their enemies with matters of complaint against them, which their petitions were stuffed withal. Information hereof was brought by Mr. Trevore, that arrived<sup>2</sup> February 22, 1633, who brought goods and passengers for the Massachusetts. Yet, notwithstanding all their endeavors, multitudes of passengers came over every year, in all the succeeding years of the two first lustres, sc. till 1640; when, by the turn of times in England, great hopes of reformation possessed men's minds that they need not travel so far for liberty of conscience, which they expected should be granted them where they were: which put a stop to the coming over of any more passengers to New England, and occasioned a great change of their affairs thereby.<sup>3</sup>

## CHAP. XXVI.

*The first Courts kept in the Massachusetts, after the coming over of the Governor. The carrying on of their civil affairs, from the year 1630 to 1636, with the accusations against them before the King and Council.*

THE first Court of Assistants, after the arrival of the Governor and Patentees in the Massachusetts, was held at Charlestown,<sup>4</sup> August 23, the same year, 1630; at which time orders were made concerning the planting of the Colony, in the several Plantations that soon began to be erected; as likewise for the regulating the wages of artificers employed in buildings, &c.; it being commonly found that men, gotten from under the reins of govern-

<sup>1</sup> See Sav. Win. i. 26.—H.

<sup>2</sup> At Plymouth, in the ship William. Sav. Win. i. 100.—H.

<sup>3</sup> See page 273.—H.

<sup>4</sup> See Prince, pp. 313-14; Sav. Win. i. 30.—H.

ment, are but like cattle without a fence, which are thereby apt to run wild and grow unruly, without good laws.

September 7,<sup>1</sup> 1630. At another session of the Court, the Governor and Assistants considering the danger they might be exposed unto, in the midst of several nations of Indians, (in most of which they had little reason to put much confidence,) to prevent any possibility of arming such, as in future time might prove as goads in their eyes and thorns in their sides, it was enacted to be £10 fine for any that should permit an Indian the use of a gun, the first offence; the second offence they were to be imprisoned and fined at discretion; which it had been well if it had been observed. But all the foresight in the world will not prevent a mischief that is designed upon a place or people, as the fruit of their own folly, as in after time came to pass. And in some regard, it had been well such laws had never been made, unless they had been better observed.

At the next meeting of the Court, some care was had about the more orderly settling of the civil government, for the preserving the liberty of the people, and preventing any entrenching thereon by the power of the rulers; (it being feared, at least it was then supposed by some, that the waves of the sea are not more ready to overflow their banks, when driven by the wind and tide, than the minds of men, naturally carried with that of ambition, are to invade the rights and liberties of their brethren.) Therefore, to prevent all inconveniences of like nature possible to arise, October 19, 1630, at a General Court of the whole company, it was with joint consent agreed, and by erection of hands declared, that the freemen of the company should choose the Assistants, from among themselves; and that the Assistants should choose the Governor and Deputy, from among themselves; and those so chosen should have power to make all laws, and choose officers to execute them: which order was not very long lived, for it remained in force only till the Court of Election, Anno 1632, when the election of the Governor was ordered otherwise.<sup>2</sup> The next thing most material, happening at this session,

<sup>1</sup> September 28, says Prince, page 317.—H.

<sup>2</sup> See page 149.—H.

was the addition of one hundred and seven<sup>1</sup> persons to the number of the freemen, enough for a foundation.

The first Court of Election that happened in the Massachusetts was on May 18, 1631, when the former Governor and Deputy Governor, viz. Mr. Winthrop and Mr. Dudley, were chosen again into the same place they had before. In the like manner did the choice proceed amongst the Assistants, sc. to as many of them as were then found in the land of the living: some of them being, before that time came about, received into another world.

At the said Court of Election, for the explanation of the former order of October 19, it was ordered by the full consent of all the commons present, that once every year shall be a General Court, when the commons shall have power to nominate any one whom they desire, to be chosen Assistant, and to remove any one or more that was before chosen in that place, as they should see occasion. And if the vote were not clear, it should be tried by the poll. And further, that the body of the commons might be preserved of good and honest men, it was ordered and agreed, that for time to come, no man be admitted to the freedom of the body politic, but such as are members of some of the churches within the limits of the same.

