

[CHAPTER 10.]

[Chapter 10, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 15; Baskett, p. 2. Livingston & Smith, Van Schaack and Baskett state that this act was repealed by the King, May 11, 1697. See Report of Lords of Trade in Doc. Rel. to Col. Hist., IV, p. 263. For valuable note in reference to this act, see Fowler's Bradford, p. CXI.]

An Act declareing what are the Rights and Priviledges of their Majesties Subjects inhabiting within their Province of New York.

[Passed, May 13, 1691.]

Forasmuch as the Representatives of this their Majesties Province of New York now Convened in Generall Assembly are deeply sensible of their Matys most gracious favour in restoring to them the undoubted Rights and Priviledges of Englishemen by declareing their Royall will and pleasure in their Letters Pattents to his Excelley who they have appointed their Captaine generall and Governour in Chief over this their Province; that he should with the advice and consent of their Councilll from time to time as need shall require to summon and call generall Assemblys of the Inhabitants being freeholders according to the usage of their Majesties other Plantations in America. And that this most excellent constitution soe necessary and soe much Esteemed by our Ancestors may ever continue unto their Majesties Subjects within this Province of New York; the Representatives of this their Majesties Province Convened in Generall Assembly doe with all duty and Submission humbly pray that the rights, Priviledges Libertyes and franchises according to the Lawes and statutes of their Majesties Realm of England may be confirmed unto their Majesties most dutyfull and loyall Subjects Inhabiting within this their Province of New York by Authority of this generall assembly. Be it Therefore Enacted by the Governour and Councilll and the Representatives mett in generall Assembly. And it is hereby enacted and declared by the Authority of the same, That the supream Legislative power and autorite under their Majesties William and Mary King and Queene of England &c shall forever be and reside in A Governour in Chief and Councilll appointed by their Majesties their Heires and successours; And the people by their Representatives mett and Convened in generall Assembly; that the exercise and administration of the government over the said Province shall, persuant to their Majesties Letters Pattents be in the said Governour in Chief, and Councilll with whose advice and Con-

sent or with att least five of them, he is to rule and Govern the same, according to the Lawes thereof, and for any defect therein according to the Laws of England and not otherwise. That in Case the Governour in Chief shall Dye or be Absent out of the Province; and that there be noe person within the said Province Commissionated by their Majesties their heires or Successors to be governour or Commander in Chief that then the Councill for the time being or soe many of them as are in the said Province doe take upon them the administration of the government and the Execution of the Lawes thereof and powers and authorities belonging to the Governour in Chief and Councill, the first in nomination in which Councill is to preside untill the said Governour shall return and arrive in the said Province againe, or the pleasure of their Majestyes their heires or Successors be further known. That for the good government and rule of their Majestys Subjects a session of a generall Assembly be held in this Province once in every yeare. That every freeholder within this province and freeman in any Corporation shall have his free Choice and voat in the electing. of the Representatives without any manner of Constraint or Imposition; And that in all elections the Majority of votes shall carry itt, and by freeholders is to be understood every one who shall have fourty shillings P Annum in freehold. That the persons to be elected to Sitt as Representatives in the General Assembly from time to time for the severall Cittys, Towns, Countys, Shires, Divitions or Mannors of this province and all places within the same shall be according to the proportion and number hereafter expressed, that is to say for the City and County of New Yorke foure for Suffolk County two for Queens County two for Kings County two, for the County of Richmond two, for the County of West-Chester two, for the County of Ulster two, for the City and County of Albany two, for the Colloney of Renslaerswick, one, Dukes County two; and as many more as their Majesties their heires and successors shall think fitt to establish. That all persons Chosen and Assembled in manner aforesaid or the Major part of them shall be deemed and accounted the representatives of this Province in generall assembly. that the Representatives convened in generall Assembly may appoint their own times of meeting during their sessions and may adjourn their house from time to time as to them shall seem meet and convenient. That the said representatives as aforesaid Conven'd are the sole Judges of the Qualifications of their own Members, and likewise of all undue Ellections, and may from time to time purg the house As they shall see occasion That

