

The Duke of York's Laws, 1665-75.

The Duke of York's Laws for the government of the Colony of New York were compiled from the statutes for the government of the other English colonies in America, under the direction of Nicolls, the first English Governor. They were promulgated at Hempstead, on Long Island, March 1, 1665, and copies were transmitted to the several ridings, constituting the shire of Yorkshire. A copy of these laws, known as the "East Hampton copy," is filed in the clerk's office of the town of East Hampton, in the County of Suffolk. Another copy was filed in the clerk's office of Hempstead, where the laws were promulgated, but on the erection of the town of North Hempstead from the town of Hempstead, the records of the town, including the "Duke's Laws," were transferred to the clerk's office of the town of North Hempstead, at Roslyn. A third copy of the laws is in the New York State Library. The library copy is certified by " M. Wren," who was secretary of the Duke of York, as "Concordat cum originale."*

The New York Historical Society, in 1800, published a copy of the East Hampton copy of the Duke's Laws, which is certified by the clerk of the town as a correct copy of the original. (Vol. 1, p. 307, of collections of the New York Historical Society for the year 1809.)

The several existing copies of the "Duke's Laws" vary, partly from errors in transcribing them, and partly from amendments, which were made from time to time by the Court of Assizes, and either were not transmitted to all of the towns, or, if received, were not recorded in the book containing the "Duke's Laws." As each of these copies had the force of law in the jurisdiction in which it was filed, either may be regarded as an original. The commissioners have caused carefully prepared copies to be made of the East Hampton and Roslyn copies of the "Duke's Laws." The East Hampton copy is made the basis of this publication, while the variations in the Roslyn copy, as they occur, are noted in brackets. Variations between the two copies in spelling and capitalization are not noted. It will be noticed that the East Hampton copy states that the laws were published March 1, 1664. In the Roslyn copy the date is given as March 1, 1664-5, which was March 1, 1665, the first three months of the year, before the change in the calendar, being treated as months of the preceding year, as well as of the year under the new calendar.

LAWES.

Establisht by the Authority of his Majesties Letters patents, granted to his Roy all Uighnes James Duke of Yorke and Albany; Bearing Date the 12th Day of March in the Sixteenth year qf ye Raigne of our Sovereigne Lord Kinge Charles the Second. Digested into one Volume for the publicise use of the Territoryes in America under the Government of his Royall Highnesse.

Collected out of the Several Laws now in force in his Majesties American Colonyes and Plantations

Published March the 1st Anno Domini 1GG4 at a General meeting at Hemsted upon Longe Island by virtue of a Commission from his Royall Highness James Duke of Yorke and Albany given to Colonell Richard Nicolls Deputy Gouverneur, bearing date the Second day of Aprill 1664.

* Note: The scan of the Duke's Laws on the website of *The Historical Society of the New York Courts* was provided by the New York State Library.

ABSENCE.

If any Justice or high Constable shall bee absent from the Sessions held within that Riding bee shall pay for every Dayes absence ten pounds and every petty Constable for each default shall pay five pounds Provided that it shall be Lawfull for the Justices upon the Bench to discharge any Constable from his Appearance if they shall think fitt.

ACTIONS.

That all actions of Debts Accompts Slanders and Actions of the Case concerning Debts and Accompts shall be tryed within that Jurisdiction where the Cause of action Doth arise.

All actions of Debt or Trespasse under ye value of five pounds between Neighbours shall be put to Arbitration of two indifferent persons of the Neighbourhood to be nominated by the Constable of the place; And if either or both parties shall refuse (upon any pretence,) their Arbitration: Then the next Justice of the peace upon notice thereof by the Constable, shall choose three other indifferent persons; who are to meet at the Dissenters charge from the first Arbitration and both plaintiffe and Defendant are to bee concluded by the award of the persons so chosen, by the Justice.

In all differences under five pounds not triable in Courts the Constable is to have one shilling for naming Arbitrators to whom the Difference shall be refered, they shall have two shillings six pence each.

If it comes to the Justice, he shall have seaven shillings and Six pence, the Arbitrators (he appoints) five Shillings each, and the Constable, for his trouble, two Shillings Sixpence, This to be paid by the party is Cast.

If any Person shall pretend his Debt or trespasse to be above five pounds, and on the hearing it shall appear to the Court to come under that vallew, in such cases the Plaintiffe shall loose his action and pay the Defendant Cost.

All action or cases from the Value of five pounds to Twenty pounds, shall be tryed att the Sessions within that Jurisdiction from whence there is to be no appeal unless the debt appears to be above that summe of twenty pounds, or where there is a dubiousnesse in the expression of the law, Which doubt made by one, if it tend to the Causeless vexation of ye other Party; the other Person so offending shall pay all the charges.

Actions of Assault or Battery Breach of the peace or the like, are to be tryed at the sessions within the Jurisdiction where the offence is Committed, for which the Justices of the peace may take Baile or Commit to Prison such offenders to the next Sessions:

Any Person renewing his Suit or Petition or Revew Causeless The plaintiffe shall pay the whole charges of the Court and be Lyable to a fine; But if the Defendant be in the fault, the Just Charges shall be imposed on him.

Any Person falsely pretending great damages & Debts to vex his Adversary; shall pay tribble Damage.

The Plaintiffe may have liberty to withdraw his Action and be non Suited (if he see cause) before the Jury give in their Verdict, but hee shall pay full cost and Charges to the Defendant.

All Actions of the Plaintiffe; with his declaration, shall be entered and filed in the Clarkes office eight Days before the Day of hearing, to the end that the Defendant may (if he please) take a Copy thereof and

provide his Answer, Which is also to be filed by the said Defendant; And the Judgment if for the plaintiffe shall be Endorsed on the Declaration; If for the Defendant on the Answer, and all Evidences concerning that Cause, are to be filed together, and remaine in the hands of the Clarke.

Where an Action hath been once entred for prosses in Court Although the Difference shall be composed between both parties before they come to a Tryall; yet the plaintiffe shall enter such Agreement in the hands of the Clarke of the Court, And so shall have Liberty to take his Action off the file, paying only for the Entry of the Agreement as for [The words " the Entry of the Agreement as for," are not in the Roslyn copy.] the Entry of the Action; upon forfeiture of ten Shillings for each Session which this first entry of the Action remaineth upon the file.

ADMINISTRATION.

Upon the Death of any person the Constable, with two Overseers of ye parish shall Repair to the house of the deceased party to enquire after the manner of his Death and of his Will and Testament, and in Case none doth Appear, or shall be produced, it may be taken for granted that the Person Dyed intestate, And in the Presence of the Widow, Children and other Relations, if any such there bee, or if any-such refuse to be present, It shall be lawfull for the said Constable in the presence of the Overseers to make a due Search and enquiry after the estate of the deceased, and within eight and forty bowers after, bee is to deliver in writing and upon Oath his full knowledge, to the next Justice of the Peace and the said Justice of ye peace is impowered to send out warrants to take Security against any embezelment or disposal of ye said Estate under any pretence whatsoever, untill the next Court of Sessions where all Cases of Administration within that Liberty shall be Adjudged.

The Estates of all Persons dying intestate who have neither the Relations of Children Brothers or Sisters or their Children Uncles or Aunts or their Children for want of such heires shall, Elapse to the King Provided always that Such Elapsing shall not hinder the Lawfull Clayme of any Such Relations afore mentioned, if it be made appeare upon Oath to the Court, within one Year and Six weeks.

That no Administration be granted untill the third sessions after the parties decease, except to ye Widow or Child and then to be immediately granted to the said widow or child bringing in Sufficient Security for the performing all things! the Law requires and saving the Court harmless, And in case the widow or Child do Administer the Estate shall be Inventoried and Apprisement made by foure Men appointed by the Court and Sworne by a Justice of peace which Inventory or apprizement shall by the said widow or Child be brought into the next Court of Sessions, unless the Court for reasons showed them may think fit to grant Liberty to bring it in the Court following. But in case the deceased Dye without widow or Child, then the estate, for the better improvement thereof shall be sould by order of the Court at an Outcry, and the purchasers all puting Security, and Acknowledging Judgment for their debt which by the Court shall be Assigned to the several Creditors of the decedent, and paid according to ye priority of Law and the Surplusage remaining, if any, to be delivered to the next kinsman of the decedent, if he appears or if none prove himself such within one year and six weeks, Then the Court to give an accompt of ye said Surplusage to the Governour. And when the widow or Child Administers the surplusage after debts paid and the funerall Charges according to the quality of the person allowed for, shall be equally divided between the Widow and Children, viz. one third of the personall Estate to the widow and the other two thirds amongst the Children, provided the Eldest Sonne shall have a double portion, and where their are no Sonnes the daughters shall inherit as Copartners, and if any of the Children shall happen to dye before it come to age his portion shall be divided amongst the Surviving Children.

Whoever pretends to Administer upon any Estate shall bring to the Court Sufficient Security, before the Order shall be granted, And an Order thus obtained legally by giving in such Security to be truly

accomptable to bring in a true Inventory, and to perform such things as Administered by Law are, required or enjoyned, shall not any time after be reserved, unlesse the partie that obtained the Same, dye before he hath given an Accompt of the estate and obtained his Quietus in which case the Court is Impowered to grant the Administration of that Estate so not Accompted for to some other person who may by virtue thereof call the heirs Executors or Administrators of the former Administrators to accompt who shall pay out of the deceased Administrators Estate all such debts as shall be found due to the estate he administered upon in the first place.

If any Executor nominated in any will and knowing thereof shall not at the next Sessions which shall be above thirty days after the decease of the party; or shall not cause the same to be recorded by the Recorder or Clarke of that Court within which Jurisdiction the deceased party last dwelt. Or if any person whatsoever shall not within the same time take Administration of all such goods as he hath, or shall enter upon of any party deceased, or if any person or persons shall alienate or Embezell any lands or goods before they have proved and recorded the will of the deceased or taken Administration, every such person so administering, or Executing shall be lyable to be sued, and shall be bound to pay all such debts respectively as the deceased party owed, whether the estate of the deceased weare sufficient for the same or not and shall also forfeit.

If any person shall renounce his Executorship or that none of the friends or kindred of the deceased party that shall die intestate shall seeke for Administration of such persons Estate, then the Constable of the Town where any such person shall die, shall give notice thereof to the next Court of Sessions; that so the Court may take order therein, as they shall think meet, who shall also allow such Constable due recompence for his pains But if the Constable shall fail therein, he shall forfeit forty Shillings to the publique Treasury.

That the Clarke of the sessions when he carries the Probates or Commissions of Administration to be signed do then also Certify unto the Recorders Office at New York, the name of the testator or the party deceased the Executors or Administrators and their Security the County and Parish where they dwelt And the Court wherein the Administration is granted to the end that strangers and other creditors invested in the Estate may be the better Enabled to find out the Records in which the accompts of the estate is entered and be informed how they may come to their just dues.

Memorandum That what is here spoken of Executors or Administrators the like is ment; and intended also of Executrixes and Administratrixes who in such Cases are to have the same privileges.

AMERCIAMENTS.

All Amerciaments and Fines that are not expresly regulated because the meritt of the Case or offence can not be foreseen shall be imposed at the discession of the Court.

That all fines and Amerciaments be collected by the petty Constables who are to give in an Accompt of them to the high Constable Eight days before the Sessions ensuing, and the high Constable shall give in their Accompts to the high Sheriffe eight days before the next Assizes.

APPEARANCES.

It shall be lawful for the plaintiffe or Defendant to take out Subpona from the Sheriffe or under Sheriff to Summon Witnesses to give in their evidence, in Case they will not voluntarily appear and the witnesses so summoned shall for non Appearance at the Session be fined twenty shillings; and for non Appearance at the Assizes forty Shillings Or such other fine or punishment as shall be Adjudged by the Court for

damage done to the Cause by his non Appearance Provided that noe man shall be punished for non Appearing at or before any Court or Counsel, nor for the Omission of any Office or Service, if he shall be necessarily hindred, by any Apparent Act or Providence of God; which he could neither foresee nor avoid Provided also that this Law shall not prejudice any person of his Just cost and Damage in Civill Actions.

APPEAL.

That no Justice of the peace that hath sate as Judge or voted in any Inferior Court in that case he is appealed from, shall have any vote in the Superior Court appealed to; but the Case shall be there determined by such as are no way engaged in the same, by Judging or voteing formerly, And in all Cases of Appeales the Court appealed to, shall Judge the Case according to former evidence and no other, unless some material witness was not then in the Country or necessarily hindred from giveing in evidence at the triall, only rectifying what is amiss therein, and where matter of fact is found to agree with the former Court and the Judgement according to Law; not to revoke the Sentence or Judgement; but to abate or increase Damages as shall be Judged Right.

That in all Case of appeals the appealant do put in good Security for prosecuting the Appeal and payment of Damages to the Defendant if the Appealant be Cast in the Suite for his unjust Molestation.

If the Case of Appeal be of a Criminal nature, the party shall put in Security for the good behaviour, also, until the hearing, but if the Case be Capitall, and the person condemned shall appeale; he shall be kept in Goaletill the next Assizes and then prosecuted and tryed Accordingly.

All Appeals with the Security aforesaid shall be Recorded at the charge of the party Appealing, and Certified to the Court to which they are made, and the party appealing shall briefly, in writing, under his owne or his Attorneys hand, give unto the Clark of the Court from which he did appeal, the Grounds and reasons of his Appeal Six days before the beginning of the Court to which he did appeal, the said Clark shall returne to that Court the said writing, and give Coppyes thereof to the defendant, and whosoever shall Appeal from the sentence of any Court and not prosecute the same to effect, according to Law shall besides his bond to the party forfeit to the Country the sum of Forty shillings for every such neglect.

All appeals are to be made by way of Petition and the Appealant shall pay ten Shillings upon the delivery of the petition unto the Clark of the Assizes for defraying the Charges thereof, over and above two Shillings Six pence to the Clark for entring the Appeal.

APPRISEMENT OF GOODS.

That the plaintiffe and Defendant shall choose, each of them, two indifferent men, for that purpose, and in Case of disagreement, the said four, or any three of them, shall choose an Umpire, which Umpire, so chosen, shall be sworn by the next Justice of peace, to Apprize such Goods indifferently, and his Umpirage to be finall. And if the Plaintiffe or Defendant neglect to Appoint Apprizers within three days after Execution is served, notice being given them by the Sheriffe to whom the Execution was directed, that then the Sheriffe, in such case of neglect, shall choose and Appoint Apprizers either for the Plaintiffe or Defendant for Apprizing the Goods by him Seized upon Execution as aforesaid, That before Such Apprisement the Sheriff shall remove the goods out of the possession of the plaintiffe, and the surplusage, if any be, returned to him; but after Apprisement made as aforesaid, the property to rest in the Sherriffe for the use of the Creditor to whom the Sheriff shall give notice that he may take them into his own possession, and because there can be no Averment against a Record, the Sheriff shall make returne of the Execution to the Clark of the Sessions that granted it, by him to be entered upon Record,

under the Order it was Issued upon, that so the Satisfaction as well as the Judgement may be Authentickiy proved, Occation Require.

ARREST.

That no Sheriff nor other officer shall Execute any writ or warrant upon any person or persons either upon the Sabbath day, upon the day of humiliation for the Death of the late King of Blessed memory, upon the day appointed for Thanksgiving for his Majesties happy restoration or upon the 5th day of November provided always that it shall, and may be Lawful for . the Sheriff, or any other Officer to apprehend and Carry to prison, any person or persons for Riotts felony or Escape out of prison when under Execution, upon any day, at any place, any thing in the Law to the Contrary notwithstanding.

All that comes to the Sessions or Assizes for publike service or upon Compulsion upon Complaint & Examination of the matter by oath, shall be freed from any Arrest dureing their occations so long as the Court sits.

All arrests, writs, warrants and proclamations are to be in his Majesties Name.

No person shall be Arrested for any Debt or fine untill the time when the Debt or fine shall become due is expired; unless it Doth appear upon Oath, that the Debtor, doth intend to convey himself away upon purpose to avoid the Action, and defraud his Creditors; In which case also, he shall not be arrested. but either by Special warrant or warrant from one Justice of the peace or high Sherrife.

In case any suite or action depends between two persons of one Town, the one shall not cause the other to be arrested in any other Jurisdiction upon any pretence but by special warrant.

Whosoever shall upon pretence of Debt or trespass Arrest any Person with intent to disenable him from giving in Testimony in any Case depending, or from prosecuting any suite in which he stands engaged shall be punished by Fine and Imprisonment at the discession of the Court, and the person so Arrested shall be set at liberty. Neither shall the Cause, for want of such evidence, whilst under Arrest, be Adjudged to the prejudice of either Plaintiffe or Defendant.

Any person under arrest except in cases notailable may be set at Liberty to prosecute, Answer, or give in evidence at the Sessions or Assizes, Security being given for his return to prison, and in case no bail or Security can be found, the Court may send for the party by Special warrant.

No mans person shall be longer imprisoned for Debt or fine than he can find sureties for his Answering the Suite, or paying the Debt. And if it shall Appear to the Court, that the person impleaded hath a Competent man ["means" in Roslyn copy] to give Satisfaction out of his Estate reall or personal for the said Debt, Then the Court shall Discharge the person and Secure the Plaintiffes debt out of the Defendants Estate.

