Idiocy and the Law in Colonial New England

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Abstract

A review of the laws and records of the courts of colonial New England indicate some ways the early settlers thought about and responded to idiocy. Early Massachusetts laws extended certain rights to idiots: They authorized the transfer of property, exonerated idiots who committed capital crimes, and extended relief to idiots who were impoverished. There is no documentation of the implementation of these laws nor is there direct reference to idiocy in court proceedings. Nevertheless, the court records identify certain individuals with incompetence and atypical behavior suggestive of idiocy. Most of the colonial laws as well as the colonists' ways of thinking about idiocy originated in English common law and custom. The New England colonial laws and records of the courts offer insights into contemporary issues regarding mental retardation.

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Seventeenth Century Colonial Settlements. New England Colonies. Chesapeake Colonies: Virginia, Maryland. Restoration Colonies. Settling the Colonies. The New England Way was a rigorous examination of a person's spiritual beliefs to identify “saints,” or those qualified to be a church member. This intimidating test ultimately served to limit church membership and forced the next generation to modify procedures. The Puritans brought disease as well as their religion to the New World, and the impact on the native population was the same as it had been in the Caribbean, Mexico, and South America a century earlier. As settlements expanded beyond the coastal region, conflicts with the local tribes became common, with equally devastating results. British colonial expansion brought the administration of English common and statutory law to the newly acquired territories in America, Asia, Africa, and the Pacific. Common law had been developing in England since the twelfth century, and denominated a body of mostly unlegislated law founded on custom and precedent. Due to its centuries-long evolution, common law proved to be a stable and slow-to-change legal system. It formed the basis of jurisdiction in all three types of direct colonial holdings. The law's function is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others it is not, in our view, the function of the law to intervene in the private life of citizens, or to seek to enforce any particular pattern of behaviour.[22]. England and Wales decriminalized most consensual homosexual conduct in 1967.[23] That came too late for most of Britain's colonies, though. When they won independence in the 1950s and 1960s, they did so with the sodomy laws st The four New England Colonies of Colonial America included the colonies of New Hampshire, Massachusetts Bay Colony, Rhode Island and Connecticut. Map of the 13 Colonies. ● John Mason eventually formed New Hampshire and the land of Sir Ferdinando Gorges led to Maine. Massachusetts Bay Colony controlled both regions until New Hampshire was given a royal charter in 1679 and Maine was made its own state in 1820. The English Bill of Rights which enables Parliament to control laws and taxes. 1 689. Mar 1689 glorious revolution sparks revolt in the colonies. Boston militiamen seize Governor-in-Chief Andros and put him in jail. The New England colonies begin to re-establish governments.