

AN
ABSTRACT
OF THE
LAWS
OF
NEW ENGLAND,
Together with
As they are now established.
Thereof; written by
William Twisse, D. D.
Pastor of *Newbury.*

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CHAP. I.

Of Magistrates.

1. First All Magistrates are to be chosen. Deut. 1:13, 17, 15.

First, By the free Burgesses.

Secondly, Out of the free Burgesses.

Thirdly, Out of the ablest men and most approved amongst them. Ex. 18. 21.

Fourthly, Out of the rank of Noble men or Gentlemen among them, the best that God shall send into the Country, if they be qualified with gifts fit for Government, either eminent above others, or not inferior to others. Eccle. 10. 17, Jer. 30. 21.

2. The governor hath power, with the Assistants, to govern the whole Country, according to the Laws established, hereafter mentioned: He hath power of himself, and in his absence the Deputy-Governor, to moderate all public actions of the Common-wealth, as

First, To send out warrants for calling of the general Court. Josh.

24. 1.

Secondly, To order and ransack all actions in the Court where he sitteth: as, to gather Suffrages and Voices, and to pronounce Sentences according to the greater part of them.

3. The power of the Governor, with the rest of the Counsellors, is

First, To consult and provide for the maintenance of the State and People. Num. 11. 4 to 16.

Secondly, To direct in all matters, wherein Appeal is made to them from inferior Courts. Ex. 18. 22. Deut. 17. 8, 9.

Thirdly, To preserve Religion. Ex. 32. 25, 27.

4 To oversee the Forts and Muniti^on of the Countrey, and to take order for the protection of the Countrey from foreign invasion, or intestine sedition, as need shall require, with consent of the people to enterprise wars. 2 Cor. 19. 11. 32, 23, 45, 6. Prov. 24. 5.

And because these great affairs of the state cannot be attended, nor administered, if they be after changed; therefore the Counsellors are to be chosen for life, unless they give cause of removall, which if they do, then they are to be removed by the Generall Court. 1 Kings 22. 6.

4. The power of the Governor, sitting with the Counsellors and Assistants, is to hear and determine all causes whether Civill or Criminal, which are brought before him through the whole Commonwealth: yet reserving liberty of appeal from him to the general court. Ex. 18. 22. Deut. 1. 16, 17.

5. Every Town is to have Iudges within themselves, whose power shall be once in the month, or in three months at the farthest to heare and determine both Civill Causes and Pleas of lesse value, and crimes also, which are not capitall: Yet reserving liberty of Appeale to the Court of Governor and Assistants. Deut. 16. 18.

6. For the better expedition and execution of Iustice, and of all affairs incident unto every Court. Every Court shall have certaine Officers, as a Secretary to inroll all the Acts of the Court; And besides Ministers of Iustice, to attach, and fetch, and set persons before the Magistrates; and also to execute the Sentence of the Court upon offenders: And for the same end, it shall be lawful for the Governor or any one or two of the Counsellors, or Assistants, or Iudges, to give warrant to an Officer, to fetch any delinquent before them, and to examine the cause, and if he be found culpable of that crime, to take order by surety or safe custody for his appearance at the Court. Deut. 16. 18. Jer. 36. 10. & 12. 1 Sam. 20. 24, 25. Acts 5:26, 27.

And further for the same end, and to prevent the offendours lying long in prison, it shall be lawful for the Governor, with one of the Counsell, or any two of the Assistants or Iudges, to see execution done upon any offenders for any crime that is not capitall, according to the Lawes established: Yet reserving a liberty of Appeale from them to the Court, and from an Inferior Court to a Higher Court.

CHAP. II.

Of the free Burgesses and free Inhabitants.

1. First, all the free burgesses, excepting such as were admitted men before the establishment of churches in the country, shall be received and admitted out of the members of some or others of the churches in the country, such churches as are gathered or hereafter shall be gathered with the consent of other churches already established in the country, and such members as are admitted by their own church unto the Lord's table.