Within the compass of the year 1631 arrived not so many ships as did the year before, fraught with sundry passengers with their families, bringing along with them all sorts of cattle, for the storing of the country therewith, fit for the beginning of a new plantation; which with the blessing of Heaven so increased, that within a few years the inhabitants were furnished with not only enough for themselves, but were able also to supply other places therewith. For many that wished well to the Plantation were desirous to see how their friends liked, that went first. But in the third year many ships with passengers arrived there, and sundry persons were this year added to the number of the freemen, the whole, within two or three years after, amounting to two hundred and seventy.

<sup>1</sup> Should be *one hundred and eight*. See their names, Sav. Win. ii. 381-2.—H.

The General Court in the year 1632 happened on the 9th<sup>1</sup> of May; when it was ordered, that the Governor, Deputy Governor, and the Assistants, should be chosen by the whole court of Governor, Deputy, Assistants, and freemen; and that the Governor should be chosen out of the Assistants, to prevent any inconveniency §that might arise§ in case it should be otherwise, as was found by experience not many years after.

At this time Mr. Winthrop was again, by the general consent of the people, called to the place of Governor, and Mr. Dudley to that of Deputy, as before, and the same Assistants which were in the former year.

\*Amongst those that came to New England in the year 1630, mention was made of one Sir Christopher Gardiner, being (as himself said) descended of Gardiner, bishop of Winchester, who was so great a persecutor of good Protestants in Queen Mary's days. He being a great traveller received his first honor of knighthood at Jerusalem, being made Knight of the Sepulchre there, and very well became that title, being himself a mere whited sepulchre, as he soon discovered afterwards. He came into ||those|| parts in pretence of forsaking the world, and to live a private life in a godly course, not unwilling to put himself upon any mean employment, and take any pains for his living, and sometimes offered himself to join to the church in sundry places. He brought over with him a servant or two, and a comely young woman, whom he called his cousin; but it was suspected that (after the Italian manner) she was his concubine. He living at the Massachusetts, for some miscarriages there, for which he should have answered, fled away from authority, and got amongst the Indians in the jurisdiction of New Plymouth. The ||Governor<sup>2</sup>|| of the Massachusetts sent after him, but could not get him, and promised some reward to those that should find him. The Indians came to the Governor of Plymouth, and told where he was, and asked if they might kill him. But the said Governor told them, no, they should not kill him by no means; but if they could

||these||

||<sup>2</sup>government||

\* This account of Gardiner, &c. to p. 152, is also in MORTON'S Memorial. See year 1632, p. 116-119. ed. 1721, 12mo. Bost., or p. 93-97. ed. 1772. 4to. Newport. Ed.

<sup>1</sup> 8th, says Sav. Win. i. 75. But see Prince, p. 393.—H.

take him alive, and bring him to Plymouth, they should be paid for their pains. They said he had a gun, and a rapier, and he would kill them if they went about it, and the Massachusetts Indians said they might kill him. But the Governor aforesaid told them, no, they should not kill him, but watch their opportunity, and take him; and so they did. For when they lighted on him by a river side, he got into a canoe to get from them; and when they came near him, whilst he presented his piece at them to keep them off, the stream carried the canoe against a rock, and threw both him and his piece and rapier into the water. Yet he got out, and having a little dagger by his side, they durst not close with him, but getting long poles they soon beat his dagger out of his hand: so he was glad to yield, and they brought him to the Governor at Plymouth. But his hands and arms were swelled [and] very sore, with the blows the Indians had given him. But he used him kindly, and sent him to a lodging, where his arms were bathed and anointed, and he was quickly well again. And when the Governor blamed the Indians for beating him so much, they said, they did but a little whip him with sticks. In his lodging those that made his bed found a little notebook, that by accident had slipped out of his pocket, or some private place, in which was a memorial what day he was reconciled to the Pope and Church of Rome, and in what University he took his Scapula, and such and such a Degree. It being brought to the Governor of Plymouth, he kept it, and sent it to the Governor of the Massachusetts, with word of his taking, who sent for him.<sup>1</sup> But afterwards he was sent for England, and there showed his malice against the country; but God prevented him. Of which business it is thought meet here to insert a letter from Mr. Winthrop, Governor of the Massachusetts, to Mr. Bradford, the Governor of Plymouth, (in reference to this matter,) as also the copy of an Order relating to the same, as followeth. And first of the letter:

SIR,

Upon a petition<sup>2</sup> exhibited by Sir Christopher Gardiner, Sir Ferdinando Gorges, Captain Mason, &c., against

<sup>1</sup> See a letter bearing date May 4, 1631, from Winthrop to Bradford, in Prince, p. 353.—H.