noe member of the generall assembly or their Servants dureing the Time of their Sessions and whilst they shall be going to and returning from the said Assembly shall be arrested, sued, Imprisoned or any wayes molested or troubled or be Compelled to make answer to any suite, bill, plaint Declaration or otherwise, Cases of high Treason and felony onely Excepted. That all Bills agreed upon by the Representatives or the Major part of them shall be presented unto the Governour and the Council for their approbation and Consent all and every which said Bills soe approved of and consented to by the Governour and the Council shall be Esteemed and accounted the Lawes of this Province which said Lawes shall continue and remaine in force untill they be dissallowed by their Majesties their heirs and Successors or expire by their own limitation. That in All Cases of death or Absence of any of the said Representatives the Governour for the time being, shall Issue out A writt of Summons to the Respective Cittys Towns Countys Division or Mannors; for which he or they so deceased or absent were Chosen, willing and requireing the freeholders of the same, to Elect others in their places and stead That noe freeman shall be taken and Imprisoned or be desiezed of his freehold, or liberty or free Custom's, or out Law'd or Exiled or any other wayes destroyed, nor shall be passed upon, adjudged or Condemned but by the Lawfull Judgement of his peers and by the Law of this Province, Justice nor right shall be neither sold denied or delayed to any person within this Province. That noe Aid, tax, tollage, assessment, Custome Loan, Benevolence gift, Excise duty or Imposition whatsoever shall be laid assessed Imposed, Levied or required of or on any of their Majtys Subjects within this Province &c or their estates upon any manor of Colour or pretence whatsoever but by the Act and Consent of the governor and Council and Representatives of the people in generall Assembly mett and Convened; That noe man of what estate or Condition soever shall be put out of his Lands, tenements, nor taken nor Imprisoned nor disinherited nor banished nor any wayes destroyed or molested without first being brought to Answer by due Course of Law. That A freeman shall not be Amerced for A small fault but after the maner of his fault, And for A great fault after the greatness thereof. saveing to him his freehold and A husbandman saveing to him his wainage; and A merchant saveing to him his Merchandize; and none of the said Amercements shall be Assessed but by the Oath of twelve honest and Lawfull men of the Vicinage provided the faults and Misdemeaners be not in Contempt of Courts of Judicature. All tryalls shall be by the verdict of Twelve men and as nere as may be Peares or equalls

of the neighbourhood of the place where the fact shall arise or grow; whether the same be by Indictment declaracon or Information or otherwise against the person or defendant. That in all cases capitall or criminall there shall be a grand Inquest who shall first present the offence; and then twelve good men of the neighbourhood, to try the offender, who after his plea to the Indictment shall be allowed his reasonable challenges. That in all Cases whatsoever bayle by sufficient suretyes shall be allowed and taken unless for Treason or felony plainly and specially expressed and mentioned in the Warrant of Commitment; and that the felony be such as is restrained from Bayle by the Law of England. That noe freeman shall be Compelled to receive any souldiers or Marriners; Except Inholders and other houses of Publique entertainment; who are to Quarter for Ready money into his house and their Suffer them to Sojorne against their Wills, Provided it be not in time of actual warr within this Province. That noe Commission for proceeding by Martiall Law against any of his Majesties Subjects within this Province &c shall Issue forth to any person or persons whatsoever least by Colour of them any of his Majesties Subjects be destroyed or put to death. Except all such officers and souldiers that are in Garrison and pay dureing the time of actual Warr. That all the Lands within this Province shall be esteemed and accounted Land of freehold and Inheritance in free and Common soccage according to the tenure of East Greenwich in their Matys Realm of England. That noe Estate of A feme Covert shall be sold or Conveyed but by deed acknowledged by her in Some Court of Record the woman being secretly examined if She doth itt freely without threats or Compulsion of her husband. That All wills in writeing; attested by three or more Credible Witnesses shall be of the same force to Convey Lands as other Conveyances being proved and Regestred in the proper offices in each County within dayes after the Testators death That all Lands and heritages within this Province and dependencies shall be free from all fines, licences upon Alienations; and from all harrlots, ward shipps, leveries primer, Seizins yeare and day waist Escheat and forfeitures upon the death of parents and Ancestors, naturall, unnaturall Cassuall or Judiciall and that for ever. Cases of high treason onely excepted. That noe person of what degree or Condition soever throughout this Province Chosen appointed Commissionated to Officiate or Execute any office or place Civill or Military within this Province &c shall be capable in the Law to take upon him the Charge of such places before he hath first taken the oaths appointed by act of Parliament to be taken in Lieu of the Oaths of

Supremacie and allegiance and Subscribes the test. That noe pson or psons which profess faith in God by Jesus Christ his onely sonn shall at any time be any wayes molested punished disturbed disquieted or called in question for any difference in opinion, or matter of Conscience in Religeous Concernment who doe not under that pretence disturb the Civill peace of the Province and that all and every such Person or persons may from time to time and at all times hereafter freely and fully Enjoy his or their opinion persuasions Judgements in matters of conscience and Religion throughout all this Province and freely meet at Convenient places within this Province, and there worshipp according to their respective perswasions without being hindred or molested, they behaveing themselves peaceably Quietly, modestly and religiously, and not using this Liberty to Licentiousness nor to the Civill Injury or outward disturbance of others. Allwayes provided that noething herein mentioned or Contained shall extend to give Liberty for any persons of the Romish Religion to exercise their manor of worshipp Contrary to the Laws and Statutes of their Majesties Kingdom of England.