2. These free Burgesses shall have power to choose in their owne Townes fit and able men out of themselves, to be the ordinary Iudges of inferior Causes, in their own Town, and, against the approach of the Generall Court to choose two or three, as their Deputies and Committees, to join with the Governour and Assistants of the whole Countrey, to make up and constitute the General Court.

3. This Generall Court shall have power,

First, By the Warrant of the Governor, or deputy Governor, to assemble once every quarter or halfe a yeare or oftener, as the affaires of the Countrey shall require, and to sit together till their affairs bee dispatched.

2 To call the Governour, and all the rest of the publike Magistrates and Officers into place, and to call them also to account for the breach of any Laws established, or other misdemeanour, and to censure them as the quality of the fact may require.

Thirdly, To make and repeale laws.

Fourthly, To dispose of all Lands in the Countrey, and to assigne them to severall Towns or persons, as shall be thought requisite.

Fifthly, To impose a levy of moneys, for the publike service of the Common-wealth, as shall be thought requisite for the provision and protection of the whole.

Sixthly, To heare and determine all causes, wherein appeale shall be made unto them, or which they shall see cause to assume, into their own cognisance or judicature.

Seventhly, To assist the Governors and Counsellors, in the main-

tenance of the purity and unity of Religion; and accordingly to set forth and uphold all such good causes as shall be thought fit, for that end, by the advice and with consent of the Churches, and to repress the contrary.

Eighthly, In this general Court nothing shall be concluded but with the Common consent of the greater part of the Governors, or Assistants, together with the greater part of the Deputies of the Towns; unless it be in election of Officers, where the liberty of the people is to be preferred, or in judging matters of offence against the Law, wherein both parties are to stand to the direction of the Law.

4. All the householders of every Town shall be accounted as the free Inhabitants of the Country, and accordingly shall enjoy freedom of Commerce, and Inheritance of such lands as the general Court or the several Towns wherein they dwell, shall allot unto them, after they have taken an Oath, or given other security to be true and faithful to the State, and subject to the good and wholesome Laws established in the Country by the general Court.

CHAP. III.

Of the Protection and Provision of the Country.

1. FIRST, A Law to be made (if it be not made already) for the training of all men in the Country, fit to bear arms, into the exercise of military Discipline and withal another Law to be made for the maintenance of military Officers and Forts.

2. Because fishing is the chief staple commodity of the Country, therefore all due encouragement to be given unto such hands as shall set forwards the trade of fishing: and for that end a Law to be made, That whosoever shall apply themselves to set forward the trade of fishing, as Fisher-men, Mariners, and Shipwrights, shall be allowed, man for man, or some or other of the Labourers of the Country, to plant and reap for them, in the season of the year, at the public charge of the Common-wealth, for the space of seven years next ensuing; and such labourers to be appointed and paid by the Treasurer of the Common-wealth.

3. Because no Common-wealth can maintain either their authority at home, or their honor and power abroad, without a sufficient Treasury: a Law therefore to be made for the electing and furnish-

ing of the Treasury of the Common-wealth, which is to be supplied and furnished,

1. By the yearly payment,

First, Of one penny, or halfepenny an Acre of Land to be occupied throughout the Countrey.

Land in common by a Towne to be paid for out of the Stocke or Treasury of the same Town.

Secondly, Of a penny for every beast, Horse or Cow.

Thirdly, Of some proportionable rate upon Merchants.

This rate to be greater or less, as shall be thought fit.

2. By the payment of a barrel of Gun-powder, or such goods or other munitions, out of every ship that bringeth forraine Commodities.

3. By fines and mulcts upon trespassers' beasts.

4. A Treasurer to be chosen by the free Burgesses, out of the Assistants, who shall receive and keep the Treasury, and make disbursements out of it, according to the direction of the general Court, or of the Governor or Counsellors, whereof they are to give an accompt to the general Court.

It shall pertain also to the Office of the Treasurer, to survey and oversee all the munitions of the Countrey, as Cannons, Culvering, Muskets, Powder, Match, Bullets, and to give accompt thereof to the Governor and Council.