<sup>2</sup> See pages 145-6.—H.

you and us, the cause was heard before the Lords of the Privy Council, and after<sup>1</sup> reported to the King; the success whereof makes it evident to all, that the Lord hath care of his people here; the passages are admirable, and too long to write. I heartily wish for<sup>2</sup> an opportunity to impart them unto<sup>3</sup> you, being many sheets of paper; but the conclusion was, against all men's expectation, an order for our encouragement, and much blame and disgrace upon the adversaries, which calls for much thankfulness from us all, which we purpose (the Lord willing<sup>4</sup>) to express in a day of thanksgiving to our merciful God, (I doubt not but you will consider if it be not fit for you to join in it;) who, as he hath humbled us by his late correction, so he hath lifted us up by an abundant rejoicing in our deliverance out of so desperate a danger; so as that which our enemies built their hopes upon to ruin us by,<sup>5</sup> he hath mercifully disposed to our great advantage, as I shall further acquaint you when occasion shall serve.

The Copy of the Order follows.

At the Court at Whitehall, the nineteenth of January,<sup>6</sup> 1632.

Sigillum Crescent.

Lord Privy-Seal,	Mr. Treasurer, <sup>7</sup>
Earl of Dorset,	Mr. Vice-Chambelain,
Lord Viscount Falkland,	Mr. Secretary Cook,
Lord Bishop of London,	Mr. Secretary Windebank,
Lord Cottington.	

Whereas his Majesty hath lately been informed of great distraction and much disorder in the Plantation in the parts of America called New England, which if they be true, and suffered to run on, would tend to the [great]<sup>8</sup> dishonor of this Kingdom, and utter ruin of that Plantation; for prevention whereof, and for the orderly settling of government according to the intention of those Patents which have been granted by his Majesty, and from his late royal father King James, it hath pleased his Majesty that the Lords and others of his most honorable Privy Council should take the same into consideration; their Lordships in the first place thought

<sup>1</sup> *Afterwards* in the MS.—H.    <sup>2</sup> This word is not in Prince's copy of the letter.—H.    <sup>3</sup> *To* in the MS.—H.    <sup>4</sup> *God willing* in the MS.—H.    <sup>5</sup> This word is not in Prince.—H.    <sup>6</sup> *January 19* in the MS.—H.    <sup>7</sup> *Trevers* in the MS.—H.    <sup>8</sup> Supplied from Prince.—H.

fit to make a Committee of this board, to take examination of the matters informed; which Committee having called divers of the principal Adventurers<sup>1</sup> in that Plantation, and heard those that are complainants against them, most of the things informed being denied, and resting to be proved by parties that must be called from that place, which required a long expense of time, and at present their Lordships finding the Adventurers<sup>2</sup> were upon despatch of men, victuals and merchandise for that place, all which would be at a stand if the Adventurers should have discouragement, or take suspicion that the State here had no good opinion of that Plantation, their Lordships not laying the fault or *||fancies||* (if any be) of some particular men upon the General Government, or principal Adventurers, which in due time is further to be inquired into, have thought fit in the mean time to declare, that the appearances were so fair, and hopes so great, that the country would prove both beneficial to this Kingdom, and profitable to the particular Adventurers<sup>3</sup> as that the Adventurers had cause to go on cheerfully with their undertakings, and rest assured, if things were carried as was pretended when the Patents were granted, and accordingly as by the Patents it<sup>4</sup> is appointed, his Majesty would not only maintain the liberties and privileges heretofore granted, but supply anything further that might tend to the good government, prosperity, and comfort of his people there of that place, &c.

[WILLIAM TRUMBALL.]<sup>a</sup>

Upon the renewal of the same complaints, or other such like solicitations, there were other Orders made by the Lords of the Privy Council soon after. And as there was, some years before, cause given for the King's Majesty to take the government of the Plantation of Virginia into his own hands, the same was by some urged and strongly endeavored with reference to New England; so as, in the year 1633<sup>5</sup>, an Order was issued out for the Patent of the Massachusetts to be brought to the Council Table, and a Commission granted to several Lords of the Privy Council to regulate that as well as *\*several\** other foreign Plantations in the year 1635, as shall be declared

*|| faults ||*

<sup>1</sup> See page 146.—H.

<sup>2</sup> Finding they in the MS.—H.

<sup>3</sup> To the particulars in the MS.—H.

<sup>4</sup> By the patent is in the MS.—H.

<sup>5</sup> 1635 in the MS; probably a mistake of the transcriber.—H.

in its place ; at present only to mention the Order that was granted in the year 1633.