All Persons of known Estates who to beget strife refuse the payment of their Just Debts if arrested and Imprisoned, shall be kept at their own charge, and not the Plaintiffes, till Surety be given or Satisfaction made Provided that no mans person shall be kept in prison for debt or fine, Longer than the Second Day of the next Sessions after the Arrest unless the Plaintiffe shall make it appear that the person Arrested hath some Estate which he will not produce, In which case the Court may Authorize an Oath to be Administered to the party or any other Suspected to be privie in Consealing his Estate. And the Court shall also order if no Estate can be found, that the Debtor shall Satisfie his Debt by service, if the Creditor so require, as also the charge of his arrest and imprisonment.

ASSESSMENTS.

All assesments shall be made by the Constable and the Eight Overseers of the Parish proportionable to the Estate of the Inhabitants in the Town or parrish where such Assesments is to be made, and every Inhabitant who shall not Contribute proportionably to the Rate so Assesed, shall be compelled thereunto by Attachment or distress of Goods to be Leveyed by the Constable provided that no man shall be assesed for any Estate Reall or personall which lyeth not within the same Town or Parrish where he is Assesed.

That the Justices of peace only shall be exempted from paying any publique Assessment in the place where they Inhabit durezza the time of their bearing Office payment to the Church only excepted.

The Towns assesment shall be certified in writing unto the Sessions, and the Justices are empowered to relieve any Inhabitant by abatement who shall make it appear that he is over Charged.

In case of the necessary or Casual absence of one two or more of the Overseers when the Assesments or other Dutyes ate to be performed, relating to the Constable and the Eight Overseers aforementioned it shall be lawful for the Constable and four Overseers to act and determine as if the whole Number were present, And if any one Overseer shall happen to dye durezza the time of his Office it shall be lawful for the rest of the Overseers by the Major voate to Choose an other in his place and the person so chosen, upon refusal of the said Office shall forfeit to the Town ten pounds towards the defraying of the Towns Charges.

ASSAULTS.

Assaults are made either by Blowes or offering of hurtful blowes or at least by threatening and menacing speeches To rebuke an Officer with foule words, so that he departs with fear without doing his Office shall be taken for an Assault.

A servant or labourer ["workman" in Roslyn copy.] convicted by Confession or two witnesses for Assaulting his Master Dame or Overseers shall be Imprisoned till the next Sessions, where he shall be brought to answer for the fault and shall receive what Corporall punishment the Court shall Adjudge Saving life & Member:

In defence of himself his wife Father or Mother Children or Servants a man may Lawfully use force to resist any attempt made to that purpose.

ATTACHMENT AND SUMMONS.

That it shall be in the Liberty of every Plaintiffe to take out either summons or attachment against any Defendant provided no Attachment shall be granted in any Civill Action to any Forrainer or Stranger against a settled Inhabitant in this Jurisdiction before he hath given Sufficient Security or Caution to prosecute his Action, and to answer the Defendant such cost as the Court shall award him.

That in all attachments of Goods and Chattles or of Lands and hereditaments Leagall notice shall be given to the party, or Left in writing at his house or place of usuall aboad, otherwise the Suite shall not proceed notwithstanding if he be out of this jurisdiction, the Cause shall then proceed to Trial; but Judgment shall not be entered before the next Court, and if the Defendant doe not then appear, Judgment shall be entered; but Execution shall not be granted before the Plaintiffe have given Security to be Responsible to the Defendant if he shall Reverse the Judjrmnt within one year or such further time as the Court shall limitt.

That no summons pleading Judgment or any kind of proceedings in Court, or Courts of Justice shall be abated Arrested or Reversed upon any kind of Circumstantial Errors or mistakes if the person and cause be rightly understood & Intended by the Court, And in all Causes when the first Summons are not served eight Days Inclusive before the Court, and the Case briefly Specified in the warrant where Appearance is to be made by the party Summoned, it shall be at his liberty whether he will appear or not, except all Cases that are to be handled in Court suddenly called on extraordinary Occation, by Special Warrant.

That all Original processe whether Summons or Attachment shall express in whose name the party Sueth, whether in his own name or as an Executor of the last will and testament of such a man, or Administrator of the goods and Chattle, of such a man, or Assigne, Attorney, Guardian, or agent of such a man, or the like, or otherwise if Exemption be taken before the parties joyne Issue it shall be good and the plaintiffe shall be lyable to pay Cost.

ATTORNEY.

That no justice of Peace shall at any time whilst he is in Commission be an Attorney in any Case.

That no high Sheriffe, under Sheriffe high Constable petty Constable or Clarke of the Court shall be permitted to plead as an Attorney in any Persons behalfe in the Court where he Officiates, provided always that if any poore person not able to plead his owne Cause shall request the Court to Assigne him the High Sheriffe under Sheriff high Constable petty Constable or Clark to plead for him it shall be Lawful for the Court to grant it; And for the person to plead accordingly, But the person so pleading the poor mans Case, is not to give Judgment provided also that any high Sheriffe under Sheriffe high Constable petty Constable or Clark acting as general Attorneys for any person, absent out of the Country, and Negotiating their Affaires, and so Lyable to be sued for their Employers such Persons shall have Liberty, also to plead and prosecute in any Cause that shall any way Conserne their said Employers.

ASSIZES.

The Court of Assizes shall be held but once in the year which shall begin on the last thursday in September at New York.

Upon information from any Court of Sessions to the Governour and Councell of any Capitall Offender, unless the Court of Assizes shall happen, to be within two Months time after

such information; The Governour and Councell shall Issue forth a Commission of Oyer and Terminer for the more Speedy Trial of such Offender.

BAYLE.

Baylement is the saving or delivering a man from prison before he hath Satisfied the Law, by finding Surety to Answer which is justifiable by Law.

The person bayled is to be delivered into his Suretyes hands.

If the sureties shall afterwards doubt the Escape of the prisoner Bayled; a Justice of the Peace upon prayer may discharge the Sureties and Commit the party to prison untill he find other Security such as the Justice shall accept.

To Bayle one not baylable, is a negligent Escape in the Justice

To Bayle one Contrary to Law is fineable, which is to be interpreted for Bayling persons committed

either by Special warrant, or for Capitall Offences.

BABRATBY.

If any man shall be indicted proved and Judged a Common Barrator; vexing others with unjust frequent and endless Suites it shall be in the power of the Court both to reject his Cause; and punish him for his Barratry by fine or Imprisonment .

BALLAST.

That no Ballast shall be taken from any Town Shore by any Person whatsoever without Allowance under the hands of the Constable and two Overseers upon the penalty of Sixpence for every Shovell full so taken, unless they be such Stones as they had lay there before, and that no Ship, nor other vessell shall Cast out any Ballast in the Channel or other place inconvenient; in any harbour within this Government, upon the penalty of ten pounds.

BILLS.

That any Debt or Debts due upon bill or other Speciality Assigned to another, shall be as good a debt and Estate to the Assignee, as it was to the Assigner, at the time of its Assignment, and it shall be lawful for the said Assignee, to sue for, and recover the said Debt due upon Bill and so Assigned as fully as the Original Creditor might have done, Provided the said Assignment be made upon the Back side of the bill or Speciality.

BOND SLAVERY.

No Christian shall be kept in Bondslavery, villenage or Captivity, Except Such who shall be Judged thereunto by Authority, or such as willingly have sould, or shall sell themselves, In which Case a Record of such Servitude shall be entered in the Court of Sessions held for that Jurisdiction where Such Matters shall Inhabit, provided that nothing in the Law Contained shall be to the prejudice of Master or Dame who shall by any Indenture or Covenant take Apprentices for Terme of Years, or other Servants for Term of years or Life.

BOUNDS.

That every Town shall sett out their Bounds within twelve Months after their Bounds are granted, and that when their Bounds are once set out; once in three years, three of the Overseers of the town Appointed by the next Justice, shall Appoint with the Adjacent Towns the Auncientest Town to give notice to the neighbours Towns to go the Bounds betwixt their said Towns and renew their Marks, The time of preambulation to be between the 20th and last [The word "day" here occurs in Roslyn copy.] of February and at the charge of each particular Town upon the penalty of five pounds for every Town that shall neglect the same.

If any particular [The word "mans" here occurs in Roslyn copy.] Town lott or Lands lying in Common with others shall refuse to go to the Bounds between his lands and other mens once a year, being requested thereunto upon one weeks warning he shall forfeit ten shillings for every day so neglected one half to the party moving thereto, And the other half to the Town.

And whereas many Contentious Suites do arise about the bounds, Limits and titles to lands appertaining to Towns or particular persons occasioned much through the unskilfulness or fraud of pretended Surveyors, for prevention whereof for the future, No Surveyor of Lands shall give a plott of any lands

Surveyed by him unto any other person or persons whatsoever, than such as Employed them, untill six Months after such Plott is drawn according to its Survey, And that one Plott so drawn describing the bounds and Limits of the Town shall be kept in the Records of each particular Town, and another plott so drawn and delivered to the Clark of that Court of Sessions to which that Town Relates, within Seven Months after the Survey shall be so made.

BREWERS.

That no person whatsoever shall henceforth undertake the Calling or work of Brewing Beere for Sale, but only such as are known to have Sufficient Skill and knowledge in the art or Mystery of a Brewer, That if any undertake for victualling of Ships or other Vessels or Master or owner of any such Vessels or any other person shall make it appear that any Beer bought of any person within this Government do prove unfit, unwholesome and useless for their supply, either through the insufficiency of the Mault or Brewing or unwholesome Cask, the Person wronged thereby, shall be and is hereby enabled to recover equal & Sufficient damage by Action against that Person that put the Beer to Sale.

BIRTHS, MARRIAGES AND BURIALS TO BE REGISTERED.

The Names and Surnames of every Inhabitant within the Several Parrishes within this Government shall be Regestered, and to prevent future inconveniences which may arise about the age of Orphants The Certaine Marriage of Men and Women or the decease cf, persons imported into this country whereof no positive Certificate can be granted, as to the age of one, Marriage of another or the Death of another, The Minister or Town Clark of every parrish shall well and truly and plainly Record all Births Marriages and Burials that shall happen within bis Respective parrish, in a Book to be provided by the Churchwardener for that purpose, And if any Master of a family or other person Concerned shall omitt the giving notice to the said Minister or Town Clark, of the Birth Marriage and Death of any to him or them Related the space of one Month Such person for his neglect shall be fined five shillings. [The words "five shillings" are not in Roslyn copy.] And the Minister or Town Clark shall have for his entry of such Birth Marriage or Death four pence, and if the Minister or Town Clark shall neglect entering the same as aforesaid he shall be fined upon Discovery made thereof to the use of the parrish.

BURIALS.

Whereas the private Burial of Servants & others give occation of much Scandal against divers persons and So divers times not undeservedly of being guilty of their Death from which if the person Suspected to be Innocent, there can be no vindication, nor if guilty no punishment by reason they are for the most part Buried without the knowledge or view of any other then such of the family as by nearness of Relation, as being Husband Wife or Child are unwilling or Servants, are fearfull to make discovery, if Murder were Committed, for remidy whereof, and for the greater decency of Burials There shall be within every parrish of this Government, one or more places appointed according to the extent of the parrish, to be set apart and fenced in for places of publique Burial, and before the Corps be Burred there shall be three or four of the neighbours Called, of which one shall be one cf the Overseers of the parrish, who may in Case of Suspicion view the Corps and if none, yet according to the decent custom of Christendom they may accompany it to the grave, And that no person whether free or Servant, shall be Buried in any other place then those so appointed, unless such who by their own appointment in their life time have signified their desire of being interested in the burial place of some other parish.

CAPITALL LAWES.

1. If any person within this Government shall by direct exprest, impious or presumptuous ways, deny the

true God and his Attributes, he shall be put to death.

2. If any person shall Commit any wilful and premeditated Murder, he shall be put to Death.

3. If any person Slayeth another with Sword or Dagger who hath no weapon to defend himself; he shall be put to Death.

4. If any man shall slay, or Cause another to be Slain by lying in wait privily for him or by poisoning or any such wicked Conspiracy, he shall be put to Death.

5. If any man or woman shall lye with any Beast or Bruite Creature by Carnal Copulation they shall be put to Death, and the Beast shall be Burned.

6. If any man lyeth with mankind as he lyeth with a woman, they shall be put to Death, unless the one party were Forced or be under fourteen Years of age, in which Case he shall be punished at the Discretion of the Court of Assizes.

7. If any person forcibly Stealeth or carrieth away any [The words "man or" here occur in Roslyn copy.] mankind; He shall be put to death.

8. If any person shall bear false witness malliciously and on purpose to take away a mans life, He shall be put to Death.

9. If any man shall Tratorously deny his Majesties right and titles to his Crownes and Dominions, or shall raise Armes to resist his Authority. He shall be put to Death.

10. If any man shall treacherously conspire or Publiquely, attempt to invade or Surprise any Town or Towns, Fort or Forts, within this Government, He shall be put to Death.

11. If any Child or Children, above sixteen years of age, and of Sufficient understanding, shall smite their Naturall Father or Mother, unless thereunto provoked and forct for their selfe preservation from Death or Mayming, at the Complaint of the said Father and Mother, and not otherwise, they being Sufficient witnesses thereof, that Child or those Children so offending shall be put to Death.

[In the E. Hampton copy the title of "Capital Lawes" ends here. The remainder is in the Roslyn copy only.]

12. Every marryed person or persons, who shall bee found or proved by Confession of partyes, on sufficient Testimony, to have committed Adultery with a marryed man, or woman, shall be put to death.

Every single person or persons who shall bee found, or proved by confession of partyes on sufficient Testimony, to have committed Carnall Copulation, with a marryed man or woman, they both shall bee grievously fined, and punisht as the Governor & Council or the Court of Assizes shall thinke meete, not extending to Life or Member.

CATTLE CORN FIELDS FENCES

Every Person interested in the improvement of Common fields [The words "or any ffield" here occur in Roslyn copy] inclosed for Corn or other Necessary use shall from time to time, make and keep his part of the fence Sufficiently strong and in constant repair, to secure the Corn and other fruits therein, and shall not put, cause or permit any Cattle to be put in so long as any Corn or other fruits shall be growing or remain upon any part of the Land so Enclosed, unless by some general exprest agreement of such as

are interested, and if at any time the owners or occupiers of any such inclosed Lands, Cannot or do not agree in any part of the premisses Then upon due and Seasonable notice given to the Constable and Overseers of the Town .they shall appoint a Convenient time to hear and order such differences, and Settle a due way of fencing improving, & preserving such fields and the fruits of them, And whosoever shall Oppose or transgress shall be lyable to all damage proved to grow thereby and to such further fine for breach of orders as the Overseers shall Judge meet.

And the said Constable and Overseers shall from year to year appoint one or two or more of the planters for all or each Common field belonging to the Town where they dwell; to view the Common fences within their trust and to take due notice of the real defects and insufficiency thereof, and shall forthwith acquaint the owners with the same, and if the said Owners or occupiers do not at furthest within Six Days, or sooner if the said Constable and Overseers see Cause, and so appoint Sufficiently Repaire, or Cause the same to be Sufficiently Repaired, he or they shall forthwith upon the demand of the appointed viewer or viewers (besides other Just damages) pay as a fine to the Town Twelve pence for every Rod, if there be a considerable quantity of such defective fence together, or for every Single defect in such faulty fence, or the said viewer or viewers taking due witness of the defects, may if it Suite their Conveniency forthwith repair or renew them or Cause them to be repaired or renewed, and shall have double recompence for the same, to be paid, besides, other [The word "just" here occurs in Roslyn copy] Damages, by the Owners or Occupiers of the said insufficient fence or fences.

And in either Case if payment be denied or delayed the said Constable and Overseers shall Levy the same forthwith upon the Estate of the delinquent to the use of the viewer or viewers.

And where Lands lye in Common unfenced, if one man shall improve his Land by fencing in several and others, one or more shall not, he who shall so improve, shall Secure his Land from other mens Cattle, unruly Cattle excepted, who shall Compell no man to make any fence with him except he also Improve in Several.

And where one man shall improve before his neighbor & so make the whole fence. If his said neighbour shall after improve: he shall then Satisfie for half the other fence against him; according to the present vallew and shall maintain the same, and if the first man shall after lay open his field or land, then the said Neighbour shall both enjoy his said half fence so purchased, and shall have Liberty to buy the other half fence against his Lands paying according to the present worth as it shall be rated by two men Indifferently Chosen, and the like order shall be when any man shall improve Land against or Adjoyning to a Town Common provided this extend not to house Lotts in which if one man improve his Neighbour or Neighbours shall be Compellable to make and maintain one half of the fence between them whether he or they improve or not, provided also that no man shall be Lyable to damage done in any ground not sufficiently fenced and himself not interested in the defective fence, or some part of it, Except the damage were done by Prohibited or unruly cattle of any sort, in which Swine are Included which cannot be restrained by ordinary fence or where any shall unwarrantably put in Cattle of what Sort, or under what Couler, or pretence whatsoever, or otherwise wilfully trespass upon his Neighbours ground.

All Cattle and hoggs shall be markt with the publique mark of the Town to which they belong and the private mark of the owner, and when they are Sould to any other Town, the Purchaser shall cause the Towns mark of the place where he inhabiteth, besides his own particular mark to be sett on, or over the mark of the Town from which he bought them.

