

# Miner Descent

*Tracing each branch back to their arrival in America*



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## Early New England Public Offices

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It seems that every other immigrant to New England in the 17th C. held public office. I've tagged over 150 of my ancestors with the category "Public Office" because they held one of these public offices. With annual terms for selectman, constable, fence viewer, grand jury, general court, etc. everyone who wanted to had a chance to participate. I think this participation is one of the most important sources of the American identity. Here are definitions of a few of the terms.

**Freeman** - Those persons who were not under legal restraint – usually for the payment of an outstanding debt, because they had recently relocated, or because they were idle and had no way in which they could continue the justification of their stay within the colony.

"Freedom" was earned after an allotted time, or until the person demanding "payment" was satisfied – this was known as indentured servitude, and was not originally intended as a stigma or embarrassment for the person involved since many of the sons and daughters of the wealthy and famous of the time found themselves forced into such temporary servitudes. It was a sort of debtor's prison without the walls, torture, or meager subsistence.

Initially, anyone first entering into a colony, or just recently having become a member of one of the local churches, was formally not free. Such persons were never forced to work for another individual, per se, but their movements were carefully observed, and if they veered from the Puritanical ideal, they were asked to leave the colony. If they stayed or later returned to the colony, they were put to death. There was an unstated probationary period that the prospective “freeman” needed to go through, and if he did pass this probationary period of time – usually one to two years – he was allowed his freedom.

Initially, all persons seeking to be free needed to take the [\*Oath of a Freeman\*](#), in which they vowed to defend the Commonwealth and not to conspire to overthrow the government. The first handwritten version of the “Freeman’s Oath” was made in 1634; it was printed by [Stephen Daye](#) in 1639 in the form of a broadside or single sheet of paper intended for posting in public places. Freeman was said to be free of all debt, owing nothing to anyone except God Himself.

To be considered a freeman, adult males had to be sponsored by an existing freeman and accepted by the General Court. Later restrictions established a one-year waiting period between nominating and granting of freeman status and also placed religious restrictions on the colony’s citizens, specifically preventing Quakers from becoming freemen.

However, as time wore on, the name “freeman” somehow became associated with the servitude of slavery, and many of those who had thought that their servitude was only temporary, soon found out that their master was asking them to work a little bit too hard, or that he was taking a little bit too long in setting them free.

As a result, many “servants” began escaping and eventually the entire system of “freemen” was officially eliminated by 1691, though parts of the system did still remain through the 18th century.

**Captain-** Each town, named in the several counties, contained a company of soldiers. The soldiers of each town chose their own Captain and subalterns by a majority vote. The officers, when chosen, were installed into their place by the Major of the regiment. The Court order, that all the soldiers belonging to the twenty-six bands in the Massachusetts government, shall be exercised and drilled eight days in a year, and

whosoever should absent himself, except it were upon unavoidable occasions, should pay 5s. for every day's neglect. Each regiment is to be exercised once a year.

**Constables** - were elected by town officials to serve the writs and processes described in section ninety-two of the General Court and warrants and processes in criminal cases, where their town, parish, religious society or district is a party or interested. They shall have the powers of sheriffs to require aid in the execution of their duties. They shall take due notice of and prosecute all violations of law respecting the observance of the Lord's Day, profane swearing and gaming. They shall serve all warrants and other processes directed to them by the selectmen of their town for notifying town meetings or for other purposes. They may serve by copy, attested by them, demands, notices and citations, and their returns of service thereof shall be prima facie evidence; but this provision shall not exclude the service thereof by other persons.

Among other popular activities, Constables collected taxes. Since there was very little cash in those days they were required to accept payment in produce at rates set by the town council. The handling of such produce made the collection of taxes an arduous task.

**Deacon** - The role of deacon in Protestant denominations varies greatly from denomination to denomination. In Presbyterianism, the office of deacon is geared toward the care of members, their families, and the surrounding community. Generally, a deacon is a member of the laity who may undergo some training. He or she may work part time, helping out a minister or pastor with various church tasks, often with a team of deacons who work together to distribute their duties. Because a deacon is not ordained, he or she cannot give sermons, but deacons may offer religious counseling, handle church records, and help organize meetings, events, and church outreach.

The position of a deacon is a position of service to the church and the lay community. He or she may be entitled to wear certain vestments and perform various tasks, depending on the branch of Christianity which the deacon serves. Many deacons establish close personal relationships with the people in the communities which they serve, and they also tend to become close with the church officials that they work with.

Puritans felt that they were chosen by God for a special purpose and that they must live every moment in a God-fearing manner. Every man, woman, and child was expected to

attend the meeting on the Sabbath without question. Puritans were required to read the Bible which showed their religious discipline. If they didn't read the Bible, it was thought that they were worshipping the devil.

Preparations for the Sabbath began the day before. All of the food had to be cooked and clothes ready. No labor, not even sewing, could be done on the Sabbath. The Sabbath began at sundown the night before, and the evening was spent in prayer and Bible study.