The Copy of an Order made at the Council Table, February 21, 1633,<sup>1</sup> about the Plantation in New England.

Whereas the Board is given to understand of the frequent transportation of great numbers of his Majesty's subjects out of this Kingdom to the Plantation of New England, amongst whom divers persons known to be ill affected, discontented not only with civil but ecclesiastical government here, are observed to resort thither, whereby such confusion and distraction is already grown there, especially in point of Religion, as, beside the ruin of the said Plantation, cannot but highly tend to the scandal both of Church and State here : and whereas it was informed in particular, that there are at this present divers ships in the River of Thames, ready to set sail thither, freighted with passengers and provisions, it is thought fit, and ordered, that stay should be forthwith made of the said ships, until further order from this Board : and [that] the several masters and freighters of the same should attend the Board on Wednesday next, in the afternoon, with a list of the passengers and provisions in each ship ; and that Mr. Cradock, a chief Adventurer in that Plantation, now present before the Board, should be required to cause the Letters-patents for the said Plantation to be brought to this Board.

Lord Archbishop of Canterbury,	Lord Cottington,
Lord Archbishop of York,	Mr. Vice-Chamberlain,
Lord Privy Seal,	Mr. Secretary Cook,
Earl of Manchester,	Mr. Secretary Windebank.
Earl of Dorset,	Tho :   Meautis.   <sup>2</sup>

It seems Sir Christopher Gardiner, Thomas Morton, and Philip Ratcliffe, having been punished there for their misdemeanors, had petitioned to the King and Council, (being set on, as was affirmed, by Sir Ferdinando Gorges and Captain Mason, &c.) Upon which such<sup>3</sup> of the Company as were there in England were called before the Committee of the Council, to whom they delivered  $\xi\text{in}\xi$

|| Meantis ||

<sup>1</sup> Old Style. See Holmes's Annals, i. 223-4.—H.

<sup>2</sup> See pages 154, 273, 498 ; Sav. Win. i. 136, 137, 143-4 ; Holmes, i. 23-4.—H.

<sup>3</sup> See page 146.—H.



an answer in writing; upon the reading whereof it pleased God so to work with the Lords, and after with the King's Majesty, when the whole matter was reported to him by Sir Thomas Jermin, one of the Council, (but not of the Committee, who yet had been present at the three days of hearing, and spake much in the commendation of the Governor, both to the Lords, and after to his Majesty,) that he said he would have them severely punished, who did abuse his Governor and the Plantation; that the defendants were dismissed with a favorable Order for their encouragement, being assured from some of the Council that his Majesty did not intend to impose the ceremonies of the Church of England upon them; for that it was considered that it was the freedom from such things that made people come over to them. And it was credibly informed to the Council, that this country would, in time, be very beneficial to England for masts, cordage, pitch, &c., if the Sound should be debarred.<sup>1</sup>

About this time, or in the year 1634,<sup>2</sup> letters were brought into the country from one Mr. Leviston, a worthy minister in the north of Ireland, (himself being of the Scottish nation,) whereby he signified that there were many Christians in those parts resolved to go thither, if they might receive satisfaction concerning some questions and propositions which he sent over. Mr. Humphry, likewise, did that year, 1634, carry over into New England certain propositions<sup>3</sup> from some persons of good quality and estate, whereby they discovered their intentions to join with the people there, if they might receive satisfaction therein. The noise of such motions being carried to the Lords of the Committee for Foreign Plantations, caused them to take it into consideration as a matter of state; so that they sent out warrants, as was said before,<sup>4</sup> to make stay of the ships bound to those parts. But upon petition of the ship-masters, (alleging how beneficial that Plantation would be to England, in regard of the trade of Newfoundland, which they took in their way homeward,) the ships were released, and no stop put unto them afterwards. Thus the tide of Princes' favor is apt to ebb and flow, according to the disposal of His power, who hath the hearts of all in his hand.

<sup>1</sup> See page 273; Sav. Win. i. 100, 102, 106, 107.—H.

<sup>2</sup> July 1634. See Savage's Winthrop, i. 135.—H.

<sup>3</sup> These propositions, with the answers thereto, may be found in Hutchinson's Hist. Mass., (8vo. Salem, 1795,) i. 433-8.—H.

<sup>4</sup> Page 153.—H.