All horned Beasts shall be marked upon the Horne with the Towne mark to which they belong.

That whatsoever Swine or greater Cattle, horses excepted shall be found in the woods or Commons

unmarked are Lyable to Poundage or being either pounded or otherwise prosecuted & proved, The owners shall pay for each Swine unmarkt three Shillings four pence, of which half the fine to the pounder or prosecutor and the rest to the Constable & Overseers, and for each of the greater sort of Cattle Six Shillings, whereof half shall be ordered to the pounder or prosecutor & the rest to the Constable & Overseers, but if the owners be not known or found, then every such swine or Beast of a greater kind to be duely cryed, that the owner may take notice Claime his interest and pay the fine and Charges.

But if no owner be found, then after due Apprizement by Indifferent men Chosen by the Constable and Overseers of the place and the same recorded in the Court of Sessions, Sale to be so fairly made, that the fine and Charges may be fully paid & the remainder kept by the Constable, till the owner be known and the rest of such swine or Cattle, being first markt with a publique Town mark or Brand with some Distinction from the mark of particular men to be again turned into the woods.

That no owner of Cattle of what kind soever after knowledge or notice given, that any Cattle of his whether Horse or other Beast or Swine, is unruly in respect to fences shall Suffer any such to go at Liberty, either in Common or against Corn fields or other impropriated enclosed ground fenced as aforesaid, but shall either Constantly keep upon his own ground, within Sufficient fences, all his own, or put and keep upon each of them such shakles and fetters or yoakes and rings as may sufficiently from time to time Restrain them and prevent trespass or shall pay all Damage & Charges, whether in Corn or other fruit with hurt in fences, expences of time, help in Catching, pounding, driving out and bringing home any such unruly Cattle, of what kind soever, with such further fine for breach of order, and Court Charges if the plaintiffe be put to recover it that way, as the Court of Sessions shall Judge meet.

For impounding of Cattle for trespass upon Corn or Meadow grounds, for each Horse, or Mare, Bull, or Cow, above two years to be paid to the Constable one peny per head.

For all Cattle under two years old and for Sheep or Hoggs, one half penny per head: Provided always that the said Cattle sheep or hoggs be taken in the Trespass, then to pay as before said, and not otherwise, Moreover the owner of the said Cattle Sheep or Hoggs shall pay just Cost for the Nourishment of them so Impounded till they find Bail to Answer or shall Compound for the trespass before it comes to Court.

Although it be in the Constables power to impound yett he shall not grant a Replevin without two Overseers who are to take Security to answer the trespass, and if the Cattle impounded be worth five pounds or above, the owners shall pay five Shillings, if under shall pay one Shilling for the Replevin, But if the party damaged shall agree with the trespasser then to pay only for impounding as aforesaid.

CAUSES.

Every Cause of five pounds or under, shall pay two shillings Sixpence, if the Cause be of ten pounds it shall pay five shillings if above ten pounds to twenty pounds there shall be paid ten Shillings, and for every ten pounds more two Shillings Six pence.

That all causes shall be heard and tryed according to their priority of entrance, and if it shall happen that the Justices have Leasure and can dispatch the Cauces of which due entry was made before the time of Sessions is expired, It shall be lawful for the Justices to hear and determine any other cause or causes Action or Complaints in as full and Ample manner as if due Entry had been made, both the parties being agreed to come to an issue, any thing to the Contrary in any other Law Notwithstanding.

CHURCH.

Whereas the publique Worship of God is much discredited for want of painful & able Ministers to Instruct the people in the true Religion and for want of Convenient places Capable to receive any Number or Assembly of people in a decent manner for Celebrating Gods holy Ordinances These ensuing Lawes are to be observed in every parish (Viz.)

1. That in each Parish within this Government a church be built in the most Convenient part thereof, Capable to receive and accomodate two Hundred Persons.
2. That For the making and proportioning the Levies and Assessments for building and repairing the Churches, Provision for the poor, maintenance for the Minister; as well as for the more orderly managing of all Parochiall affairs in other Cases exprest, Eight of the most able Men of each Parish be by the Major part of the Housholders of the said Parish Chosen to be Overseers out of which Number the Constable and the aforesaid Eight Overseers shall yearly make choice of two of the said number, to be Church wardens and in case of the Death of any of the said Overseers and Church wardens; or his or their departure out of the parish The said Constable and Overseers shall make Choice of another to Supply his Room. fering in Judgment in matters of Religion who profess Christianity.
3. Every Overseer is to take the Oath of Allegiance at the time of his Admittance into his office in the Presence of the Minister Overseers and Constable of the parish, besides the Oath of his Office.
4. To prevent Scandalous and Ignorant pretenders to the Ministry from intruding themselves as Teachers; No Minister shall be Admitted to Officiate, within the Government but such as shall produce Testimonials to the Gouverour, that he hath Received Ordination either from some Protestant Bishop, or Minister within some part of his Majesties Dominions or the Dominions of any foreign Prince of the Reformed Religion, upon which Testimony the Governour shall induce the said Minister into the parish that shall make presentation of him, as duely Elected by the Major part of the Inhabitants [the word "freeholders" here occurs in Roslyn copy] housholders.
5. That the Minister of every Parish shall Preach constantly every Sunday, and shall also pray for the Kinge, Queene, Duke of Yorke, and the Royall family. And every person affronting or disturbing any Congregation on the Lords Day and on such publique days of fast and Thanksgiving as are appointed to be observed. After the presentments thereof by the Churchwardens to the Sessions and due Conviction thereof he shall be punished by fine or Imprisonment according to the merrit and Nature of the offence, And every Minister shall also Publiquely Administer the Sacrament of the Lord's Supper once every Year at the least in his Parish Church not denying the private benifit thereof to Persons that for want of health shall require the same in their houses, under the penalty of Loss of preferment unless the Minister be restrained in point of Conscience.
6. No Minister shall refuse the Sacrament of Baptism to the Children of Christian parents when they shall be tendered under penalty of loss of preferment.
7. Ministers are to Marry Persons after Legal publication or Sufficient Lycence.
8. Legal publication shall be so esteemed when the persons to be Married are three Several Days asked in the Church, or have a Special Licence.
9. Sundays are not to be prophaned by Travellers Labourers or vicious Persons.
10. That no Congregations shall be disturbed in their private meetings in the time of prayer preaching or

other divine Service Nor shall any person be molested fined or Imprisoned for dif

11. No Person of Scandalous or vicious Life, shall be Admitted to the holy Sacrament, who hath not given Satisfaction therein to the Minister.

CHURCH WARDENS. That Church wardens shall twice every year (viz) on the Second day of the Sessions, to be held in June; and on the Second day of the Sessions, to be held in December, In open Sessions deliver a true presentment in writing of all such misdemeanors as by their knowledge have been Committed and not punished whilst they have been Churchwardens. Namely, Swearing, prophaness, Sabbath breaking Drunkenness, fornication, Adultery, and all such abominable Sinnes; The said Churchwardens are also hereby impowered to cause any person upon whose report they ground their presentment to appear at the respective Sessions to which the presentments are made to give in their evidence concerning the same, and the refusers shall be Lyable to be fined at the Sessions.

CHARGES PUBLICKE.

The Charges of all Officers Civill and Military to whom no other fees are expressly granted and appropriated shall be Annually paid out of the Common Treasury in reall and good payment, or Assignation to his or their Satisfaction.

Every Inhabitant shall Contribute to all Charges both in Church and State, whereof he doth, or may receive benefit according to the equall proportion of his Estate.

CHILDREN AND SERVANTS. The Constable and Overseers are strictly required frequently to Admonish the Inhabitants of Instructing their Children and Servants in matters of Religion, and the Lawes of the Country, And that the Parents and Masters do bring up their Children and Apprentices in some honest Lawfull Calling Labour or Employment. And if any Children or Servants become rude Stubborne or unruly refusing to hearken to the voice of their Parents or Masters the Constable and Overseers, (where no Justice of Peace shall happen to dwell within ten miles of the said Town or Parish) have power upon the Complaint of their Parents or Masters to call before them Such an Offender, and to Inflict such Corporall punishment as the merrit of their fact in their Judgment shall deserve, not exceeding ten Stripes, provided that such Children and Servants be of Sixteen years of age.

CHIRURGIONS, MIDWIVES, PHYSICIANS.

That no Person or Persons whatsoever, Employed about the Bed of Men women or Children at any time for preservation of Life or health as Chirurgions, Midwives, Physicians or others; presume to Exercise or put forth any Acte Contrary to the known approved Rules of Art in each mistery or Occupation, or Exercise any force violence or Cruelty upon, or to the Bodies of any whether Young or old; without the advice and Counsell [" consent" instead of " counsell" in Roslyn copy] of the such as are Skillfull in the same Art (If such may be had,) or at least of some of the wisest and gravest then present and Consent of the patient or patients if they be Mentis Compotes: much less Contrary to such Advice and Consent upon such severe punishments as the nature of the fault [" fact" instead of "fault" in Roslyn copy.] may deserve, which Law nevertheless is not intended to discourage any from all Lawfull use of their skill but rather to encourage and direct them in the right use thereof, and to inhibit and restrain the presumptious arogancy of such as through Confidence of their own skill, or any sinister Respect, dare bouldly attempt to Exercise any violence upon or toward the body of young or old one or other, to the prejudice or hazard of the Life or Limb of man, woman, or child.

That the names of the Severall Courts to be held in each Riding three times in the year, shall be called the Court of Sessions.

And whereas there is great respect due, and by all persons ought to be given to Courts which so nearly represents his Majesties sacred Person, and that such order, gravity and decorum, which doth manifest the Authority of a Court, may be maintained. These rules and formes following are to be observed for beginning Continuing and proceeding in the said Court: The Court of Sessions are to begin in the East Riding the first Tuesday in June; In the North the Second Tuesday and the third Tuesday following in the West Riding, They are to Continue the Sessions in each place three days, if need So require, but no longer, the second Court of Sessions shall be held the first Second and Third Wednesdays in December, The third Sessions are to be the first, Second and third wednesdays in March.

THE STILE OF THE COURT TO BEE ENTRED THUS.

At a Court of Sessions held at _____ the _____ day of _____ by his Majesties Authority in the Seaventeenth year of the Raigne of our Sovereigne Lord Charles the Second by the grace of God of Great Brittain France and Ireland King; Defender of the Faith etc: And in the year of our Lord God 1664 present.

Insert the name of the Governoure. Silence Commanded Then let the Cryer or under Sheriffe make proclamation and Say O yes O yes O yes.

Silence is Commanded in the Court whilest his Majesties Governor Counsel and Justices are Sitting upon pain of Imprisonment.

After Silence is Commanded Lett the Cryer make Proclamation Saying; All manner of Persons that have any thing to do at this Court, draw near and give Attendance; and if any one have any Plaint to Enter, or Suit to procecute, Lett them come forth and they shall be heard.

When Silence is thus commanded, and Proclamation made upon Calling the Dockett, the Cryer shall Call for the Plaintiffe.

CALLING FOR THE PLAINTIFFE,

A, B; come forth and prosecute thye Action against C. D. or else thou wilt be non Suited. And the Piaintiffe putting in his Declaration, the Cryer shall Call for the Defendant

CALLING FOR THE DEFENDANT,

C, D; come forth and save thee and thy Bayle, or else thou wilt forfeit thy Recognizance. For proceeding in the said Court

WARRANT TO BE ISSUED BY THE CLARKE. Whosever shall speak in Derogation of the Sentence or Judgment of any Court, shall be fined at the Discretion of the next Court of Sessions or Assizes.

CONSTABLES.

That the Constable shall whip or Punish any one to be punished by Order of Authority, where there is not any other Officer appointed to do it, in their own Towns, unless they can get an other person to do it.

That any and every Person tendred to any Constable of this Government, by any other Constable or other

Officer belonging to any Jurisdiction within this Government, or by warrant from any Justice shall be presently received and Conveyed forthwith from Constable to Constable till they be brought to the place to which they were sent, or before some Justice of the peace who shall dispose of them as the Justice of the Cause shall require; All Hue & Cryes shall be duly received and diligently pursued to full effect And where no Justice of the Feace is near, Every Constable shall have full power, to make Sign and put forth pursuities or Hue and Cryes after Murtherers Man Slayers Theves Robbers Burglurers and other Capitall Offenders, as also to Apprehend without warrant such as are overtaken with Drink, Swearing, Sabbath breaking, Vagrant persons or night walkers provided they be taken in the manner, either by the Sight of the Constable or by present information from others, As also to make search for all such Persons either on the Sabbath Day or other when there shall be Occasion in all Houses Licensed to sell either Beer or Wine or any other Suspected or disordered place and those to Apprehend and keep in Safe Custody till opportunity Serves to bring them before the Next Justice of the peace to further Examination, Provided that when any Constable is Employed by any Justice for apprehending of any person he shall not do it without a warrant in writing. And if any person shall refuse to Assist any Constable in the Execution of his Office in any of the things aforementioned being by him required thereto, They shall pay for neglect thereof ten Shillings to the use of the Town of which he is Constable To be Levyed by warrant from any Justice before whom such Offender shall be brought And if it appears by good Testimony that any shall wilfully or Contemptuously refuse or neglect to assist any Constable as is before expressed, he shall pay to the use aforesaid forty Shillings And that no man may plead Ignorance for such Neglect or Refusal, Every Constable shall have a Staff of about six foot long, with the Kings armes on it as a badge of his Office which Staff shall be provided at the charge of the Town. And if any Justice of peace Constable or any other, upon urgent Occasion shall refuse to do their best endeavours in raising and presecuting Hue and Cryes by foote and if need by Horse after such as have Committed Capital Crimes: They shall forfeit for every such offence to the use aforesaid forty Shillings The Constable and every two Overseers may take Bayle for any Person Arrested within their precincts if not in Execution or Committed by Special warrant.

That Every Constable within his Jurisdiction, shall on the penalty of five pounds Clear up his Accompts with the High Constable for all fines Amerciaments or what other publique money of the goods he shall receive, one whole month before the expiration of the year of his Office, And they and every of them are empowered to press Boats or Carts; for the [the words "better and" here occur in Roslyn copy.] more Speedy Sending in of what they have so Collected according to the time appointed, and if any Constable shall not have Collected the said flues and Americaments Committed to his Charge by the High Constable; during the time of his Office that he shall notwithstanding the Expiration of his Office have power to Levy by distress all such fines Amerciaments and Levyes, and if he bring them not into the High Constable according to his warrant The high Constable shall distrayne such Constables Goods for the Same. Constables shall be chosen in all Towns upon the first day of April, or Second, yearly, by the plurality of the votes ["voyces" instead of "votes" in Roslyn copy.] of the free holders in each Town; that is to say one of the four Overseers, in whose places new ones are chosen for the ensuing year, shall be chosen to Officiate as Constable within their Town, Whose name and person shall be presented by the Old Constable and Overseers to the next Sessions ensuing there to be Confirmed by the Justices of the peace by taking the oath appointed for Constables.

CONVEYANCES DEEDS AND WRITINGS.

That henceforth no Sale or alienation of Houses and Lands within this Government, shall be holden good in Law except the same be done by Deed in writing under hand and Seal and delivered and possession given upon part in the name of the whole by the Seller or his Attorney so authorized under hand and seale, Unless the said Deed be Acknowledged and Recorded according to Law.

That all Deeds and Conveyances of Houses and Lands within this Government wherein an Estate of Inheritance is to pass, it shall be expressed in these words: or to the Like effect (viz) To have and to hold the said houses and Lands Respectively to the party or grantee, his heirs and Assigns forever, Or if it be an Estate Entailed, then to have and to hold, &c; to the party or grantee and to the Heirs of his body Lawfully begotten [the words "or the hires made of his I tody lawfully begotten" here occur in the Roslyn copy.] between him and such an one his Wife; or to have and to hold to the Grantee for terme of Life, or for so many years, Provided that this Law shall not include former Deeds and Conveyances, but leave them in the same Condition as they were, or shall be in before this Law shall take effect; which shall be from the publication thereof, Provided also That this Law shall not extend to Houses or Lands given by will or Testament or to any Land granted or to be granted by the Inhabitants of a Town.

That no Conveyance, Deed or Promise, whatsoever shall be of Vallidity if it be obtained by illegal violence imprisonment threatenings or any kind of forcible Compulsion called Dures.

All Covenants ["Covenous" instead of "Covenants" in Roslyn copy.] or fraudulent Alienations or Conveyances of Lands Tenements or any hereditaments shall be of no force or validity to defeat any man from his due Debts or Legacies or from any just Tithe, Claime or possession of that which is so fraudulently Conveyed.

That after the time aforesaid no Mortgage, Bargain, Sale or Grant made of any Houses, Lands Kents or other Hereditaments where the Granter remains in possession shall be of force against other Persons Except the Granter and his heirs unless the Same be acknowledged before some Justice of the peace or Superior Officer in the Government and Recorded as is hereafter expressed. And that no Such Bargain, Sale or Grant already made in any way of Morgage where the Granter remains in possession shall be in force against others; but the granter or his Heirs except the same shall be entred as is here expressed (that is to say) within one Month after the date before mentioned if the party be within this Gouvernement or elsewhere within three Months after he shall returne, And if any such Granter shall refuse being required by the Grantee his Heirs or Assigns to make an acknowledgment of any grant, Sale, Bargain or Mortgage, by him made shall refuse so to do, It shall be in the power of any Justice of peace, to send for the party so refusing, and 'Commit him to prison without Bail or Mainprize, untill he shall Acknowledge the same, and the Grantee is to enter his Caution with the Clerk of the Court of Sessions and this shall save his Intrest in the mean time, And if it be doubtful whether it be the Deed or Grant of the party he shall be bound with Sureties, to the next Court of Sessions, and the Cautient shall remain good as aforesaid.