5. A Treasury also, or Magazine, or Storehouse, to be erected, and furnished in every town, as *Deut.* 14:28. distinct from the Treasury of the Church, that provision of Corne, and other necessaries, may be laid up at the best band, for the relief of such poor as are not members of the Church: and that out of it such Officers may be maintained, as Captains and such like, who do any public service for the Town. But chiefly, this Treasury will be requisite for the preserving of the livelihood of each Town within itself.

That in case the inheritance of the lands that belong to any Towne, come to be alienated from the Townsmen, which may unavoidably fall out; yet a supply may be had and made to the livelihood of the Town, by a reasonable Rent charge upon such alienations, laid by the common consent of the Land-owners and Townsmen, and to be paid into the Treasury of the Town.

This Treasury to be supplied,

1. First, By the yearly payment of some small rate upon Acres of Land.

2 By fines and amerçiements put upon trespassours' beasts.

A Town Treasurer to be appointed for the oversight and ordering of this, chosen out of the free Burgesses of the same Town, who is to dispose of things under his charge, according to the direction of the Iudges of the Towne, and to give account, at the Townes Court, to the Iudges and free Burgesses of the Town, or to some selected by them.

CHAP. IV.

Of the right of Inheritance.

1. First, Forasmuch as the right of disposals of the Inheritance of all Lands in the Countrey lyeth in the Generall Court, whatsoever Lands are given and assigned by the Generall Court, to any Town or person, shall belong and remaine as right of Inheritance to such Townes and their successors, and to such persons and to their heirs and Assigns as their propriety for ever.

Whatsoever Lands belong to any Town, shall be given and assigned by the Town, or by such Officers therein, as they shall appoint unto any person, the same shall belong and remaine, unto such person and his heires and assignes, as his proper right for ever.

3. And in dividing of lands to several persons in each Town, as regard is to be had, partly to the number of persons in a family: To the more assigning the greater allotment, to the fewer lesse, and partly by the number of beasts, by the which a man is fit to occupy the Land assigned to him, and subdue it: Eminent respect (in this case may be given to men of eminent quality and descent) in assigning unto them more large and honorable accommodations, in regard of their great disbursements to publike charges. Num. 26. 53, 54. Num. 35. 3.

4. Forasmuch as all Civill affaires are to be administred and ordered, so as may best conduce to the upholding and setting forward of the worship of God in Church fellowship. It is therefore ordered, that wheresoever the Lands of any man's Inheritance shall fall, yet no man shall set his dwelling house above the distance of halfe a mile or a mile at the furthest, from the meeting of the Congregation, where the Church doth usually assemble for the worship of God.

5. Inheritances are to descend naturally to the next of kinne, according to the Law of Nature, delivered by God. Num. 27. 7. To 11.

6. If a man have more Sonnes than one, then a double portion to be assigned, and bequeathed to the eldest Son, according to the Law of Nature, unless his own demerit do deprive him of the dignity of his Birth-right.

7. The will of a Testatour, is to be approved or disallowed by the Court of Governours, and Assistants, or by the Court of Iudges in each Towne; yet not to be disallowed by the Court of Governours, unlesse it appeare either to be counterfeit or unequall, either against the Law of God, or against the publike weale, or against the due right of the Legatours.

8. As God in old time, in the Common-wealth of *Israel*, forbade the alienation of Lands from one Tribe to another, so to prevent the like inconvenience in the alienation of Lands, from one Towne to another it were requisite to be ordered:

1 First, that no free Burgesse, or free Inhabitant of any Town, shall sell the Land allotted to him in the Towne, (unless the free Burgesse of the Towne give consent unto such sale, or refuse to give due price answerable to what other offer without fraud) but to some one or other of the free Burgesses, or free Inhabitants of the same Towne.

2 That if such Lands be sould to any others, the sale shall be made with reservation of such a rent charge to be paid to the Town Stock, or Treasury of the Towne, as either the former occupiers of the Land were wont to pay towards all the publike charges thereof; whether in Church or Town, or at least after the rate of three shillings the acre or some such like proportion, more or lesse, as shall be thought fit.