And as concerning Mr. Leviston, it is known that himself and many of his friends were on their way thither but were forced back by extremity of weather ; and since, it appeared that God had other work for him to do in his own country, and that he would raise up other instruments to carry on the Plantation of New England, as since hath been seen, both there and here.

But to return to the Plantation, and the affairs thereof. The foundation of the Massachusetts Colony being so happily laid and hopefully thus far carried on, notwithstanding so much opposition, and strong endeavors to undermine all, the building went on comfortably, by the accession of several hundreds that flocked over thither in the four next years ; so as the new inhabitants began to look out for more room, and commodious situations. About the end of the year 1632, was discovered a very desirable tract of land, ten miles to the north-eastward of Salem, called by the Indians Agawam, a place since its first discovery much increased with a great number of inhabitants, both planters and other artificers ; the most noted of which was Theodore de la Guard, the Cobbler,\* that here first opened his shop, but removed afterwards to his native soil, where he fell upon another profession, viz. that of a preacher, which he had before many years exercised in the said Plantation, for his sake called Ipswich, or else by way of acknowledgment of the love and kindness done the people of New England which took ship there.<sup>1</sup>

Thus the first planters in every township, having the advantage of the first discovery of places, removed themselves into new dwellings, thereby making room for others to succeed them in their old.

May the 29th, 1633, was the third Court of Election, where the honor, together with the burden, of the government was again laid upon the same gentlemen, the country having had so large experience of their wisdom and integrity in the former years : things still run-

\* Rev. Nathaniel Ward—author of a satire, entitled, “ The Simple Cobbler of Agawam, &c. By Theodore de la Guard.” See ELIOT’S *Biogr. Dict.*—Ed.

<sup>1</sup> See *Savage’s Winthrop*, i. 99, 100–1, 118, 130, 133, 137.—x.

ning in the same channel as formerly. And although the beginnings of this Colony seemed so contemptible at the first, yet were they able to maintain the authority of their government in despite of all malignant opposers. For notice was that year taken of an impudent affront of one Captain Stone,<sup>1</sup> offered to Mr. Ludlow, one of the magistrates, calling him, "Just Ass," for "Justice," when he sent men to apprehend him; which was so highly resented, that it, with other misdemeanors, cost the offender an £100 and banishment, for he was indicted for adultery, on strong presumption, and was afterwards killed by the Pequod Indians, with Captain Norton.<sup>1</sup> He thought to have braved authority with insolent words, the conniving at which tends directly to the overthrow of any government whatsoever. The giving way to the first offenders doth but embolden and encourage others that next come. He that is mounted in the saddle had need keep the reins straight, unless he intends to be thrown down and trodden under foot. They that are the ministers of God, for the good of mankind, should not bear the sword in vain.

May 14, 1634. The freemen, that they might not always burthen one person with the yoke of the government, nor suffer their love to overflow in one family, turned their respects into another channel this year, calling Mr. Dudley to the helm of government for the following year, with whom was joined Mr. Ludlow, in the place of Deputy.

At this Court, townships being occasionally seated more remote, and the number of the freemen beginning to increase, so as it was somewhat inconvenient for them all to meet together at the General Courts when convened, it was ordered, first, that there should be four General Courts every year, and that the whole body of freemen should be present at the Court of Election only, and that the freemen of every town might choose their deputies to act in their names and stead, at the other General Courts, (not much unlike the Knights and Burgesses here in England,) in the name of the commons;<sup>2</sup> which occasioned some of

<sup>1</sup> This individual seems to have been in rather bad repute with both the Mass. and Plymouth Colonists. See Sav. Win. i. 104, 111; Davis's Morton, pp. 175-7.—H.   <sup>2</sup> See page 176.—H.   <sup>3</sup> The names of the deputies to this Court—the first representatives of Massachusetts—are given in Savage's Winthrop, i. 129-30.—H.

the inhabitants to inquire into the nature of their liberty and privileges, which had almost caused some disturbance; but by the wisdom of some private gentlemen, the trouble was prevented. For in the latter end of this year, the ministers, and other the most prudent of the inhabitants, were advised withal about a Body of Laws suited to the state of the Colony, and about an uniform order of discipline in the churches; as also to consider how far the magistrate is bound to interpose for the preservation of the peace and unity of the churches; nor ought this appearance of discontent become a scandal, or be looked upon as a bad omen to the design in hand. For as we know there were some in the congregation of Israel, and those men of renown, who began to grow turbulent, rebelling against the order of government, although it were established by God himself, much less is it to be wondered at, if such forms of government which cannot pretend to a divine and infallible contrivement, being but the ordinance of man, be opposed and undermined by the spirit that is in us, which lusteth unto envy. But by prudent and moderate counsels the danger of innovation was removed, and the humors scattered, before they gathered to an head.