And for the Recording of all such Grants, Sales, and Mortgages, That every Clarke of every Court of Sessions shall enter all such Grants, Bargains, Sales, and Mortgages of Houses Lands, Rents and Hereditaments as aforesaid together with the estates of the Granter and Grantee; things and Estates granted, together with the Date thereof.

COUNCELL.

Any Person who shall be sworn of the Counsell to the Governour shall in any place within this, Government have in all respects the Power of a Justice of Peace and in any Court of Sessions may sit as President.

CONDEMNED.

That no man Condemned to die, shall be put to death within four Days next after his Condemnation unless the Governour see Special Cause to the Contrary; or in Cause of Martial Law. And the Person Executed shall be buried near the Place of Execution.

DEFAMATION.

That no Action shall be admitted for defamation in any Court where the words are not Actionable & no words shall be Estemed, Actionable, but such as if true might have brought the person to Suffer punishment by Law, any other to be cast out of the Court, and the Plaintiffes to be nonsuited and because offences of this Nature may be Speedily Determined any Justice of the peace is hereby Authorised and impowered to hear and Determine them and likewise to bind the Persons so Offending to the good behaviour or if they find not good Security for the Same to commit them to prison till they find it.

DOWRYES.

If any Woman shall Causelessly absent herself from her Husband of which he shall make Complaint to the Court of Sessions If upon certain time given her by the Court, shee shall refuse to return, shee shall forfeit her Dowry unless the Husband shall afterwards upon a New Agreement Confirm the same.

FASTING DATES AND DATES OF THANKSGIVEING TO BE OBSERVED.

Whereas be an Act of Parliament the fifth Day of November is annually to be observed for the Great Deliverance from the Gunpowder Treason. And whereas by one other Act of Parliament The thirtyeth Day of January is annually to be observed with Fasting and Prayer in all his Majesties Dominions to shew a hearty and Serious Repentance and Detestation of that Barbarous Murther Committed upon the Person of our late King Charles the first, thereby to divert Gods heavy Judgment from falling upon the whole Nation, as also by an other Act of Parliament we are enjoyned thankfully to acknowledge the providence of God upon the Nine and Twentyeth Day of May for his Majesties Birth and Resturation to the Throne of his Royall Ancestors whereby Peace and unity is Established in all his Majesties Dominions, Every Minister within his Severall Parish is enjoyned to pray and Preach on these days and all other Persons are also enjoyned to abstain from their Ordinary Laboure and Calling According to the true intent of both the said Acts.

FEES OF JUSTICES OF PEACE.	S	D
For Nominating three Arbitrators when a Case under forty Shillings is brought to him by the Constable.....	7	6
For warrants of appearance to answer all sorts of Actions at the Court or binding over to the Sessions or the Assizes for the good behaviour or the peace.....	2	6
Upon plaints of Debt or Damage.....	1	6
Upon Common Actions, as Slander or the like.....	1	0
Upon Subpoena for each Person.....	0	6

Nothing is to be paid for warrants in Criminall and Capitall Causes.

No Fees for doing his Office, as a Justice upon ye Bench. The Justices Charges are to be bourne, both at Sessions and Assizes out of the fines and Amerciaments.

FEES OE PETTY CONSTABLES.

For Collecting of the Assessments Amerciaments and fines and paying them into the high Constable per pound, 1 0 For Attachments, or Apprizements of Goods per pound..... 0 2

For Assisting upon Common Action, the plaintiffe to pay his..... 1 6

No fees are to be paid for executing of Speciall warrants or apprehending Criminal or Capitall Offenders but are to be done ex officio.

FEES FOR THE HIGH CONSTABLE AND UNDER SHERIFFE.

For receiving the Assessments Amerciaments & fines from the petty Constable and paying them into the Sheriffe per pound..... 0 6

For every Judgment in Court or Verdict 1 0

For the Summoning and Empannelling a Jury..... 0 4

FEES OF SHERIFFE.

The Sheriff shall have of the Plaintiffe upon all Arrests whether by Bill Writt or warrant..... 1 8

Vpon every Execution that, shall be served if under one Hundred pounds for each pound..... 1 0

For what shall be above one Hundred pounds for each pound..... 0 6

For receiving the Assessments Amerciaments and fines from the high Constable & paying them into the Treasury per pound..... 0 6

S D

For going into Prison..... 1 6

For whipping..... 2 6

For pillorv..... 2 6

For a warrant of attachment.....	1	0
For the Sheriffs warrant to Summon and Empannell a Jury for each Cause.....	1	6
And for other trouble not here exprest, other reasonable fees shall be allowed by the Court.		
FOB FEES OF YE CLARKE OF THE COURT OF SESSIONS WHO IS ALSO CLARKE OF THE WRITTS.		
For entering every Action for Tryall.....	2	6
For entering and recording a bargain and Sale of Lauds or Houses Inventories or Conveyances if under 21 lynes..... ["	2	6
ffor every 12 Lines more, Os. 6d." here occurs in Roslyn copy.]		
For entering a will or Administration for himself if under 24 lynes.....	1	6
If above for every 12 lynes more.....	0	6
For the fees of the Office of Record for which he is to be Accomtable there.....	2	6
For entering a Judgment of Court.....	3	0
For entering an execution.....	1	6
	1	0
For Entering an Order of the Court		
For the Cobby.....	1	0
For Entering an Attachment	1	6
	S	D
For Entering A Deposition.....	1	0
["ffor the copy of a Deposition, 1s. Od." here occurs in Roslyn copy.]		
For Entering A Petition.....	0	6
For Entering A Certificate	1	0

For the Entring and Recording of any other business (orphants excepted) for the first and Second pages	2	6
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For every page more	0	6
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For licenses to Innkeepers and Victuallers.....	2	6
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THE FEES OF THE CLARKE OF ASSIZES.

That all charges of Officers or Attendants upon Causes at the Assizes shall be double to these of the Sessions and to be levied in the same manner.

If any thing shall be done by the Clark of the Assizes or the Clark of the writs of either Court; more than is here expressed, the Justices are to Adjudge them a Farther fee, either at the Sessions or Assizes According to his merritt for greater pains taken.

FEES FOR THE COURT.

For returning Appeals to the Assizes with all the Circumstances whereof the Court of Sessions hath taken cognizance towards the defraying of Court Charges	6	8
--	---	---

For the Copsy of an Appeal and Causes.....	2	6
--	---	---

FEES FOR THE CRYER OF THE COURT.

For Calling the Jury for each Cause.....	1	0
--	---	---

For swearing every witness	0	4
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	1	0
--	---	---

For A non Suit		
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For non appearance of witnesses upon Subpeana.....	0	4
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	S	D
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For every verdict	0	4
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FEES OF THE MARSHALL.

For receiving into ward.....	1	0
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It is to be the Marshalls care to provide a convenient Room or place for the Jury to retire into.

For every verdict brought in while the Court sits.....	0	6
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The Marshall is to receive no Prisoner but such as are Committed by warrant, excepting only in such present Occasions, -where a warrant cannot duly be obtained Provided that he shall not refuse any Prisoner brought to him by any known Officer, the said Officer obliging himself to deliver in a warrant to the Marshall for his so doing within twenty four hours.

The ordinary Rate and Allowance for the dyett of every Prisoner to the Marshall, shall be p diem eight pence and he shall demand no more Provided always that any Prisoner for hia better accommodation either for Lodging or Dyett; may agree with the Marshall upon a further Price.

FORNICATION.

If any Person commit Fornication with any Single-woman they shall both be punished by enjoying Marriage, fine or Corporal punishment, or any of those According to the discretion of the Court.

FORGERY.

If any Person shall forge any Deed or Conveyance, testament, Bond, Bill, Release, Acquittance, Letter of Attorney, or any writing to prevent Equity & Justice they shall stand in the Pillory three Severall Courts Days and render double damages to the party wronged and also be disable to give any Evidence or verdict to any Court or Magistrate.

FIRE OR BURNINGS.

If any Person or Persons whatsoever shall set on fire any dwelling House Church or store houses or to that purpose shall set on fire any Out House, Barne, Stable Stack of Hay, Corne or wood, or such like Combustible matter, Maliciously and willingly, He shall be Committed to Prison, there to remain without Bayle till the next Sessions, where if convinced by prooffe or Confession of the Crime he shall [In the Roslyn copy the words "remayne in" here occur, and the words following down to the word "prison" are omitted.] be Committed to prison there to remain without Bayle till the Next Sessions where if convicted by Prooffe or Confession of the Crime, he shall remain in Prison till the next Assizes, there to receive Judgment to Death, or full Satisfaction out of his Lands Goods, or Chattells to the party or parties damnified according to the good Discretion of the Bench.

If any Person whatsoever shall kindle any fire in the woods or Grounds lying in Common, or in his own Grounds so as the same shall runne into any Corne Grounds or Enclosures of his Neighbours, he shall be Lyable to pay all Damage; of whatsoever Sort, and half so much more for a fine; or if not able to pay the Court shall Adjudge the Person guilty of Corporal punishment not exceeding twenty Stripes, or do Service to Expiate the Crime.

FUGITIVES.

Every Apprentice and Servant that shall depart or absent themselves from their Master or Dame without leave first obtained shall be Adjudged by the Court to double the time of such their absence by future Service over and above other Damage and Cost which the Master or Dame shall Sustain by such unlawful departure and whosoever shall be proved to have Transported, or to have Contrived the Transportation of any such Apprentice or Servant shall forfeit twenty pounds to the Master or Dame and be fined five pounds to the Court, and every Inhabitant that shall harbour or entertain any such Apprentice or Servant, knowing that he had absented himself from his Service, upon due proof thereof shall forfeit to the Master or Dame ten shillings for every Days entertainment or Concealment.

If any Master of Shippe or vessel shall Transport or carry away any freeman whether Merchant or householder that is, or shall be Indebted here, without Pass or Licence he shall be lyable to satisfy the Debts of the person so Transported, unless the same be otherwayes Satisfied or that such Merchant or Householder do return again into this Government, and Appears to Answer in Court within the space of Six Months after such absence.

HORSES AND MARES.

That every Town within this Government, shall have a marking Iron or flesh Brand for themselves in particular to distinguish the Horses of one Town from another, besides which, every Owner is to have, and Mark his Horse or Horses with his owne Particular flesh Brand having some distinguishing mark, that one mans Horses may be known from anothers.

And that in every Town there be an Officer Appointed by the Constable and Overseers to record every Mans particular mark and to see each particular Mans Horse Mare and Colt Branded; and to take notice .and Record the age of each of them as near as he can, with the Colour and all observable marks whether naturall or Artificial and what Artificial marks it had before the Branding whether on the Eare or Else where with the year and day of the Month when Branded And in Each Town the Officer for his Care and pains to have Six pence of the owner of each Horse, Mare and Colt so Branded and Recorded, And that Every one who hath any Horse or Horses of what Age or kind soever, do duply observe this Order at his perill.

And when any Horse Mare or Colt is to be Sould to any other Town, the Purchasers shall Cause the Town mark of the place where he Inhabits, besides his owne particular mark to be sett on, or over the mark of the Town from which he bought them.

The Officer also is to require as Satisfying Evidence of his Right who presents any Such Horse Mare or Colt as may be had; Or to Record any defect of due Evidence that a way may be open to other Claimes.

No Maares Shall be Transported out of this Government either to Barbados, Virginia or any other remote or forraine Plantations without Special Licence under the penalty of the forfeiture of the Maare, or Maares So Shippt for Transportation.

To prevent the frequent abuse of Selling and killing other Mens Horses or Cattle, whereby the true owner Seldome of never know what is become of their Horses or Cattle No man of what quality soever he be shall Sell Truck or give away any Horse or Mare, Cow, Oxe,. or Bull not markt as else where directed unto any other person whatsoever, under the penalty of five pounds to be paid by him that Sells, and also five pounds for him that Buves; which Horse, Mare, Cow, Oxe, or Bull though markt, shall be Regestered in the Town where the property is Changed, within twenty four houres, with the name of the Persons and places of their Habitation, under the penalty of ten pounds to be paid by each party concerned therein as Buyer or Seller.

Neither shall it be Lawful for any man to kill any Cow Ox or Bull, or Such like Cattle, either for Sale or for his private use, before he give Notice thereof, to the person appointed for that Town to Register such matter and a due entry be made thereof; with the Name of the Owner the mark of the Cattle, under the penalty of forfeiting the whole Cow Oxe or Bull, & so found the one half thereof to the informer, the Other half to the Constable and Overseers.

IMPRESSES.

That in all Publique workes for the safety and defence of the Gouvernement or the Necessary conveniences of Bridges Highways and Common passages, the Governour or deputy Governour and Councill shall send warrants to any Justices and the Justices to the Constable of the next Town or any other Towne within that Jurisdiction, to send so many Labourers and Artificers as the warrant shall direct, which the Constable and two others or more of the Overseers which the Constable shall choose shall forthwith Execute, and the Constable and Overseers shall have power, to give such wages as they shall Judge the work to deserve, provided that no Ordinary Labourer shall be compelled to work from home above one week together No man shall be compelled to any publique work or service unless the Presse be grounded upon some known Law of this Government, or an Act of the Governour and Councill Signifying the necessity thereof. In both which Cases a reasonable Allowance shall be made, Nor shall any man be Compelled in Person to any Office, work, warres or other publique service that is necessarily and Sufficently exempted by want of years greatness of years defect in mind, failing of senses or Impotency of Limbes, or by the Quality of the office which is else where exprest.

No man shall be compelled to go out of this Jurisdiction upon any Offensive warrs, but only upon such vindicative and defensive wars as in our own behalf or in the behalf of our Nation, against a Common Enemie shall be enterprized by the Governour with the Advice of the Councill or by Authority Derived from the same Neither shall any mans Cattle or Goods of what kind soever; be pressed or taken for any such publique use or Service, Unless it be by warrant grounded as aforesaid nor without such reasonable satisfaction as the ordinary rates of the Country doth afford and in case either Cattle or goods shall perish or be damaged in such Service the owner shall be recompenced.

INNKEEPER & ORDINARYES.

No Person or Persons shall at any time under any pretence or Colour whatsoever undertake to be a Common Victuler keeper of A Cooke shopp, or House of Common entertainment, or publique Seller of wine Beare, Ale or strong waters by retail or a less quantity than a quarter Caske, without a Certificate of his good behaviour from the Constable and two Overseers at least of the parish wherein he dwells and a Lycence first obtained under the hand of two Justices of the peace in the Sessions upon pain of forfeiting five pounds for every such offence, or Imprisonment at the discretion of the Court.

Every Person so licensed for Common entertainment shall have some Ordinary signe obvious for direction of strangers, within three Months after the Licence granted under the penalty of twenty Shillings.

Every Person Licensed to keep an Ordinary shall always be provided of strong and wholesome Beer, of four bushels of malt, at the least to a Hogshead which he shall not Sell at above two pence the quart under the penalty of twenty Shillings, for the first Offence, forty shillings for the Second, and loss of his Licence, It is permitted to any to Sell Beer out of Doores at a penny the Ale quart or under.

No licensed Person shall suffer any to Drink excessively or at unseasonable hours after Nine of the Clock at night in or about any their houses upon penalty of two shillings six pence for every Offence if Complaint and prooffe be made thereof.

If any quarrel or disorder doth arise from intemperate persons within their house, the Person so licensed for not immediately Signifying the same to the Constable, or one Overseer at the Least, who are Authorized to cause the peace to be kept, shall for every such neglect forfeit Tenne Shillings and every person found Drunk in or about any of their houses shall forfeit two shillings Six pence, And for being the Author or accessory of the breach of the Pence and disorder or for Tipling at unseasonable hours shall forfeit ten Shillings and for want of payment or in case they be Servants and neglect their Masters

occasions They shall be sent to the Stocks one hour at the least, It shall be lawfull notwithstanding for all Licenced Persons to Entertain Land Travellers or Seafaring men in the night season when they Come on shore or from their Journey for their necessary refreshment or toward their preparation for their Voyage or Journey, And also all Strangers, Lodgers or other Persons may freely Continue in such Houses, when their Lawfull Occasions and business doth require, Provided there be no disorder amongst them.

Every Person so Licenced for the Entertainment of strangers with their Horses, shall provide one or more Enclosure for Summer Hay and Provender for winter with convenient stable room, And attendance; upon Penalty of two Shillings Sixpence for every days default, and double Damage to the party thereby wronged.

No Licenced Person shall unreasonably exact upon his Guest for any sort of entertainment, and no man shall be compelled to pay above eight pence a Meale, with small Beer only unless the Guest shall make other agreement with the person so licenced.

No Licence shall be granted by any two Justices in Sessions for above the terme of one year, but every person so Licenced before the expiration of the said Terme shall and are hereby enjoyned to repair to the sessions of that Jurisdiction for renewing their Several Licenses for which they shall pay to the Clarke of the Sessions two Shillings Six pence, or else they shall forfeit five pounds as unlicenced persons.