3 That if any free Burgesses, or free Inhabitants, of any Towne, or the heire of any of their Lands, shal remove their dwelling from one Towne to another, none of them shall carry away the whole benefit of the Lands which they possessed, from the Towns whence they remove: But if they shall keepe the right of Inheritance, in their own hands, & not sell it as before, then, they shall reserve a like proportion or Rent charge out of their Land, to be paid to the publike Treasury of the Towne, as hath beene wont to be paid out of it to the publike charges of the Town and Church, or at least after the rate of three or five shillings an Acre, as before.

4 That if the Inheritance of a free Burgesse, or free Inhabitants of any Town, fal to his daughters, as it will do for defect of heires males, that then if such daughters doe not marry to some of the Inhabitants

of the same Towne where their Inheritance lyeth, nor sell their Inheritance to some of the same Towne as before, that then they reserve a like proportion of rent charge out of their Lands to be paid to the publike Treasury of the Towne, as hath beene wont to be paid out of them, to the publike charge, of the Towne and Church; or at least after the rate of three or five shillings an Acre, provided alwayes that nothing be payed to the maintenance of the Church out of the Treasury of the Church or Towne, but by the free consent and direction of the free Burgesses of the Towne.

CHAP. V.

Of Commerce.

1. First, it shall be lawful for the Governour, with one or more of the Counsell, to appoint a reasonable rate of prices upon all such commodities as are, out of the Ships, to be bought and sould in the Country.

2. In trucking or trading with the *Indians*, no man shall give them for any commodity of theirs, Silver or Gold, or any weapons of war, either Guns or Gunpowder, nor Swords, nor any other munition, which might come to be used against ourselves.

3. To the intent that all oppression in buying and selling may be avoided, it shall be lawful for the Judges in every Town, with the consent of the free Burgesses, to appoint certain selectmen, to set reasonable rates upon all commodities, and proportionably to limit the wages of workmen and labourers; and the rates agreed upon by them, and ratified by the Judges, to bind all the Inhabitants of the Town. The like course to be taken by the Governour and Assistants for the rating of prizes throughout the country, and all to be confirmed, if need be, by the general Court.

4. Just weights and balances to be kept between buyers and sellers, and for default thereof, the profit so wickedly and corruptly gotten, with as much more added thereto, is to be forfeited to the public Treasury of the Common-wealth. Lev. 19. 35, 36. Pro. 11. 1. And 16. 11. And 20. 10. Deu. 24. 10, 11, 12, 13. Exod. 22. 26, 27.

5. If any borrow ought of his neighbour upon a pledge, the lender shall not make choice of what pledge he will have, nor take such a pledge as is of daily necessary use unto the debtor, or if he does take it, he shall restore it again the same day.

6. No increase to be taken of a poor brother or neighbour, for any thing lent unto him. Ex. 22. 25. Lev. 25. 36, 37.

7. If borrowed goods be lost or hurt in the owner's absence, the borrower is to make them good; but in the owner's presence, wherein he seeth his goods no otherwise used than with his consent, the borrower shall not make them good: If they were hired, the hire to be paid and no more. Ex. 22. 14, 15.

CHAP. VI.

Of Trespasses.

1. IF a man's Swine, or any other beast, or a fire kindled, breake out into another man's field or corn, he shall make full restitution both of the damage made by them, and of the loss of time which others have had in carrying such swine or beasts unto the owners, or to the fould. Ex. 22. 5, 6.

But if a man puts his beasts or Swine into another's field, restitution is to be made of the best of his owne, though it were much better than that which were destroyed or hurt.

2. If a man kill another man's beast, or digge and open a pit, and leave it uncovered, and a beast fall into it; he that killed the beast, or the owner of the pit, shall make restitution. Lev. 24. 18. Ex. 21. 34.