In the following year the freemen of the country being willing that all the worthy gentlemen that had helped thus far to carry on the building should also, in some measure, share in the honor that belonged thereunto, at the next election changed the Governor again. Therefore, May 6, 1635, Mr. John Haynes, a worthy gentleman, that had by his estate and otherwise much advanced the interest of the Plantation, was invested with the honor of the government, as Mr. Bellingham, likewise, with the place of Deputy Governor with him.

During this lustre of years the Colony of the Massachusetts was so prosperously increased with the arrival of near twenty considerable ships, every year save the second, 1631, that repaired thither with such a number of passengers, that the inhabitants were forced to look out for new Plantations almost every half year; so as within the compass of this first lustre, after the Government and Patent were transferred into America, every desirable place fit for a Plantation on the sea coast was

taken up, so as they were then constrained to look up higher into the main, where were discovered some pleasant and fruitful places, fit for new townships, for the receiving of such inhabitants as every year resorted this way. For within the foresaid compass of years, there were Plantations settled at Salem, in the first place, at Charlestown, at Boston, \*(so named in honor of that miracle of learning and meekness, Mr. Cotton, who removed thither from a noted town in Lincolnshire of that name)\* at Dorchester, [at] Roxbury, two miles from Boston, at Watertown, and New-Town, since Cambridge, up Charles river: then at Lynn, betwixt Salem and Boston; and next at Ipswich and Newberry, northeast from Salem; at Hingham, formerly called Bear Cove, and Weymouth, deserted by Mr. Weston's company some years before, seated on the other side of the Bay, towards Plymouth; and last of all at Concord, about twelve miles westward from Watertown, right up into the woods, called by the Indians Muskeraquid.

Many new Plantations going on at this time made laborers very scarce, and the scarcity made workmen demand excessive wages, for the excusing of which it was pleaded, that the prices of wares with the merchants were proportionable. For the preventing of oppression in the one and in the other, orders were made in the General Court that artificers, such as carpenters and masons, should not receive above 2s. pr. diem, and laborers not above 18d. and proportionably, merchants should not advance above 4d. in the shilling, above what their goods cost in England. But those good orders were not of long continuance, but did expire with the first and golden age in this new world, things being raised since to treble the value well nigh of what at first they were. This order was made in November, 1633.

The form of the civil government at the first seated in the Massachusetts may easily be gathered of what sort it was, from the premises forementioned, and from the words of the Patent, according to which it was delineated, as near as well might be: it being attempered with greatest resemblance to that of our own Kingdom of England, and the several corporations thereof, where the power of jurisdiction, or the executive power,

is ||settled|| in some principal persons, one or more, to whom some few others are wont to be joined in like commission, reserving to the people meet liberty by their personal approbation, or that which is done by proxy, which tantamounts, both in the election of the persons that are to rule, and in joining some of themselves with them in legislation, and laying of taxes upon the people : which is so equal a temperature to suit all the main ends of government and gratify all interests, that it is much any persons should be found ready to quarrel therewith, nothing being there established which savored of an unlimited or arbitrary power, nor any unusual form of administration of justice, nor more severity than is ordinarily inflicted by the laws of England ; and in some cases less, as in many offences by the laws of England called felony. In the Court of September, 1635, they began the use of Grand Juries, when there were an hundred offences presented by the first Grand Jury. It had been well that all following juries had been as quicksighted ; it might have prevented a great number of evils that are ready to break out in every place by men born in sin, unless it be by due severity provided against. Ever since that time, in criminal cases, they proceed by the inquest of a Grand Jury, and by Petit Juries as to matter of fact. In civil actions the process is by writ, or attachment, as they call it there, after the manner of England ; the plaintiff giving notice to the defendant five days before he commences suit. Both the laws and administration of justice, according to this, being (as much as may be,) accommodated to the condition of the place, and ease of the people, and for the avoiding all unnecessary charges by fees, long delays, and vexatious suits ; which makes it the more to be admired that any should ever appear to complain, either of the laws or administrations of justice there ; unless men would plead for a general impunity, to live as they list, without ever being called to an account, than which nothing was ever heard of more destructive to the peace of societies, or general good of mankind. There were never worse times in Israel, than when there was no King, but every man did that which was right in his own eyes.