All Offences committed against this law, shall be determined by the Constable with two or more of the Overseers, who are impowered to Collect and receive the Severall fines or distrayne in Case of non-payment rendring accompt thereof as is else where required.

INDIANS.

No Purchase of lands from Indians After the first day of March, 1604, shall be Esteemed a good Title without leave first had and obtained from the Governour and after leave so obtained, The Purchasers shall bring the Sachem and right owner of such Lands before the Governoure to acknowledge satisfaction and payment for the said Lands whereupon they shall have a grant from the Governoure And the Purchase so made and prosecuted is to be entered upon record in the Office & from that time to be valid to all intents and purposes.

All injuries done to the Indians of what nature whatsoever shall upon their Complaint and prooffe thereof in any Court have speedy redress gratis, against any Christian in as full and Ample manner, (with reasonable allowance for damage), as if the Case had been betwixt Christian & Christian.

No person shall sell, give or Barter directly or indirectly any Gun or Guns, Powder, Bullet, shott, Lead nor any Vessel of Burthen, or Row Boate Canoes only excepted Without Licence first had and obtained under the Governours hand and Seal, to any Indian whatsoever, nor to any person Inhabiting out of this Government, nor shall amend or repair any Gun belonging to any Indian, nor shall Sell any armour or weapons, upon penalty of ten pounds for every Gun, Armour, weapon, Vessel, or Boat, so Sould given or Bartered, five pounds for every pound of powder, and forty Shillings for every pound of Shott or Lead and proportionably for any greater or lesser quantity.

No Person Shall from and after the first day of September 1665 Directly or Indirectly Trade with the Indians for any sort of furs without Licence first had from the Governoure which Licence is to be renewed every year at the Governours pleasure, or remained if he shall find just Exception.

No Person whatsoever from henceforth shall Sell, Truck, Barter, give or deliver any Strong Liquores to

any Indian directly or indirectly, whatsoever known by the name of Hum, Strong waters, Wine Brandy Spirrits or any other Strong Liquore under any other Name whatsoever; Under the Penalty of forty Shillings for one pint and Soo proportionately for greater or lesser quantities so Sould, Bartered, given or delivered as aforesaid, One third part of this penalty to be to the informer, Provided always that it is and shall be Lawfull by way of reliefe and Charity to any Indian in Case of sudden extremity sickness faintness or weariness to sell or give to such Indian or Indians the quantity of two drames and no more of any such Strong Liquors as are aforementioned Provided also that the Governoure by Licence may Authorize any person or persons to sell any or all Such Strong Liquores to Indians upon Security taken from the person Licenced for his or their good behaviour.

In all Places within this Government the English and all others shall keep their Cattle from destroying the Indians Corne in any ground where they have- right to plant and if any of their Corne be destroyed for want of fencing the Towne shall make Satisfaction, and shall have power amongst themselves to lay the Charge where the Occation of the Damage did arise.

Provided that the Indians shall make prooffe the Cattle of such a Towne fame or Person did the Damage And for the Indians Encouragement towards the fencing in their Corn fields, such Townes farmers or Persons where Cattle may annoy them that way shall Direct, Assist and help them in felling of trees riving and Sharpening Rayles and holing of Poasts; allowing one English man to three or more Indians and shall also draw the fencing into place for them, and allow one man a day or two towards the setting up of the same, And either sell or lend them Tooles to finish it Provided that such Indians shall fence their Cornefields or Ground att their own Charge, And if any Indians shall refuse to fence their Corne Grounds (being tendred help as aforesaid,) in the presents and hearing of Sufficent witnesses They shall keep of all Cattle or loose their Damage.

And if any harme be done at any time by the Indians unto the English in their Cattle, The Gouvernour or Deputy Governour with two of the Councill, or any Court of Sessions or Assises may order Satisfaction according to Law and Justice.

No Indian whatsoever shall at any time be Suffered to Powaw or performe outward worship to the Devil in any Towne within this Government.

JURORS AND JURYES.

That the Clarke of the Sessions sh all in Convenient time before the Sitting of the Court give a Certificate to the Sheriffe or under Sheriff of what and how many Causes are entered for their hearing the next Sessions to the end the Sheriff or under Sheriff may (and are hereby required) Immediately to Issue forth warrants to the Constable of the Severall Townes of the Jurisdiction of the Court or Jurymen proportionable to the Causes with regard to the equality of the number from each Town and according to the warrant The Constable shall warn so many of the Overseers to attend as Jurymen and return their names to the under Sheriff, And if such Number of Jury men so required, prove not Sufficent for Carrying on the business with dispatch to the Sessions The Justices may require the Sheriffe or under Sheriffe, to Supply their number with so many able and discreet men as shall either attend the Court upon other occations, or shall happen to be Inhabitants of the Towne where the Court shall be held.

All Juryes so Chosen shall be Empanelled and Sworn truly to try between party and party and shall find the matter of fact, with the Damages and Costs according to the Evidence; where upon the Justices in the absence of other Superior Officers, shall pronounce the sentence directing the Jury in point of Law, and if there bee matter of apparent equity upon the forfeiture of an Obligation, breach of Covenant without damage or the like, the Bench shall determine such matters of equity.

Every Juryman shall be allowed three Shillings Six pence per Diem for the Charges of their Attendance out of the fees and profits arising in each Court where they do Service, or by the Country if those fall Short.

No Jury shall exceed the number of Seaven nor be under Six unless in Special Causes upon Life and Death, The Justices shall thinke fitt to Appoint twelve.

In all Cases wherein the Law is obscure, so as the Jury cannot be Satisfied therein. They have Liberty to present a special verdict (viz) If the Law be so in such a point, We find for the Plaintiffe. but if the Law be otherwise, We find for the Defendant, In which Case the determination doth properly belong to the Court, And all Juryes shall have liberty in matter of fact, if they cannot finde the maine Issue, yet to find and present in their verdict so much as they Can.

Whensoever any Jury or Jurores are not Clear in their Judgements concerning any Case, they shall have liberty to open Court (but not otherwise) to advice with any particular man upon the Bench, or any other whom they shall think fitt to Resolve and direct them before they give in their verdict.

The Verdict shall bee given in by ye foreman of ye Jury.

A Verdict shall be so esteemed, when the Major part of the Jury is agreed, and the Minor shall be concluded by the Major without allowance of any protest by any of them to the Contrary; Except in Case of Life and Death where the whole Jury is to be unanimous in their Verdict .

The Bench is briefly to sume up the Evidence by way of Information to the jury.

To be Father, Brother, Uncle, Nephew or Cousen German to the party or Parties Concerned, shall be a Lawful Exemption against a Jurore before he be Sworn & not after.

Any one that shall presume to reveale the dissenting votes of a Jury or Arbitration, shall forfeit ten Shillings for the first offences and for farther breach of this Law The neit Court of Sessions, or Assizes shall impose a greater fine on the Offender according to the Meritts of the Cause.

JUSTICE OF PEACE.

The Justices of the Peace or Sheriffe or either of them shall have Power to Issue out writts or warrants according to the nature of the Plaint.

The Warrants of any Justice of the Peace, shall be of force and is to be Executed by any inferiour Officer in any of the Ridings, as fully and Effectually, as if the Justice were an Inhabitant within that Riding, Provided always that the Plaintiffe, or Cause of Plaint do arise within the Riding where the Justice doth dwell. The like rule is to be observed in Hue and Cryes.

The eldest Justice of Peace in the absence of the Governor Deputy Governoure or Some one of the Councill shall pronounce the Decrees or Sentence of the Court, Except in Case of Natural Imperfections, or agreement amongst the Justices themselves, it be otherwise determined to any other Person of them, In neither of which Cases the Justice shall Refuse to do his Office, or Enter his desent to the prejudice of the Court.

Any Justice of the Peace, may if he please, or see cause for it Preside as Cheife in any of the Towne Meetings within the Jurisdiction where he dwells.

LANDS.

All Lands and heritages within this Government shall be free from all fines and Licences, upon Alienation and from all Heriotts, Wardships Liveryes Premier Seizins year day and wast, Escheats, and forfeitures upon the Death of Parents or Auncestors Natural, unnatural, Casuall, or judiciall, and that for ever (Cases of high treason only Excepted.)

To the end all former Purchasers may be ascertained to the present possessor or right owner They shall bring in their former Grants, and take out new pattents for the same from the present Governoure in the behalfe of his Royall Highness the Duke of Yorke.

All Purchaseres of implanted Lands shall of their Cost and Charge, Cause a Survey and Draught thereof to be made within one year after such Purchases and deliver the Same into the Office of Records, whereby the bounds and Limits thereof may bee justly distinguished, and if the purchasors shall not within three years after the Survey plant Seat or Inhabit upon the said purchase they shall forfeit their Right, Title, and Interest therein.

Every Purchasor in acknowledgment of the propriety of such Lands belonging to his Royal Highness James Duke of Yorke, shall upon Sealing of the Pattent Pay unto the Governoure So much as they shall agree upon; Not exceeding for every hundred Acres.

And upon the Seating of a Towne two Towne Lotts shall be reserved by the Purchaser to the use of the Gouvernoure (Gratis) to dispose of to such as he shall thinke fitt.

LAWES. In regard it is almost impossible to provide Sufficent Lawea in all Cases, or proper Punishments for all Crimes the Court of Sessions shall not take further Cognizance of any Case or Crimes, whereof there is not provition made in some Lawes but to remit the Case or Crime, with the Due Examination and proof to the Next Court of Assizes where matters of Equity shall be decided, or Punishment awarded according to the discretion of the Bench and not Contrary to the known Lawes of England.

LYING AND FALSE NEWES.

Every Person of age of discretion which shall be reputed of fourteen years or upwards, who shall wittingly and willingly forge or Publish false newes whereof no Certain Anther nor Authentique letter out of any part of Europe can be produced, whereby the minds of People are frequently disquieted or exasperated in relation to publique Affairs, or particular Persons injured in their good names and Credits by such Common deceites and abuses Upon due prooffe made by Sufficent witnesses before the Governour or any Court of Sessions the Person so offending in ordinary Cases shall for the first offence be fined ten shillings, for the second offence twenty shillings and for the third offence forty Shillings and if the party be unable; to pay the same he shall be Sett in the Stocks so longe, or publicely whipt with so many stripes as the Governor or any Court of Sessions shall think fitt not exceeding forty stripes; or four houres Sitting in the Stocks, and for the fourth offence he shall be bound to his good behaviour, paying Cost or Service to the Informer and witnesses, such as shall be judged reasonable sattisfaction, But in Cases of high nature and publique Concernes, the fine or punishment, shall be increast according to the discretion of the Governor and Council onely.

MARRIAGES.

Whereas by the Law of England no Marriage is Lawfully Consummated without a Minister whose office it is to join the parties in Matrimony after the Banes thrice published in the Church or a Lycence first had and obtained from some person thereunto Authorized, All which formality cannot be duly practiced in

these parts.

Yet to the end that a decent rule therein may be preserved It is Ordained that from henceforth the names and surnames of each Party who sue for Marriage, shall be Publicly read in their Parish Church or place of usuall Meeting, where they both then Inhabit three severall Lords days successively.

And where no Church or Meeting place shall happen to bee, a publication in writing shall be first fourteen Days before Marriage upon three doors of each parish whereof the partyes Inhabit (vizt) one on the Constables the other two upon any two Doors of the Overseers of the Parrish Unless they produce a Lycence from the Governour in both which Cases, and not otherwise, it shall be Lawfull for any Minister or for any Justice of Peace to joyne the Parties in Marriage, Provided that the said Partyes do purge themselves by Oath before the Minister or Justice that they are not under the Bonds of Matrimony to any other Person Living, and if it shall be after proved, that either both of the Parties are perjured, and thereby attained a Double Marriage for the said perjury the party or parties offending shall bee boared through the tongue with a red hot Iron and moreover proceeded against as in Case of Adultery is provided; But if either Party be approved Innocent as to him or her Self and Ignorant of the others wicked fraud the innocent Person shall recover damage against the nocent; and be sett at Liberty as if no such Marriage had been made.

No man shall harbour, conceal or detain Contrary to the concent of the Husband any Married woman, upon penalty of five Shillings for every hour that such Married woman remains under his Roof; after demand made by her Husband at the Dwelling house where his wife is harboured concealed or detained.

Provided always that any woman flying from the barbarous Cruelty of Her Husband to the House of the Constable or one of the Overseers of the same Parish; may be protected by them in the manner as is Directed for Servants in such Cases and not otherwise.

IN WHAT CASES IT SHALL NOT BEE PUNISHABLE TO RE MARRY.

If either the man or woman shall be Convicted to have falsified their Oath to the Justices of Peace or Minister the other is free to Marry.

If Sufficient Certificates be brought from any forraigne parts agreeing with allowable Circumstances that the man or the woman are dead, the time, place, and manner specified under the hand and Seal of some Creditable person and known Magistrate the other is free.

If either the man or woman Travelling by sea or Land into any forraign Parts, which voyage by Common computation may be perfected in one years time or Less or in few days, of whom no Certain knowledge or news shall be had within five years after his or her departure nor of any that accompanied him or her in the voyage it may be justly presumed such Person is Dead, and after the expiration of five Compleat years the other is free to Marry.

Provided always that if either the man or the woman shall at any time after the Expiration of five years Returne and bring full Testimony that hee or shee have divers waves endeavoured by writings or Messages to make known to his wife, or her Husband, that Shee or hee were then living, or that they were by Imprisonment or Bond Slavery with the Turks or other Heathen, Lawfully hindered from giving such information It shall and may be lawfull for the said man or woman to Challenge his or her premarriage, and obtain an order for their Cohabiting as formerly, but if neither shall sue for such an order, They may by mutuall agreement Enter a Release to each other in the office of Records, and both remain free from their former obligations The father onely of the Children as are begotten in Lawfull

Marriage is to provide for such Children as shall be adjudged in the Court of Assizes only.

If any man shall hereafter presume to Marry contrary to these Lawes prescribed the Person offending shall be proceeded against as for Adultery or fornication according to Evidence the Children so begotten shall be Reputed Bastards, And the Parents Suffer such paines and penalties by fines or Punishment as they have deserved.

If any Justice of Peace or Minister shall presume to Marry any Daughter, Maid or Servant; without the known Consent of the Parents (if any be living) or the known Consent of the Master or Dame of the Servant, or any other Person who have not been thrice asked in the Church or usuall meeting place or otherwise Legally published, or without a special Licence for his so doing, under the hand and Seal of the Governour, The Justice or Minister shall forfeit twenty pounds, and be put out of his office.

MASTERS SERVANTS AND LABOURER.

No Servant either Male or Female shall either give, sell or Truck any Commodity whatsoever, durezza the time of their Senice, under the penalty of fine or Corporal punishment, by warrant under the hands of two Justices of the Peace as the Offence shall merit, And whatsoever Person shall either Buy, receive or Truck with any such Servant Contrary to this Law they shall be compelled to restore the said Commodities to the Master of such Servants or Servant, and forfeit the double value thereof to the poor of the Parrish where they shall Inhabit.

All Labourers and Servants shall work in their Callings being thereunto required, the whole day, the Master or Dame allowing them convenient time for food and rest.

If any servant shall run away from their Master or Dame or any other Inhabitants shall privily convey them away or upon Suspicion of such their evil Intentions Every Justice of the Peace or any Constable with two Overseers where no Justice is at hand Have power to press Men, Horses, Boats, or Pinnaces, at the Publique Charge, to pursue such Persons, both by Sea and Land and to bring them back by force of Armes, to Clear themselves of such Crimes or Suspition thereof. Every Officer to be kept in Constant fitness for present Service, with a good sword bandoleers or horne or worne a Scowerer a priming wire Shott Badge and Charger one pound of good powder, four pounds of Pistol bullets or twenty four bullets fitted to the gunne, four fathom of Serviceable Match for match lock gunn four good flints fitted for a fire lock gunn, And all Captains or Military, Officers are hereby required to give in or send an Accompt yearly, to the Governour and Councill how the Inhabitants are furnished and provided, That due Supply may be ordered.

No man shall refuse for Service or worke done, his Payment in Corne at the usual Rate, Provided that the Corne be Merchantable, Provided also that no Speciall agreement was before hand made for any perticuler payment if so then to be paid in the same Specie agreed upon or Consideration for default thereof by Arbitration.

If any Masters or Dames shall Tyrannically and Cruelly abuse their Servants, upon Complaint made by the Servant to the Constable and Overseers, they shall take Speedy redress therein, by Admonishing the Master or Dame not to provoke their Servants, And upon the Servants Second Complaint, of the like usage It shall be Lawful for the Constable and Overseers to protect and Sustaine such Servants in their Houses till due Order be taken for their Reliefe in the ensuing Sessions Provided that due Notice thereof be Speedily given to Such Masters or Dames, and the Cause why such Servants are Protected and Sustained, and in Case any Master or Dame by such Tyranny and Cruelty, and not Casually, shall smite out the Eye or Tooth of any such man or Maid Servant, or shall otherwise Maime or disfigure (hem such

Servants after due proof made shall be sett free from their Service, And have a further allowance and recompence as the Court of Sessions shall judge meet.