3. If one man's beast kills the beast of another, the owner of the beast shall make restitution. Exo. 21. 34.

4. If a man's Oxe or other beast, gore or bite and kill a man or a woman, whether Child or riper age, the beast shall be killed, and no benefit of the dead beast reserved to the owner, but if the Oxe or beast were wont to push or bite in time past, and the owner hath beene tould of it, and hath not kept him in; then both the Oxe or beast shall be forfeited and killed, and the owner also put to death, or fined to pay what the Iudges and persons dampnified shall lay upon him. Ex. 21. 28, 29, 30, 31.

5. If a man deliver goods to his neighbour to keepe, and they be said to be lost or stolne from him, the keeper of the goods shall be put to his oath touching his own innocency; which if he take, & no evidence appeare to the contrary, he shall be quit: but if he be found false or unfaithfull, he shall pay double unto his neighbour. Ex. 22. 7, 8, 9.

But if a man take hire for goods committed to him, and they be stolen, the keeper shall make restitution. But if the beast so kept for hire, die or be hurt, or be driven away, no man seeing it, then

oath shall be taken of the keeper, that it was without his default, and it shall be accepted: but if the beast be torn in peeces, and a piece be brought for a witness, it excuseth the keeper.

CHAP. VII.

Of Crimes.

AND first, of such as deserve capitall punishment, or cutting off from a man's people, whether by death or banishment.

1. First, Blasphemy, which is a cursing of God by Atheisme, or the like, to be punished with death.

2. Idolatry to be punished with death.

3. Witchcraft, which is fellowship by covenant with a familiar Spirit, to be punished with death.

4. Consulters with Witches not to be tolerated, but either to be cut off by death or banishment.

5. Heresie, which is the maintenance of some wicked errors, overthrowing the foundation of the Christian Religion; which obstinacy if it be joynd with endeavour to seduce others thereunto, to be punished with death: because such an Heretick, no lesse than an Idolater seeketh to thrust the soules of men from the Lord their God.

6. To worship God in a molten or graven Image, to be punished with death.

7. Such members of the Church, as doe wilfully reject to walke after due admonition, and conviction, in the Churches' establishment, and their christian admonition and censures, shall be cut off by banishment.

8. Whosoever shall revile the Religion and Worship of God, and the Government of the Church as it is now established, to be cut off by banishment.

9. Wilfull perjury, whether before the judgment seat or in private conference, to be punished with death.

10. Rash perjury whether in publike or in private, to be punished with banishment, just it is that such a man's name should be cut off from his people who profans so grosly the name of God before his people.

11. Profaning of the Lord's day, in a careless and scornfull neglect or contempt thereof, to be punished with death.

Blasphemy. Lev. 24. 11. to 16. | *Idolatry.* Deu. 13. 10, 15, 16. | *Witchcraft.* Ex. 22. 18. 20. 27. Lev. 19. 31. *Consulters with Witches.* *Heresie.* Zac. 13. 3. | *False worship.* Ex. 32. 27, 29. | *Scandalous lives.* 1 Cor. 5. 5. | *Revilers of Religion.* | *Wilfull perjury.* | *Rash perjury.* | *Sabbath breakers.* Num. 15. 32.

12. To put in practice the betraying of the Countrey, or any principall fort therein, to the hand of any forraigne state, *Spanish, French, Dutch*, or the like, contrary to the allegiance we owe and professe to our Dread Sovereign, Lord King *Charles*, His Heirs and Successors; whilst he is pleased to protect us as his loyal subjects, to be punished with death.

13. Unreverend and dishonorable carriage to Magistrates, to be punished with banishment for a time, till they acknowledge their fault and professe reformation.

14. Reviling of the Magistrates in highest rancke amongst us, to wit, of the Governours and Counsell, to be punished with death.

15. Rebellion, Sedition, or Insurrection, by taking up arms against the present Government established in the Countrey, to be punished with death.

16. Rebellious children, whether they continue in riot or drunkenness, after due correction from their parents, or whether they curse or smite their Parents, to be put to death.