The church was usually a small bare building. Upon entering people would take their appropriate places. The men sat on one side, the women sat on the other, and the boys did not sit with their parents, but sat together in a designated pew where they were expected to sit in complete silence. The deacons sat in the front row just below the pulpit because everyone agreed the first pew was the one of highest dignity. The servants and slaves crowded near the door and rushed to a loft or balcony.

The service began with a prayer given by the minister that usually lasted around an hour. Puritans did not like music in their services. They also felt that music and celebrating were not appropriate in the church meeting house. It was many years before any musical instruments were allowed in the church

**Elder**- The office of elder is another distinctive mark of Presbyterianism: these are specially ordained non-clergy who take part in local pastoral care and decision-making at all levels. An elder in Christianity is a person valued for his wisdom who accordingly holds a particular position of responsibility in a Christian group. In some Christian traditions (e.g., Eastern Orthodoxy, Roman Catholicism, Anglicanism, Methodism) an elder is a clergy person who usually serves a local church or churches and who has been ordained to a ministry of Word, Sacrament and Order, filling the preaching and pastoral offices. In other Christian traditions (e.g. Presbyterianism, Redeemer, Baptists), an elder may be a lay person charged with serving as an administrator in a local church, or be ordained to such an office.

Church governance is generally organized in one of three main types:

- Episcopal polity, in which churches are governed in a hierarchical fashion, with the role of elders being fulfilled by external bishops. It is common in Anglican, Orthodox, Methodist, Lutheran and Roman Catholic churches.

- Presbyterian polity, in which churches are governed on a denominational, geographical basis by committees of elders.
- Congregational polity, in which each church is responsible for its own governance. Churches employing this method include Baptist, Congregational and Plymouth Brethren churches. Some churches are led by a pastor; some maintain a plurality of elders.

**Fence Viewer** – A town or city official who administers fence laws by inspecting new fence and settlement of disputes arising from trespass by livestock that have escaped enclosure.

The office of Fence Viewer is one of the oldest appointments in New England. The office emigrated along with New England pioneers to the Midwest as well, where the office still exists.

New England farmers clearing their land during the 17th century were confronted with boulders and stones left by retreating glaciers. They cleared their fields of the boulders with horses and built stone walls along the edges of their fields, frequently at the property boundary. Many of these walls still exist.

A Fence Viewer was needed on those occasions when walls were eroded, moved, or modified illegally. This was a serious offense.

Upon request of any citizen, the Fence Viewer: views fences to see that they are in good repair and in case of disputes between neighbors, works to resolve their differences. Problems such as size, condition, and distance from property lines are complaints that still arise between neighbors.

Early Fence Viewers, armed with wall measurements, were able to arbitrate and/or prosecute such crimes by adjoining farmers. Trespassing by livestock was illegal. Boundaries and fences had to be maintained. If a farmer neglected his fence, his neighbor could do the repairs and charge his nonperforming neighbor twice the cost. If the negligent neighbor didn't come up with the money, he had to pay 12% interest until payment was made.

In Massachusetts, this position was first established in 1693 by a statute which was amended in 1785 and again in 1836. Early Fence Viewers, armed with wall measurements, were able to arbitrate and/or prosecute such crimes by adjoining farmers. Trespassing by livestock was illegal. Boundaries and fences had to be maintained. If a farmer neglected his fence, his neighbor could do the repairs and charge his nonperforming neighbor twice the cost. If the negligent neighbor didn't come up with the money, he had to pay 12% interest until payment was made.

Today, the Fence Viewer advises lot owners prior to constructing a fence. The height of the fence can be no higher than six feet except near intersections. Lot owners at intersections cannot erect a fence nor shrubbery closer than five feet to allow good visibility. A fence or shrub near there must be no higher than three feet.

Spite fences erected to annoy neighbors are illegal. The Fence Viewer has the power to order such fences changed to be inoffensive. If hostilities escalate, the building inspector is asked to become involved. His word is final. The Commonwealth of Massachusetts General Laws chapter 49 describe in detail the obligations of lot owners

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**Free Holder** - One who by grant, purchase or inheritance was entitled to a share of the "Commons," or undivided lands. The freeman alone could vote in the nomination of magistrates and deputies to the General Court. A freeholder need not be a freeman or vice versa. He might be neither, yet be qualified to vote in all town affairs. All inhabitants could vote on any question involving raising money. If a free holder was deemed legally incompetent, didn't pass his probationary period, or again lost his freedom through some irresponsibility of his own, he would have had his land and property confiscated from him and redistributed amongst the remaining freemen even if the inheritor was a well-respected citizen.