But in Case any Servant or Servants shall causelessly Complain against their Master or Dame If they cannot make proove of a just occation for such Complaints such Servants shall by the Justices of the Court of Sessions be enjoyned to serve three Months time extraordinary (Gratis) for every such undue Complaint.

No Servant, except such are duly so for life, shall be Assigned over to other Masters or Dames by themselves their Executors or Administrators for above the Space of one year, unless for good reasons offered; the Court of Sessions shall otherwise think fitt to order, In such Case the Assignment shall stand good Otherwise to be void in Law.

All Servants who have served Diligently; and faithfully to the benefit of their Masters or Dames five or Seaven yeares, shall not be Sent empty away, and if any have proved unfaithful or negligent in their Service, notwithstanding the good usage of their Masters, They shall not be dismist, till they have made satisfaction according to the Judgment of the Constable and Overseers of the parrish where they dwell.

MILITARY AFFAIRES.

For as much as the good Management of the Militia is the Support of all Governments in Peace and Safety, to which all Persons of what quality soever are obliged in duty & Conscience in their proportions to be Aiding and Assisting to this good end these following Lawes are to be observed.

1 First, that every Male Person above the age of sixteen years Except, Justices, [The word "high" here occurs in Roslyn copy.] Sheriffes, high Constables and under Sherriffe Petty Constable Ministers and professed Schoolmasters, Physicians and Chirurgeons, allowed of by two Justices, Clarkes of Assizes or Sessions Publique Notaries, Masters of Shippes or vessels above Twenty Tunns^ Constant heardsmen or such as !iave bodily Infirmitie or old age shall be excused by the Justices in any Sessions, as also one servant of each Justice or high Sheriff shall duely attend all Military Exercises and Service as Trayning watching and warding, when they are thereunto required and warned by their Officers under the penalty of five shillings for every Dayes default.

2 Every Town shall be provided of a Sufficent ware ['- ware" is "watch" in Roslyn copy.] house and a Safe convenient place thereunto Adjoyning for keeping Powder and Ammunition; under the penalty of ten Pounds and the Constable and Overseers shall provide and maintain for a General Stock to the use of the Town in Case of necessity, one Barrell of good Pouder, English weight one hundred and fifty Pounds of Muskett or Pistell Bullets Thirty Pounds of good Match; which they shall carefully renew from yeare to yeare, [" yeare to yeare" is "tyme to tyme" in Roslyn copy.] or time to time as shall be needful under the Penalty of five pounds, for The want of such proportions of Bullets, Pouder, or Match as beforementioned; And where there are Artillery forts or Batteryes in any Town, The Constable and Overseers shall Mount such Guns, and fitt them with Appurtenances for Service, and the Constable and Overseers are hereby authorized to Assess Levy or destrain upon the Inhabitants for building providing doing and maintaining the particulars before recited.

3 Besides the Generall stock of each Town Every Male within this Government from Sixteen to Sixty years of age, or not freed by public Allowance, shall if freeholders at their own, if sons or Servants at their Parents and Masters Charge and Cost, be furnished from time to time and so Continue well furnished with Armes and other Suitable provition hereafter mentioned: under the penalty of five Shillings for the least default therein Namely a good Serviceable Gun, allowed Sufficent by his Mili

4 That the Constable and Overseers shall in behalf of their Town present to the Governour three names of the most fitt persons in their Towne to be Captaine Lieutenant and Ensigne to whome the Governour shall Issue forth Commissions accordingly, unlesse hee have Sufficient Exceptions against either of them In which case the Constable and Overseers, shall proceed to a new Election, which is to bee by the plurality of voyces of the Soldiers. •

5 No man Elected into any Military Office, shall refuse to accept thereof, or discharge his trust therein under the penalty of five pounds whereof one half to be paid to the Governour and the other halfe to him that is chosen in his place, and accepts thereof.

6 The Captaine or Chiefe Military Officer in each Towne is impoured once in three Months at least every yeare or oftner if they see good, to take a Strickt view, how every man is furnished with Armes and Ammunition according to Law and where any are found faulty They are required to make presentments thereof to the Constable and Overseers of the said Towne, That the fines and penalties may by them from tyme to tyme be duely Levied, and if this view of Armes and Ammunition, shall at any time be neglected or the defects not duly presented, The Captaine or Chiefe Military Officer shall pay forty Shillings for his Neglect, which fine shall be Levied by the Constable and applyed to the maintenance of the Publique Stock of the Towne.

7 All fines for the Neglect of Townes or Captains and Chief Officers in Military affairs, shall be imposed by the Court of Sessions only and not otherwise, b"t for the neglect of particular persons by the Constable and Overseers.

8 Every Town within this Government shall have every year four Days of Trayning amongst themselves and there shall be also in each Ryding once in the yeare a General Trayning of all the Townes within that Jurisdiction which may take up three dayes time, the one in Coming to the place appointed, the next for the Trayning, and the third for every one to Returne to their Habitations.

8 There shall be likewise once in two years a General Trayning for all Souldiers within this Government, The time and place to be at the Nomination of the Governor.

In the Severall Traynings All Males above sixteen Years of age who are not freed from that Service, are to be taught and Instructed in the Comely handling and ready use of their Armes, in all postures of Warre to understand and attend all words of Command, And further To fitt ail Such as are or shall be in Some measure instructed for all Military Service, against there be occasion under the penalty of forty Shillings to be Leveyed upon the Military Officers, as upon Examination they shall be found more or less faulty and with respect to their place the greater trust paying the Greatest fine for neglect And the dayes to be appointed for private and Generall Traynings shall be at the most Convenient times of the Year for Traynings, but not within fourteen dayes one of another, Moreover every such Trayning Day the Major Generall or Chief Military Officer present shall cause the names of all the Souldiers to be read in the forenoone and in the afternoone also if hee see Cause And Whosoever in any Trayning day shall be totally absent, shall pay five Shillings for every such default, whoever shall at any time of the day withdraw himself from the Service without leave from the Chiefe Military Officer present hee shall pay either as for total absence, or a greater or less fine as the Offence considered in all Circumstances may require And whosoever shall come late, shall pay for each such default one Shilling & for any other disorderly offensive Cariage according to the Nature and measure of it Nor shall any Town suffer their Inhabitants to Neglect or grow Slight in a service of such importance And what fines shall be levyed by virtue of any neglect or Misdemeanor at the General Trayning of such Jurisdiction The Major General shall have the one third and the other Officers two thirds. [In the Roslyn copy the words "but what fines

shall [happen to be at the general trayning, for the who's governments two-thirds shall be payed to the Major Generall and [one-third to the officers," follow.]

9 All fines arising upon this accompt, and not exprest here,' [they shall be disposed of are to be Employed in the Buying ,Drumes, Colours, Haiberds and other necessary Charges relating to the Militia.

10 The Governor and Councill shall send warrants to the Major General, the Major General to the Captaines and Chief Officers, to draw their Severall Companies to a Certain place mentioned in the said warrants, allowing fourteen Dayes warnings in time of peace, But if at any time there shall happen within this Government any Forraigne Invation or any Publique attempt or annoyance from a Common Enemy, whether Christian or Pagan or other Insurrection or Rebellion against the Lawfull Authority In such Case the Governor by warrant to the Major Generall the Major Generall to the Sheriffe, the Sheriff to all Officers both Civill and Military shall Immediately despatch Orders Warrants or precepts to all other Persons whatsoever, that upon their utmost perills of fine and Imprisonment, by the Governor & Coomcell they nor any of them do fail to meet upon a Certaine day and place in the warrant to be expressed with their Armes and other Military provitions, where the Sheriffe in person is also to appear and attend there to receive further Order from the Governor and Council.

Match Locks accepted against omitted, which was the 11. [In the Roslyn copy the subdivision 11 is inserted as follows:

11 One-third of Every company of what number soever, shall consist, is to be trayned to use of a match locke muskitt which no man thereunto appoynted, by the Captaine shali refuse under the penalty of Twenty Shillings, but on the contrary shall appeare and Exercise with the same, at all traynings whatsoever; under the aforesaid penalty.]

12 The three Chiefe Officers of each Company have power to punish any Souldier or Souldiers that shall commit disorder or or Contempt upon any day or time of Military Exercise within their Towne or upon any watch or ward, by Stocks Riding wooden Horse or other Military punishments or by fine not exceeding ten Shillings or may Commit such offenders to the Constable, to be carried before some Justice of the peace who may bind him over to the next Court of Sessions, or Commit him to prison if the Cause so require.

13 Offences of Contempt or disorder at any General Trayning shall be heard and Adjudged by the Major General and the Captaines onely, who have power to double the fine or Treble the punishment upon the Offenders, though not to alter the manner which is directed to the Chiefe Military Officers in Towne Traynings.

14 If any person cannot procure Armes or Ammunition with such pay or meanes as hee hath, If hee bring to the Captaine so much Corne as by the apprizement of the said Captain and two other Indifferent men whereof one to be Chosen by the party, shall be adjudged of greater value by a fifth part, then such Armes and Ammunition is of hee shall be excused of the penalty for want of Armes untill hee be provided, and the Captaine shall Endeavoure to furnish him so soone as may be by Sale of such goods so deposited, rendring the Overplus to the party, But if any person shall not be able to provide himself Armes and Ammunition though meere poverty, if hee be Single he shall be put to Service by the Constable and Overseers of the place where he dwelleth, or they shall provide him Armes and Ammunition, and shall appoint him when and with whom to worke it out.

15 Upon any Expedition upon occasion of any Enemy or any present Military Service to be done, All Smiths and other needful workmen shall immediately repaire such Armes and other Necessaries as shall

be brought to them for that end, for which they shall not refuse such pay as the Country affords, upon the penalty of five pounds for every Such default, and for any Such Neglect at any time, other time more than ten dayes, shall forfeit for every such Offence ten Shillings.

10 No man shall be Compeld to bear Armes or wage war by sea or Land, without the bounds and limits of this Government, But from Defensive warrs noe man shall be exempted.

17 All defensive or vindictive Warrs upon Indyans shall be maintained by a Generall Assesment proportioned on each Towne according to the pay and Custome of England to Souldiers and half pay to Officers.

18 In respect of the mutuall, and Brotherly Assistance whicu wee ought at all times to Cherish and improve, for the helpe and Support of our English Neighbours in other his Majestyes Colonyes The Governour and Councill may at all tymes and in all places, by beat of Drum or otherwise, Call together list, raise Armes and send forth out of this Goverment [The words "to the releife of any other neighbour colonyes" here occur in Roslyn copy.] all such, or so many men as shall voluntarily present themselves to the Service whether Servants or freemen, with this distinction onely, that if any Servant making use of that pretext, to Escape from his Master, shall flee and absent himself from his Colours, and not returne, if Living with his Officers; such Servant so offending, shall be lyable To bee punished by Death, according to the dissipline of warre and the master of such Servants shall have reasonable satisfaction allowed him by the Governour for such Damage And to all Voluntary Souldiers so Levied, shall be Allowed one Moneth pay and made good by a Generall Assessment proportioned to each Towne, all further Charges are to bee defrayed by the Colony to whose Assistance they are Employed, And all Justices of Peace Sheriffs high Constables and other Officers are Im powered and required to Suppress and hinder all Levyes of Souldiers by beat of Drume or otherwise to be composed [" composed " is " compassed " in Roslyn copy.] But such as shall be Authorized by his Majesties immediate warrants, or the Governor and Councill here Established.

19 All inferior Military Officers shall punctually obey the Orders of their Superiors in their Marches Quarters, and watches without murmuring and repining under the penalty of being fined at the Discretion of the Major General and Captains, from whose Sentence no appeal shall bee made to any Inferiour Court, nor abatement granted, except by the Governor & Councill.

20 All souldiers shall bee respective to their Officers and Obedient to their Command in their Marchings Quarterings and watchings as well as Traynings, whilst they are required to attend the Service, under the penalty, (for their Disobedience in ordinary oocations) of five shillings but in Case of such Disobedience happen before the face of an Enemy; or when it is reasonably expected that an Enemy is at hand, to make an assault in such Cases the Officer or Officers shall commit such person or persons into Custody and at Convenient time either to Sentence the Offender to some grievous punishment by a Court Marshall, or remitt the Tryal thereof to the Court of Assizes who are impowered to hear, Examine and Determine the Cause and what fine or penalty that Court shall thinke to impose upon the offender.

21 If any man appointed to stand Centinell, shall bee found sleeping during that duty, whereby the lives of others are in Danger, hee shall pay forty Shillings or suffer other Military Punishment, but if hee shall come off from being Centinel, without being relieved hee shall forfeit five pounds.

22 Every man that absents himself from the watch without leave from his Officer, shall pay five Shillings, and with leave shall hire another; in his place, But if any man shall depart from the watch without leave of his Officers he shall forfeit ten Shillings or more, with other paines and penalties, according to the measure of the Danger that may ensue thereupon.

23 That no Troope of Horse shall exceed the Number of fifty Troopers besides officers (viz) A Captaine, a Lieutenant, A Cornet, a Quarter Master, three Corporals, which Officers and the private Troopers are to observe the same times for Muster and Exercise in Military discipline with all other Circumstances enjoyed upon the foot Officers and Souldiers respectively. Mutatis Mutandis as followeth.

24 Every Trooper listed in any Troope of Horse shall keepe and maintaine a good Horse Fitted with Sadie, bridle, Holsters, Pistolls or Carbine, and a good Sword under the penalty of ten Shillings for the least default.

Neither is it lawful for any Trooper to sell or Change his Horse without his Captaine's concent under ye penalty of five pounds.

And for non appearance upon dayes of Muster and Exercise ten Shillings a day.

Neither is it Lawfull for any listed Trooper to diiband himself, but with leave from his Captaine under the penalty of fifty Shillings.

All Officers both of Horse and foote shall from lime to time Obey their Superiour Officers in all things Relating to the Military affaires of this Government.

All other Penalties for defaults in other Officers or Souldiers of a Troope of Horse, shall bee the same and Levied in the same manner, and applied to such uses as are else where directed and Ordained in Relation to the foote Officers and Souldiers.

OFFICERS AND OFFICES.

All Sheriffs under Sheriffs or High Constables and Constables shall be Changed every yeare, only the under Sheriffes or high Constables, by Speciall warrant may continue in their Office.

Justices of the Peace are to continue in their Places dureing . [The words " their good behavior and " here occur in Roslyn copy.] the Governours pleasure.

Clarks of Courts, Cryers, and Marshalls, are to continue in their places dureing their good behaviour for breach of which they are punishable by the Loss of their places, and fine at the Discretion of the Court.

That the Governour and Councell may by Special warrant displace any Officer made or Chosen within this Government for Neglecting of his Office or other Notorious misdemeanor; and misbehaviour. In which Case the Counstable and Overseers of any Towne shall proceed to a new Election, to Supply the vacancy as if the said Officer were Dead, According to the Rules prescribed for Election of Town Officers.

OVERSEERS.

Overseers shall be eight in number, men of good fame and life, Chosen by the plurality of voyces of the freeholders in each Town, whereof foure shall remain in their Office two years Successively, and four shall be Changed for New ones every yeare, which Election shall preceed the Elections of Constables, in point of time, In regard the Constable for the yeare' ensuing, is to be Chosen out of that Number which are dismiss from their Office of Overseers.

The New Chosen Overseers are to bee presented by the old Constable, and Overseers, to bee Confirmed by the Justices of the Peace at the next Sessions ensuing by taking the Oath appointed for Overseers.

Any one Overseer upon any sudden and necessary occasion (the Constable being not at hand, or not in health to performe his Office) May take upon him the Authority of a Constable, Provided that he carry with him the staffe of the Office, which shall be a sufficient warrant to any such Overseer to Act by virtue thereof, and in his Majesties name as any Constable might or ought to do.

ORPHANTS.

That all Persons who now have or shall have any Estate of Goods, Chatties or Lands; in their possession, belonging to any that are under age shall exhibit an Inventory and Accompts of that said Estate within three Moneths next after Publication of this Law, to the respective Courts of Sessions where such Estate shall be and afterwards yearly; And in Case such Person or Persons who have such Estate, in their hands, do not at the time and place aforesaid present the Inventory and Accompts of such Estates as aforesaid; Then that the whole businesse be sent to the next Court of Assizes where the Offender shall be fined for Neglect of Exhibiting as aforesaid; and if any good Improvement hath not been made of the Estate; yet if it shall bethought Convenient to Continue it in the said Persons hands hee or they shall give better Caution and security or else it shall bee removed into the hands of some other able & discreet Person or Persons as the Court shall appoint upon the Cautions aforesaid.

PAYMENTS.

All Payments upon Contracts & Engagements shall bee Satisfied in kinde according to Convenant, Provided that in such Cases where payment in kinde according to Covenant is by Some inevitable accident hindred which could not be foreseen..

All just Damages may bee Satisfied, together with the Debt by Arbitration, but in no Case shall any Creditor be forced to relinquish his just pretence to bee Satisfied in kind according to his Covenant.

PIPE STAVES.