17. Murther, which is a wilfull man-slaughter, not in a man's necessary and just defence, nor casually committed, but out of hatred or cruelty, to be punished with death.

18. Adultery, which is the defiling of the marriage bed, to be punished with death. Defiling of a woman espoused, is a kind of Adultery, and punishable by death, of both parties; but if a woman be forced, then by the death of the man only.

19. Incest, which is the defiling of any neer of kin, within the degrees prohibited in *Leviticus*, to be punished with death.

20. Unnatural filthinesse to be punished with death, whether Sodomy, which is a carnall fellowship of man with man, or woman with woman.

Or Buggery which is a carnall fellowship of man or woman, with beasts or fowles.

21. Pollution of a woman known to be in her flowers, to be punished with death.

22. Whoredome of a maiden in her father's house, kept secret till after her marriage with another, to be punished with death.

23. Man-stealing to be punished with death.

24. False wisse bearing to be punished with death.

Treason. Unreverend to Magistrates. Num. 12. 14, 15. | *Reviling the Magistrate.* Rebellion &c. | 1 Kings 22. 8, 9, & 44. | *Rebellious Children.* Deu. 21. 18, 19, 20. Ex. 21. 15. Lev. 20. 9. | *Murther.* Ex. 21. 12, 13. Num. 35. 16, 17, 18, to 33. Gen. 9. 6. | *Adultery.* Lev. 20. 10. Deut. 22. 22, 23. Deu. 24. 25, 26. | *Incest.* Lev. 20. 11, 12, 19, 20. | *Sodomy. Buggery. Pollution &c.* Lev. 20. 18, 19. | *Whoredome.* Ex. 21. 16. Deu. 24. ?? *Man-slaying. False wisse.*

CHAP. VIII.

Of other Crimes lesse hainous, such as are to be punished with some Corporall punishment or Fine.

1. First, rash and prophane swearing and cursing to be punished,
 1. First, with losse of honour, or office, if he be a Magistrate, or Officer: meet it is, their name should be dishonoured who dishonoured God's name.
 2. With losse of freedom.
 3. With disability to give Testimony.
 4. With corporall punishment, either by stripes or by branding him with a hot iron, or boring through the tongue, who have bored and pierced God's name.
 2. Drunkenesse, as transforming God's Image into a beast, is to be punished with the punishment of beasts: A whip for the horse, and a rod for the fool's backe. Pro. 26. 3.
 3. Forcing of a maid or a rape is not to be punished with death by God's Law, but,
 1. First, with Fine or penalty to the father of the maid.
 2. With marriage of the maide defiled, if she and her father consent. Deut. 22. 8, 9.
 3. With corporall punishment of stripes for his wrong, as a reall slander: And it is worse to make a whore, than to say one is a whore.
 4. Fornication to be punished, Ex. 22.
 1. First, with the marriage of the maide, or giving her a sufficient Dowrie.
 2. Secondly, with stripes, though fewer, from the equity of the former Cause.
 5. Mayming or wounding of a freeman, whether free Burgesse, or free Inhabitant, to be punished with a Fine; to pay,
 - First, for his cure. Ex. 21:18, 19.
 - Secondly, for his loss,
 - And with loss of member for member, or some valuable recompence. Lev. 24. 19, 20.
- But if it be but the mayming or wounding of a servant, the servant is to go free from such a service. Ex. 21. 26, 27.

6. If any man steal a beast, if it be found in his hand he shall make restitution two for one; if it be killed and sold, restitution is to be made of five Oxen for one: if the Theefe be not able to make restitution, then he is to be sold by the Magistrate for a slave, till by his labour he may make restitution. Ex. 22. 1, 4.

7. If a Theefe be found breaking a house by night, if he be slaine, his smiter is guiltlesse, but in the day time, the Theefe is to make full restitution as before, or if he be not able, then to be sould as before. Ex. 22. 2.

8. Slanders are to be punished,

First, with a publike acknowledgement as the slander was publike.

Secondly, by mulcts or Fine of Money, when the slander bringeth damage.