**General Court of Plymouth Colony** – Both the chief legislative and judicial body of the colony. It was elected by the freemen from among their own number and met regularly in Plymouth, the capital town of the colony. As part of its judicial duties, it would periodically call a "Grand Enquest", which was a grand jury of sorts, elected from the freemen, who would hear complaints and swear out indictments for credible accusations. The General Court, and later lesser town and county courts, would preside

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**Grand Inquest / Grand Jury** – As part of its judicial duties, the General Court of Plymouth would periodically call a “Grand Enquest”, which was a grand jury of sorts, elected from the freemen, who would hear complaints and swear out indictments for credible accusations. The General Court, and later lesser town and county courts, would preside over trials of accused criminals and over civil matters, but the ultimate decisions were made by a jury of freemen

**Pindar** – The person in charge of impounding stray cattle.

**Selectmen** - In most New England towns, the adult voting population gathered annually in a town meeting to act as the local legislature, approving budgets and laws. Day-to-day operations were originally left to individual oversight, but when towns became too large for individuals to handle such workloads, they would elect an executive board of, literally, select(ed) men to run things for them. These men had charge of the day-to-day operations; selectmen were important in legislating policies central to a community’s police force, highway supervisors, pound keepers, field drivers, and other officials.

**Surveyor of Highways** – “By 1638 the General Court, the Colony’s legislative body, ordered that roads be laid out, and in 1640, that roads between the early towns be maintained. Soon thereafter, the construction, care and maintenance of highways was formally placed on the towns by the General Court, primarily to ensure the care of the routes in the Massachusetts Bay Colony in Cambridge, Massachusetts. In 1643, the Court ordered each Municipality to appoint two officials, known as surveyors, who were given the power to “*call out every Teeme and person fitt for labour, in their course, one day every yeare, to mend said highwayes wherein they are to have a spetiall to those Common wayes which are betwixt Towne and Towne.*” This compulsory labor statute was enlarged in the 1650 Code of Laws, which authorized financial penalties on those men who failed to meet their annual road work obligation of two days work a year: “*if any refuse or neglect to attend the service in any manner aforesaid He shall forfeit for every dayes neglect of a mans worke two shillings sixpence, and of a Teame, sixe shillings . . .*” This act formalized a custom that dated at least from medieval England. It would continue to remain in effect until the nineteenth century, providing the main

source of workers for road and bridge construction. Bridges were also under the jurisdiction of the General Court. Throughout the seventeenth century, the Court ordered that bridges be built in a variety of locations.

The Surveyor of the Highways also monitored conditions, and arranged and supervised the work parties. It wasn't easy to compel neighbors to spend several days a year doing hard labor on local roads—even if it was the law. Refusing to accept the post could result in a fine, which goes to show the unpaid post was unpopular.

**Tithingmen** - “By 1638 the General Court, the Colony’s legislative body, ordered that roads be laid out, and in 1640, that roads between the early towns be maintained. Soon thereafter, the construction, care and maintenance of highways was formally placed on the towns by the General Court, primarily to ensure the care of the routes in the Massachusetts Bay Colony in Cambridge, Massachusetts. In 1643, the Court ordered each Municipality to appoint two officials, known as surveyors, who were given the power to *“call out every Teeme and person fitt for labour, in their course, one day every yeare, to mend said highwayes wherein they are to have a spetiall to those Common wayes which are betwixt Towne and Towne.”* This compulsory labor statute was enlarged in the 1650 Code of Laws, which authorized financial penalties on those men who failed to meet their annual road work obligation of two days work a year: *“if any refuse or neglect to attend the service in any manner aforesaid He shall forfeit for every dayes neglect of a mans worke two shillings sixpence, and of a Teame, sixe shillings . . .”* This act formalized a custom that dated at least from medieval England. It would continue to remain in effect until the nineteenth century, providing the main source of workers for road and bridge construction.

**Townsmen** – As terms of elective office in early New England, townsman and selectman are generally regarded as synonymous. There are instances, however, in which treating them as such is inappropriate. In Rehoboth from 1644 through 1686, a townsman was someone elected to a board of usually seven men to manage the town’s affairs. From 1666 through 1686, a Rehoboth selectman was someone (usually also a townsman) chosen to sit on a “select court” of three (1666–1684) or five (1685–1686) local magistrates to adjudicate minor civil disputes. The Plymouth Colony General Court had in 1665 expanded the powers of a town’s “select men” (town councilmen) to include this judicial function. In contrast to the town of Plymouth, for example, which chose a single set of officers (selectmen) during this period, Rehoboth (and adjacent Swansea)



elected its governing board (townsmen) and local magistrates (selectmen) separately. The 1685 edition of colony laws (distributed in mid-1686) reaffirms that both roles belong to the single office of selectman.

**Trainbands** - Companies of militia, first organized in the 16th century and dissolved in the 18th. In the early American colonies the trainband was the most basic tactical unit. However, no standard company size ever existed and variations were wide. As population grew these companies were organized into regiments to allow better management. But trainbands were not combat units. Generally, upon reaching a certain age a man was required to join the local trainband in which he received periodic training for the next couple of decades. In wartime military forces were formed by selecting men from trainbands on an individual basis and then forming them into a fighting

The exact derivation and usage is not clear. The issue is whether the men “received training” in the modern sense, or whether they were “in the train” or retinue or were otherwise organized around a “*military train*” as in horse-drawn artillery.