That the Constable and Overseers in all Townes within this Goverment where pipe Staves shall bee shipt, do from time to time as need shall require; Nominate two men of each Town, Skilfull in the Commodity, And such as can attend the service, to be viewers of Pipe Staves, who so chosen shall be by the Constable convented before some Justice of the Peace to be Sworn, diligently and faithfully to view & search all such Pipe Staves as are to be transported and to be used for making of right Caske who shall cast by all such as they shall judge uot Merchantable, both in respect of worme holes, and due Assize (viz) That are not in length four foote and a halfe in breadth three Inches and a halfe without sap, in thickness three quarters of an Inch, and not more or less than an eighth part of an Inch, then three-quarters of an Inch, well and even hewed and Sufficient for use, And they or Some one of them shall at all times upon request give attendance, and they shall enter into a Booke the Number of all such Merchantable Pipe Staves as they shall approve, and for whome, And if any man shall put aboard any ship or any other vessel, any Pipe Staves other than shall be so Searched and proved, to the end to be transported to any other place, Except they should be shipt for dry Caske, he shall forfeit the same whole percell or the vallue thereof, And the viewers shall be allowed two Shillings for every thousand of pipe Staves which they shall so Search; as well as the refues, as the Merchantable to bee paid by him that set them on work; And if any master or other Officer of any Ship or other vessel shall Receive into such Ship or Vessell any percell of pipe Staves to be Transported as aforesaid which shall not be Searched and allowed as Merchantable and so Certified by a noate under the hand of one of the said Viewers, Such Master shall forfeit for every thousand of Pipe Staves so unduely received five pounds, Except he can procure one of the said viewers to come on Board And Search such Staves, as they shall bee delivered into The shipp Provided Cast or refuse Staves, or other Red Oake Staves may be transported

into those parts which may be of good use for Dry Caske, so as the same bee Carried in distinct percells and not intermixt with Merchantable Staves. [In the Roslyn copy the title of "Pounds, Prisons and Stocks." post., is inserted here.]

POSSESSION.

Every Person or Persons that hath either himself, or by his Grantee or Assignee possess or Occupied any Lands or Houses as his or their owne proper right in fee Simple within this Government and shall so continue; whether in their owne Persons, their heirs or Assigns, or by any other Person or Persons, from, by, or under them in possession as aforesaid, without disturbance Let Suite or deniall Leagally made to such Lands, or Houses for the tearme of four yeares last past, and- shall so remaine without any Claime legally Entred against the possessour before the first day of September, which shall be in the year of our Lord 1665, Shall from and after the first day of September and for ever enjoy the same without any Lett, Suit disturbance or denial, any Claim or pretence of any Person or Persons to the Contrary notwithstanding Provided That it shall be Lawfull for any Person that shall find himself aggrieved herein to make his Appeale to his Majesty.

PUBLIQUE AFFAIRES.

Whereas this Government may in many Occations be disappointed of speedy and true Information of Publique Affairs out of England, as well as out of our Neighbours Colonyes To the remedy of such future inconveniencies, Every Constable to whom any letters shall come Directed to the Governour Attested on the Backe side the letter with the Name of one of his Majesties principall Secretaires of State, or with the name of any one of the Governours of any of his Majesties Colonyes of New England; or any Letters Sent from the Governour to the Sberiffe or any of the Justices of York shire upon Long Island and so Attested as abovesaid, shall be dispatcht by every such Constable within three hours at the furthest, after the receipt thereof to the next Constable and so forwards as the letter directs Upon the penalty of forty Shillings for every hours delay And in such cases all Constables are Impowered to Press a Sufficient horse and Man to that purpose Allowing for the Man .and Horse Satisfaction Six pence for each Miles travill which shall be discounted to each Constable in the Publique Kates.

PACKERS, CASKE AND COOPER GAGER.

That all Caske used for any Liquors fish, Beefe, Porke or other Commodities to be put to Sale shall be of London Assize and of Sound and well Seasoned Timber and that fitt Persons shall from time to time be appointed in all places needfull to Gage all such Vessels or Caske and such as shall be found of due Assize, shall be marked with the Gagers marke; who shall have foure pence per tunne; And every Cooper shall have a distinct brand marke on his owne Caske; upon the penalty of forfeiture of Twenty Shillings, And whosoever shall put to sale any new Caske being defective either in workmanship, Timber or Assize as aforesaid; upon due prooffe made thereof before any of the Country shall forfeit ten Shillings per Tunne and so proportionably for greater and lesser Caske; And because there may be no Neglect in the choyce of a Gager or Packer That Every Towne within this Jurisdiction; wherein any Caske are made, shall yearely make Choice of a fitt man for that Employment, who being preferod by the Constable withir one Moneth after the Choice made; before the next Justice of the peace, shall there take his oath belonging to his place, which if hee shall refuse hee shall pay the summe of forty Shillings and another shall be Chosen in his Roome, Also the Towne or Constable shall either of them suffer the Like penalty, for their Neglect of this order, Aud every Gager or Packer shall see that all Caske he Packs, Beefe, Porke, Mackerell, fish or other Goods, Committed to his Care, bee of true and full Assizes and that hee packe the same in no other Caske whatsoever, on the penalty of ten Shillings for every Caske by him Packed, that is or shall be defective in that respect, one halfe to the Informer, and the other halfe to

the Governour.

That in every Towne where any such goods are Packed up for Sale, the Gager or Packer of that Towne, or if the Towne where in it is put to Sale or Shipped shall see that it be well and orderly performed (viz) Beefe, and Porke the whole halfe or Quarter and so proportionally, that the best be not left out, and for fish that they be packed all of one kind, and all Caske see packed be full Sound and well Seasoned, Setting his Seal on all Caske so packed, and hee shall receive of the owner for so packing and Sealing four Shillings per Tunne, But if the Gager do but only view them, and find them good and Sufficent, he shall sett his Seal on them, and have one Shilling per Tunne, for so doing, and if such Goods so packed shall be put to Sale without the Gagers Marke, hee shall forfeit the said goods that so put them to Sale, the one halfe to the Informer the other halfe to the Governour.

POUNDS, PRISONS & STOCKS.

Every Towne shall at their charge provide a paire of Stockes for offenders, and a pound for the impounding of Cattle; and Prisons and Pillories are likewise to be provided in these Towns where the Severall Courts of Sessions are to be holden.

PUBLICKE CHARGES.

That every Inhabitant within this Government shall Contribute to all charges, both in Church and Coloney; whereof he doth or may receive benefit, and every such Inhabitant that doth not voluntarily Contribute proportionably to his Ability, with the rest of the same Towne to all Common Charges both Civil and Ecclesiasticall, shall be compelled thereunto by Assessment and Distress to be Levied by the Constable as in other cases, and that the Lands and Estates of all Men wherever they Dwell shall be Rated for all Town Charges, both Civill and Ecclesiasticall (as aforesaid) where the Lands and Estates, shall Lye, and their Person where they Dwell.

That the high Sheriff, for the time being shall from yeare to yeare after the first day of June 1665 send forth his warrants to the Constable of every Towne; within this Jurisdiction, requiring the Constable to call together the Overseers of the Towne, who shall within four Moneths after the said first day of June, make a List of all the Male Persons in the same Town, from Sixteen years old and upwards, and a true Estimation of all personall and Reall Estates, being, (or reputed to bee,) the estates of all and Every Persons in the same Towne or otherwise under their Custody or Management according to Just valuation, and to what Persons the same belong whether in their owne Towne, or other where, so near as they Can by all Lawfull meanes and wayes, which they may use (viz) of warre Houses, Lands of all sorts as well unbroken up as others Except such as Doth or shall Lye common for free feed of Cattle to the use of the Inhabitants in Generall whether belonging to Townes in General or perticuler Persons, but not to be kept or hearded upon to the Damage of the Proprietors, Mills, Shipps, and all small vessels, Merchantable Goods, Cranes, wharfs and all sorts of Cattle, and all other known Estate whatsoever, as also all visible Estate either at Sea, or on Shoar, all which Persons and Estates are by the said Constable and Overseers to be Assessed and Rated as here followeth (viz) Every Person aforesaid, Except such as by Law are Excepted eighteen pounds, and for a more Certaine Rule in rating of Cattle, Every Cow of four years old and upward shall be vallewed at five pounds, Every Heyfer and Steere between three and four years old, at four pounds and between two & three, at fifty Shillings, and between one and two years old thirty Shillings, Every Oxe and Bull of four years old [The words "and upwards" here occur in Roslyn copy.] at six pounds, Every Horse and Mare of four years old and upward at twelve pounds, of three years old Eight pounds, between two and three years old five pounds of one year old three pounds, Every Sheep of one year old Six Shillings eight pence Every Goat above one year old Eight Shillings, Every Swine above one year old twenty Shillings; And all Cattle of all sorts under a year old are hereby

exempted as also all Hay and Corne in the Husbandmans hands, because all Meadow, Arable Ground, and Cattle are Rateable as aforesaid, That such Persons as are disinr.bled by Sickness Lameness or other infirmities, shall be exempted and for such Children, and Servants as take not wages, their Parents and Masters shall pay for them but such as take wages shall pay for themselves.

That the Constable of each Towne da bring into the high Bheriffe fairly writen the just Numbers of all Males Listed as aforesaid, the Assessments of Estates, made in their Beverall Townes, according to the Rules & directions expressed and that the said high Sheriffe shall duly and carefully Examine all the said Lists and Assessments of the Severall Townes and shall Correct and perfect the same according to the true intent hereof, and the same so perfected to Transmitt under his hand, before the Expiration of his Office, to the Governour.

That every one shall pay their Rate to the Constable of the Towne where he shall be Assessed, nor shall any land or estate be Rated in any other Towne, but where the same shall lye, is or was improved to the owners; reputed owners or other propriators, use or behoof, if it be within this Government, and for all peculiars (viz) such Places as are not yet layd within the Bounds of Any Towne, The said person with the [The word "same" here occurs in Roslyn copy, and the words "said person with the" preceding are omitted.] Lands with the Persons and Estates thereupon shall bee Assessed by the Rates of the Towne next unto it; the measure or Estimation shall be By the Distance of the Meeting House.

And if any of the Constables and Overseers or high Sheriffe shall willingly Neglect or faile to performe the Trust Committed to them in not making Correcting perfecting or Transmitting the said Lists or Assessments according to the true Intent of this Law Every Such Offender shall be fined forty Shillings for every such Offence or so much as the Country shall be damnified thereby, so as it Exceed not forty Shillings for one offence Provided that such Offence be Complained of and prosecuted in due Course of Law, within Six Moneths That upon all distress to be taken for any of the Rates or Assessments aforesaid the Constable shall distraine Goods or Chatties if they may be had and if no Goods, then Lands or Houses If neither Goods nor Lands can be had within the Towne where such distress are to be taken, Then upon such returns to the High Sheriffe, he shall give warrant to Attach the Body of such person to be carried to prison there to be kept till the next Court of Sessions Except they put in Security for their Appearance there or that payment be made in the moan time.

That the Prices of all sorts of Corne to be Received upon any Rates shall be such as is already appointed and that all Towne Rates shall be made after the same manner and by the same rule as the country rate, That if any Constable shall not have gathered his Rates or Levies Committed to his charge by the high Sheriffe then being, dureing the time of his Office, That he shall notwithstanding the expiration of his Office have power to Levy by distress all such Rates and Levies, And if he bring them not into the former high Sheriffe according to his warrant The said High Sheriffe shall distraine the said Constables Goods for the same, And if the high Sheriffe shall not so distraine the Constable hee shall be Answerable for the same.

And if the Constable be not able to make payment it shall be lawfull for the High Sheriffe old or New respectively to distraine any man or men of that towne where the Constable were unable, for all Arrearages of Levies and that man or men upon Peticion to the Court of Assizes, shall have Order to Collect the same againe equally of the Towne, with just damage for the same.

That the Constable shall appoint a day and place and give reasonable warning to the Inhabitants to bring in their proportions upon which every man so warned, shall duely attend to bring in his Rate, or upon neglect thereof shall forfeit two pence in the Shilling for what he falls short, and the said Constable shall have Authority hereby to distress the delinquents, or be accomptable themselves for the Rates and

penalties so neglected by them.

That all the plantations within this Government after the publication hereof, shall be fully Comprehended in this Law.

RECORDS.

All Records of Bargaines and Sale, or any other Conveyances Administrations or Probates of will within the North and West Riding, shall be Transmitted to the Office at New Yorke, with the fees Ordained for the Records, within one Moneth after the Record shall be made in the Courts, If in the East Riding within two Moneths.

SAYLERS. To prevent many miscarriages which are frequently committed by Saylers, by their immoderate Drinking and other vaine expences in Ordinaryes, whereby the Master and Owners of the vessels to which they belong may be prejudised, by Arresting and detaining such Saviors for Debts when their Shipp are ready to sett Sayle, No Victuallers, Innkeepers, or other Sellers of Wine, Beare or other Strong Liquors shall after the first day of March, 1664, Arrest, Attach or recover by Law any Debt or Debts to bee made by any Sayler or Saylers in Pay and whose dwellings are not within this Jurisdiction Except the Master or Owner of such Shipp or Vessell to whom such Saylers belong, have given under his hand to Discharge the same.

SHERIFFE.

The high Sheriffe shall have power to issue forth any writte or warrant according to the Nature of the plaint:

That the High Sheriffe may if he please or see cause for it preside as Chieffe in any of the meetings of that Towne where hee dwells.

That the High Sheriffe shall have the nomination of the Marshall in each Riding, and is to take Security from them.

Each Riding shall have their Turne in haveing a Sheriffe Chosen within their Jurisdiction Successively And the Justice in the last Sessions before the Expiration of the Office of the then Sheriffe, shall present to the Governour, in writing, the names of three persons within their Jurisdiction, out of which the Governour may make Choice of one to be Sheriffe for the Yeare ensuing.

TOWNSHIPS.

Whereas in perticuler Townes many things do arise, which concerne onely themselves, and the well Ordering their Affairs, as the disposing, Planting, Building and the like, of their owne Lands and woods, granting of Lotts, Election of Officers, Assessing of Rates with many other matters of a prudentiall Nature, tending to the Peace and good Government of the Respective Townes the Constable by and with the Consent of five at least, of the Overseers for the time being, have power to Ordaine such or so many peculier Constitutions as are Necessary to the welfare and Improvement of their Towne; Provided they bee not of a Criminall Nature, And that the Penalties Exceed not Twenty Shillings for one Offence, and that they be not Repugnant to the publique Lawes; And if any Inhabitant shall neglect or refuse to observe them The Constable and Overseers shall have power to Levie such fines by distress.

If any man shall behave himselfe offensively at the Towne meeting towards and before the Constable and Overseers they shall have power to Sentence him for such offences, the penalty not exceeding

twenty Shillings, Provided alwayes that every such peculier Constitution be confirmed by the Court of Sessions, within foure Moneths after the making thereof, Otherwise to bee voide and of none effect.

Whereas it is formerly Exprest, That small Causes shall be Arbitrated in Townes; It is to bee understood That the Constable and Overseers in theire Towne Court are first to take Cognizance, if under the value, and then to proceed either to Judgement, if the Case bee Cleare, or propose Arbitration, if above the value.

VOTES.

All votes in the private affaires of Particular Townes shall be given and Determined by the Inhabitants freeholders, Householders, and in matters Committed to Arbitration, or att Sessions, either as to Juryes in all Cases or to Justices on the Bench, where the Law is not Cleare shall bee Carried by the Major part of the Suffrages, The minor to be concluded by the vote of the Major. [The words "plurality of voices" here occur in Roslyn copy.]

WEIGHTS AND MEASURES. That the high Constable in each Riding shall provide at the Publique charge Severall Standards of weight and Measures, which shall be sealed with a Common seale appointed for that purpose, that they may be uniform aud Certaine (viz) for weights a Sett of Brasse weights to four pounds with the less weights included according to the Averdupois pound, consisting of Sixteene Ounces, with a good Beam fitt to weigh and try them for Corne measures That there be one Bushel one Peck, and one halfe Pecke to be fitted to winchester Measure in England; and Measures for Liquids as the Ale quart Wine quart, wine Pint, and halfe Pinte, And that there be one Ell, and one yard, that all and each may be according to the General Custome of England; And in Goods sould by the Hundreds weight five score and twelve to bee allowed Except in Navies sould by the hundred to which Six Score is to be allowed to the hundred, And in goods sould by the Elle and yeard one Thumbs breadth be allowed to the Length of the Elle and yeard, and the High Constable is to take Cognizance, that the Constable and Overseers of every respective Towne do also provide at their Townes Charge the like weights and Measures Suitable to the Standard and the Constable and Overseers shall Choose some fitt man in each Towne to be Sealer of such weights and measures; which man so Chosen, they shall present to the next Court of Sessions And theire to be Sworne to the faithfull discharge of his duty And hee shall have power to send forth his warrants by the Constable to all the Inhabitants of their Towne, to bring in all such weights and measures as they make use of, once every year at such time and place as he shall appoint and then to fitt them to the standard aforementioned, and marke them with the Town mark And the Sealer shall have for every weight and measure from the owners thereof two pence at the first Sealing, and for viewing and resealing them yearly after one penny. And all such weights and Measures as cannot bee brought to their just standard he shall deface or destroy them; And if any high Constable, Overseers or Sealer shall Neglect his or their Duty and trust he or they shall pay as a fine to the Town forty Shillings, And every person that after due notice given shall Neglect to bring in his weights and Measures, he shall pay three Shillings four pence for every such default, the one half to the Sealer the other to the Towne, And if at any time any Person within this Government shall buy or sell by any false or unallowed weight or Measure to the Damage of his neighbors, he shall forfeit (besides Correction) Treble the value to the Towne.