Thirdly, by stripes, if the slander be grosse, or odious, against such persons whom a man ought to honour and cherish: whether they be his Superiours, or in some degree of equality with himself and his wife.

CHAPTER IX.

Of the trial of Causes, whether Civil or Criminal, and the execution of Sentence.

1. IN the tryall of all Causes, no judgment shall passe, but either upon confession of the party, or upon the Testimony of two witnesses. Deu. 19. 10. 17.6.

2. Triall by judges shall not be denied, where either the delinquent requireth it in causes Criminall, or the Plaintife or Defendant in Civill causes, partly to prevent suspicion of partiality of any Magistrates in the Court.

3. The Iurours are not to be chosen by any Magistrates, or Officers, but by the free Burgesses of each Town, as can give best light to the Causes depending in Court, and who are least obnoxious to suspicion of partiality; and the Iurours then chosen, to be nominated to the Court, and to attend the service of the Court.

4. The sentence of judgment given upon Criminall causes, and persons, shall be executed in the presence of the Magistrates, or some of them at least.

5. No free-man, whether free-Burgess or free-Inhabitant, to be imprisoned, but either upon conviction, or at least probable suspicion, or some crime, formerly mentioned; and the cause of his imprisonment, be declared and tried at the next Court following, at the furthest.

6. Stripes are not to be inflicted, but when the crimes of the offender are accompanied with childish or brutish folly, or with lewd filthinesse, or with stubborne insolency, or with brutish cruelty, or with idle vagrancy: But when stripes are due, not above 40 are to be inflicted.

CHAP. X.

Of causes Criminal, between our People and Forraine Nations.

1. IN case any of our people should do wrong to any other nation, upon complaint made to the governor, or some other of the Council or Assistants, the fact is diligently to be inquired into, and being found to be true, restitution is to be made of the goods of offenders, as the case shall require, according to the quality of the crime.

2. In case the people of another nation have done any important wrong to any of ours, right is first to be demanded of the Governor of that people, and justice upon the malefactors, which if it be granted and performed, then no breach of peace to follow. Deut. 20. 10, 11. 2 Sam. 20. 18, 19.

3. If right and Justice be denied, and it will not stand with the honour of God and safety of our Nation that the wrong be passed over, then war is to be undertaken and denounced.

4. Some Minister is to be sent forth to go along with the Army for their instruction and encouragement. Deut. 20. 2, 3, 4.

5. Men betrothed and not married, or newly married, or such as have newly built or planted, and not received the fruits of their labour, and such as are fainthearted men, are not to be pressed or forc'd against their wills to go forth to wars. Deut. 20. 5, 6, 7, 8: & 24. 5.

6. Captaines are to be chosen by the Officers.

7. All wickedness is to be removed out of the Campe by severe discipline. Deut. 23. 9, 14.

8. And in war men of a corrupt and false Religion are not to be accepted, much lesse sought for. 2 Chron. 25. 7, 8.

9. Women, especially such as have not lain by man, little children, and cattle, are to be spared and reserved for spoyle. Deut. 20. 14.

10. Fruit trees, whilst they may bee of use for meat to our owne soldiers, are not to be cut down and destroyed, and consequently no corne. Deut. 20. 19, 20.

11. The spoyles got by warre are to be divided into two parts, between the Souldiers and the Common-wealth that sent them forth. Num. 31. 21.

12. A Tribute from both is to be levved to the Lord, and given to the Treasury of the Church, a fift part out of the Common-wealth's part, and a 500 part out of the Soldiers' part. Num. 31:18. & 47.

13. If all the Soldiers return again in peace, not one lacking, it is acceptable to the Lord if they offer, over and above the former Tribute, a voluntary oblation unto the Treasury of the Church for a memoriall of the Redemption of their lives by the special providence and Salvation of the Lord of Hosts.

{	The Lord is our Judge,	
	The Lord is our Law-giver,	Isay. 33. 22.
	The Lord is our King: He will save us.	

FINIS

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