

And in the 67: Lib^{tye}, it is thus described viz — It is the constant Lib^{tye} of the freemen, to choose yearly, at the Court of Election, out of the freemen, all the generall Officers of this Iurisdiction. If they please to discharge them at the Court of Elections, by vote, they may doe it without shewing Cause: but if at any other generall Court, we hould it due Iustice, that the Reasons thereof be alledged & proved. By Generall officers, we meane our Governor, Dep^{tye} Gov^r, Assistants, Treasurer, Generall of our Warres, & our Admirall at Sea; & suche as are, or may be hereafter, of like generall nature.

3: Accordinge to these fundamentall Rules, & positie Lawes, the Course of Govern^{mt} hath been carried on in the practice of publicke Administrations to this verye daye, & where any considerable obliquitye hath been discerned, it hath been soone brought to the Rule & redressed: for it is not possible in the infancye of a plantation, subiecte to so many & variable occurrents, to holde so exactly to Rules, as when a state is once settled.

By what hath been allreadye manifested, this Govern^{mt} is freed from any semblance of Arbitrarinesse either in the forme of it, or the generall officers in it, which is the first branche in the description of Arbitrary Govern^{mt}.

The other Branche (wherein the maine question lyes) is concerninge the Rule: so as if it shall appeare also, that the Governor & other officers are prescribed suche a Rule, as may be required of them in all their Administrations, then it must needs be granted, that this Govern^{mt} (even in the present state thereof) is, in no respect, Arbitrarye.

I might shewe a cleare Rule out of the Patent it selfe, but seeing it is more particularly (& as it were *membratim*) deliniated in later Lawes, I will beginne there (3) 25-1636: It was Ordered, that untill a bodye of fundamentall Lawes (Agreeable to the word of God) were established, all causes should be heard & determined, accordinge to the Lawes allreadye in force: & where no Lawe is, there as neere the Lawe of God as maybe. To omitt many particular Lawes enacted uppon occasion, I will sett downe onely the first Auty^e in the Lib^{ties}: which is as heere followeth — No mans life shalbe taken awaye: no mans honor or good name shalbe stayned: No mans person shalbe arrested, restrained, banished, dismembred, or any wayes punished: No man shalbe deprived of his wife or children: No mans goods or estate shalbe taken awaye from him: or any waye endamaged, under colour of Lawe or Countenance of Auty^e: unlesse it be by the vertue or equitye of some expresse Lawe of the Country^e, warrantinge the