WITNESSES.

No man or woman shall be put to Death, without the Testimony of two or more witnesses, the Confession of the Party, or other Equivalent Circumstances.

In all Causes (whether Civill or Criminall but not Capital) property falling under the Cognizance of a Constable and Overseer, it shall bee lawfull for the Constable to require and take the Oath of any witness above the age of fourteen years and of Sound understanding and make a record thereof, that if any Court of Assizes or Sessions, shall at any time make a review of such Cause, the evidence Also may Appeare.

Every Witness, in any Action may require as due to him from the Party at whose Suite hee appears two Shillings for every Daves attendance, but unless a witness bee Served with a Subpena to give in Testimony, it is his Choice to appear or not but after a Subpena Served, he shall have onely eighteen pence per Diem.

It is always to be understood That the Party Delinquent or Cast, whether in Civill or Criminall Cases, shall pay all Charges of what kind soever which arise from the prosecution

WOLVES.

If any Person either Christian or Indian, shall at any time bring the head of a Wolfe or Wolves to any Constable upon Long Island, the said Constable is required to Call two of the Overseers to him and then and their to pay and Satisfie such person or Persons to the value of an Indian Coat; to be allowed out of the publique Charge in the Towne Rate Provided alwayes that the Constable and Overseers shall require the Oath of such Christians, that bring the head of a wolfe or wolves, that he killed the said wolfe or wolves, with the time and Circumstances and upon Long Island only. Provided also that the Constable and Overseers have due regard to such wolfe or wolves brought by the Indians, that they appear to be fresh and newly killed, with Circumstances that they are killed upon Long Island and not else where; The Constable and Overseers are to cause the heads to be nayled over the doore of the Constable their to remain, as also to Cut of both the Eares in token that the head is bought and paid for.

WRECKS OF THE SEA.

If any shipp or vessel belonging either to friend or Enemy shall at any time Suffer Shippwrack upon any of the Coasts of Government There shall no violence or wrong be offered or done to their Persons, or Goods; but their Persons shall bee harboured and relieved, their Goods preserved from spoile and Embezzlement, And all Justices of the Peace, Mayers Sherriffes, high Constables, Petty Constables, and Overseers, are Strictly Charged and required to be vigilant therein and upon notice of any such ill accident within their precincts, to repaire to the place and give good Order therein for the reliefe of the persons and Security of the Goods, untill notice thereof be given to the Governour and Councill who will proceed therein According to the law of England and Cause full Satisfaction to be given to such as have Employed their time and Labour to the preservation of the persons and Goods.

[The following paragraph is not in the Roslyn copy.] The goods of friends are by Warrant from the Governour and Councill to be restored to the Owners, if any Canne be found or knowne.

Also any whale or such like great fish cast upon the Shoare of any precinct, shall be taken into the Care of any of the Officers above mentioned to bee kept, or improved where it cannot be Kept, and by such Officers onely, untill the Governour and Councill (after notice sent) shall give further Order therein.

And the Acknowledgement which shall be received for Whales, or such Like great fishe Cast upon the shoare of any precincts shall be the fifteenth Gallon of Oil.

WARRANTS, SPECIALL WARRANTS AND SPECIALL LICENCES. All writings warranted or Licenced under the Governour his hand and Seale, shall be esteemed and Observed as Speciall Warrants,

Licences to all Intents and purposes.

OATHES.

Whereas you are Chosen and appointed by the Governour and Councell, Established under his Royall Highness the Duke of Yorke to be a Justice of the Peace over the Jurisdiction of the W, N, E, Riding of yorkshire upon Long Island, You do Swear by the Everliving God, that you will truly Endeavour, to the best of your Skill, with a good Conscience and according to the Lawes of this Governont, Dispence Justice Equally and Impartially in all Cases and to all persons whereunto by virtue at your Office you are impowered. So help you God.

Whereas you are Chosen and appointed by the Governour and Councell, Established under his Royall Highness the Duke of Yorke to be High Sheriffe for this present year, 166—. Over Yorkeshire you do Swear by the Everliving God, that you will discharge the Trust reposed in you, with a good Conscience and diligence and without partiality to Persons, you will by your Selfe or your Sufficient Deputy Issue forth all such writs, Serve Attachments, Executions, Judgments as properly belong to your Office, and punctually observe all warrants to you directed from any Court or Superior Authority of this Government, you will from time to time Call the high Constable of each Riding to an Accompt for all fines. Levies, Assessments and all other publike Moneys in their hands, and returne the names of such as fail in their Duty to the Governour and Councell using your best Endeavour for the Collecting and bringing the said Sumes to Ihe Governour and Councell at New York, you will also render yearly a true Accompt and make good payment thereof, And will in all things behave yourselfe according to the quality of your Office, and the trust reposed in you So help you God.

Whereas you are Nominated and Confirmed by the Governour & Councell under his Royal Highness the Duke of York, in the Office of high Constable within the Jurisdiction of N, W, E, Riding of Yorkeshire upon Long Island, you do Swear by the Ever living God, That you will discharge the trust reposed in you, with a good Conscience and diligence in all things whereunto you are empowered by Law; you will fully execute and perforate all manner of writts Summons, warrants, or the like, which shall be to you directed from the Governour and Councell, the Justices of the Peace within this Riding or the high Sheriffe of Yorkeshire, you will diligently and truly take the accompts from each petty Constable and them deliver to the high Sheriffe with the name of the Constable or Constables as Shall fail in their Office in not Collecting and bringing to you such sum or sums as are due to the publike, within their Respective Townes So help you God.

Whereas you are Chosen in your Towne, and Confirmed by the Justices of the peace of the East Riding to be Constable of East Hampton Towne for one year, and untill another bee Sworn in your place, you do Swear by the Everliving God That you will carefully endeavour the preserving of the peace and the discovery and prevention of all Attempts against the same you will duly Execute all Speciall warrants which shall be sent unto you from the Governour and Councell Established under his Royal highness the Duke of York and faithfully Execute all such warrants and Orders of what nature soever from the Courts Established by Law with your utmost care and diligence Impartially you will faithfully and With what speed you Can Levy all such fines Rates and Smnes of Money, due to the publike, in such moneys or Goods valuable for which you shall have Sufficient warrant; rendering accompt thereof and the defaults to the high Constables and with like faithfullness, speed and Diligence will serve all Attachments Executions, distresses in private Causes, Betwixt party and party according to the Sentences of Court, and make returns thereof duely where they are returnable into the same Court, And further you will frequently, Advise and Counsel with, and when any difference ariseth, within your Towne and limits by small Actions or otherwise as is by law appointed, you will Assemble a convenient Number of the

Overseers of the Towne and Limits to sitt as a Towne Court, for the Hearing, determination or Composing all matters pertaining to your Cognizance. And in all things behave your selfe, as becomes the Office of a Constable and your duty to the Lawes of this Government, So help you God.

Whereas you are Chosen and appointed an Overseer in the Towne of Southampton you do Sweare by the Everliving God that, that you will faithfully and diligently discharge the trust reposed in you, in Relation to the publique and Towne affaires, according to present Lawes Established, without favour affection or partiallity to any Person or Cause which shall fall under your Cognizance as an overseer, And at time, when you shall bee required by your Superiours to Attend the private differences of Neighbours, you will Endeavor to reconcile them, And in all Causes Conscientiously and according to the best of your Judgment deliver your voyce in the Towne meetings of Constable and Overseers So Help you God.

You do Sweare by the Everliving God; That you will Conscientiously deliver your Verdict in the Cause, between A, B, and C, D. in this Court; According to the Evidence given you, and the Lawes of this Government, So help you God.

You do Sweare by the Everliving God; That you will Conscientiously try and truly deliver your verdict Between our Sovereigne Lord the King, and the Prisoner att the Barre According to your Evidence, and the Lawes of this Government, So help you God.

You do sweare by the Everliving God, that the evidence you shall give into this Court, Concerning the Cause or Person now in question, shall be the truth, the whole truth, and nothing but the truth; So help me God,

Whereas you are Chosen Apprizer of such Goods Lands Houses or Catties which are now under your Consideration you do here Sweare by the Everliving God, That all partiality, prejudice, or any Sinister respects laid aside; you will Apprize the same, and every part thereof according to the true value thereof at the prise now Currant according to your best Judgment and Conscience So help you God.

Whereaa you are Chosen and appointed Marshall for this Jurisdiction; you do Sweare by the Everliving God to be time and faithfull in your Office, not to suffer wittingly or willingly any Prisoner committed to your Charge to Escape, nor to sett any Prisoner at Liberty without a Legal l warrant for his deliverance, as also that you will not exact Extravagant prices, but conform your Selfe to the Rates allowed for the Lodging and dyat of Prisoners without fraud or corruption So help you God.

Whereas you are Chosen and appointed viewer of pipe staves, within the Towne of you do Sweare by the Everliving God, that at all convenient times whilst you shall be in place, or shall be required to Execute your Office you will duely and diligently attend the same and without favour Affection or Corruption Sort all Pipe Staves presented to you rejecting such as are not Merchantable, and make a true entry thereof according to Law, So help you God.

You do sweare by the name of the Everliving God that in the office of a Surveyor, you will according to the best of your skill and abilitys, diligently and faithfully discharge the trust Committed to you, without fraud or corruption So help you God.

You do Sweare by the name of the Everliving God That in the Office of a publique Notary, you shall demeane your Selfe diligently and faithfully, according to the duty of your Office, And in all writings, Instruments and Articles that you are to give Testamony unto, when you shall bee required; you shall performe the same truly and sincerely according to the nature thereof without delay or Covin, And you shall Enter and keep a true Regester of all such things as belong to your Office So help you God.

Whereas you A, B, are Chosen Packer of Beefe. Porke and other things for the Towne of you do hereby Swear by the name of the Everliving God, that you will well and truely Pack all Beefe, Porke and other things when you shall be thereunto required, you shall Pack no kinde of Goods but such as are good and Sound nor any Goods in any Caske, that is not of a Just and full Gage; you shall also sett your particular marke upon all Caske Packed by you; And in all things proper to the place of a packer you shall faithfully discharge the same from time to time, according to your best Judgment and Conscience, So help you God.

You being Admitted of the Councill of the Gouvernour under his Royall Highness the Duke of Yorke within these Territoryes Comprehended in his Majesties Letters Patents, do Swear that you will to the best of your Judgment, and at all times freely give your advice to the Governour for the good Management of the Publique Affairs of this Government, and that you will not Reveale directly nor Indirectly such matters as shall be debated in Councill, or committed to your Secrecy but will in all things be a true and faithful Councillour when jou are thereunto required, So help you God.

PRECEDENTS AND FORMES.

To (A, B,) of C, Carpenter, you are required to appeare at the next Court holden at D, on the..... Day of the Moneth of..... next ensuing, to answer the Complaint of E: F: for withholding a debt ofDue upon a Bond or Bill, or for two Hoifers and Sould unto you by him, or for worke, or for a Trespasse done him in his Corne or Hay, by your Cattle or for a Slander you have done him in his Name or for striking him or the like, and hereof you are not to fail at your perill; Dated the day of the Moneth, and the year of our Lord.

To the Justices, high Sheriffe, under Sheriffe high Constable, Constable of (B), or their Deputyes you are required to attach the Body and Goods of (G. H,) and to take Bond of him to the value of with sufficient Surety or Suretyes for his appearance at the next Court holden at (S,) on the day of the Moneth of Then and there to Answer the Complaint of (T. M.)

[The words "for Attachment" here occur in Roslyn copy.] &c. as before and to make a true Returne thereof under your hand Dated the Day &c.

Know all men by these presents that we (A. B,) of C yeoman, and (O. P,) of the same Carpenters do bind ourselves, our heires and Executors to (R. F,) high Sheriffe or (M. O,) Constable of D: aforesaid &c. in pounds upon Condition that the said (A. B,) shall personally Appeare at the Next Court of S to Answer (L. M,) in an Action of and to abide the Order of the Court therein, And not to depart without Lycence.

The Justice, high Sheriffe, under Sheriffe high Constable Constable of or their Deputyes you are hereby required to Replevin three Heifers of (T. P,) now distreined or Impounded by (A B,) and to deliver them to the said (T. P,) Provided he give Bond to the value of with Sufficient Surety or Sureties, to Prosecute his Replevin at the next Court, holden at B, and so from Court to Court till the Cause bee ended and to pay such Cost and Damages, as the said (A. B,) shall recover by Law against him, and So make a true returne thereof under your hand Dated: &c.

[The markes for horses are omitted from Roslyn copy.]

The Markes for Horses of Every Towne upon Long Island.

A East Hampton

K West Chester.

B Southampton

L New Towne

C Southold	M Bushwick
D Seatacott	N Brookland
E Huntington	O Flat Bush
F Oyster Bay	P Flat Land
G Hempsteed	Q Utricht
H Jamaica	R Gravesend
I Flushing	

FINIS.

[The following recommendations are not in Roslyn copy.]

HAVING received Information that at ye late Sessions held in the Severall Ridings of Yorkshire upon Long Island divers inconveniences were found in some particular Lawes and other things needful to be incerted therein have beene omitted; I have thought fitt to Send unto you these following Amendments and additions which you may Communicate for the present to the Severall Towns within your riding and at the Assizes they may receive further Confirmation or alteration as shall be found most Expedient.

I do recommend unto you that to prevent the trouble of to frequent holding of towne Courts, a Court may be held in each respective Towne at some Convenient certain tyme either once in two three or four weekes as you shall Judge most fitt; And if any one shall desire to Call a Court any other tyme that he pay for the trouble and charges thereof as it shall be reasonably adjudged by the Court.

That henceforth the payment of the Jurymen and witnesses who shall attend the Court of Sessions or Assizes be from the tyme of their going from home to their returne, That a witness shall be allowed 2s, per diem where he gave in his evidence voluntarily or being served by subpoena. That the general trayninge appointed for the townes of the East riding (In regard of their distance) be respited till further order.

That the Towne of Huntington and Oyster bay (though of several ridings) may joyne in Compleating their Company of foote, but the Captain and Lieutenant are not both to be of the same Towne.

That in regard of the distance of the Inhabitants of North Sea from the towne of Southampton (to which it doth belong) there be a deputy Constable appoynted with power to keep his Majesties peace and to execute such warrants and orders as hee shall receive from his Superiors.

That In regard the Condition of distracted persons may prove of publique Concerne, and for that it is to greate a burthen for one Towne allone to beare, It may bee taken into Consideration at the Assizes whether the other townes of that riding ought not to Contribute to the Charge, and as Care may then be taken therein for the future so some way of Satisfaction may be thought on for extraordinary trouble past; upon the like account.

That noe fine ought to be imposed or levied on a persons Estate who is not in his sences, And whereas a fine hath binn levied upon one of the Inhabitants of East Hampton who is in a distracted Condition which fine was formerly ordered by Mr. Winthroppe to be returned, The Justices or the officers of the Towne are to take Care the said order be performed.

That the Constable of each Towne During his office may furnish the Indians with such quantity of powder as may be thought necessary for their killing of wolves and provisions, And also may permit them to have their gunnes mended the said Constable giving an account of what is so furnished and permitted by him to the Indians at the next Sessions.

That the peculier Lawes and Constitutions of sundry townes within your Riding which are now allowed to be of force amongst them (as well such as were made before the publique Lawes were declared as since) be brought in at the next Assizes there to receive Confirmacon or alteracon or amendment.

That for the greater ease of the Constables of the East Riding in the execution of their Office (their Townes lieinge so remote one from another) the said Constables may be excused of their attendance at the Sessions, Provided one of the Overseers from each Towne who shall be nominated of the Jury do give attendance in his place with the Staffe of the Constable.

That whereas it is ordered in the Laws that noe man shall sell a less quantity of Liquors than a Quarter Cask without a Licence &c: It is to be understood that noe man is hereby hindered for buying for his own private use any quantity of Liquors provided he do not sell by retaile without a Licence.

That whosoever (being duly elected) shall refuse to serve as an Overseer shall pay the same fine as is appointed for a Constable refusing to serve in his office.

That Whosoever shall be nominated to serve in a Jury without Just Cause shoven shall refuse it he shall forfeit twenty shillings towards the defraying publique Charge which is to be Levied by the Constable.

That if any person within this Government shall commit burglary by breaking up any dwelling house or shall robb any person in the field or hiewayes the person offending shall for the first offence be branded on the forehead for the Second offence he shall be branded as before and Severely whipped and for the third offence he shall be put to Death.

If any person shall robbe any orchard or Garden or shall steal away any linnen Woollen or other goods left without dores he shall pay treable Damages or be whipped.

If any one shall steal from another any Coyne, goods, or Chattels to the value of ten shillings or upwards he shall be whiped or pay such a fine as the Court shall Judge to sattisfie all Damages with Costs and Charges of Court, and it Is also left to the Discretion of the Court to appoint smaller matters or punishments for smaller offences of that kind.

That the Constable by warrant from a justice of the peace may make search in any house or place suspected both for the offender and the goods stolen, and whosoever having his goods stolen shall privately receive them and shall not legally prosecute the offender he shall forfeit to the publique use the goods received or the value.

RICHARD NICOLLS.