
DUKE OF YORKE'S
BOOK OF LAWS.

INTRODUCED SEPTEMBER 22, 1676.



House of York.

*LAWES

Establisht by the Authority of his Majesties Letters patents, granted to his Royall Highnes James Duke of Yorke and Albany; Bearing Date the 19th Day of March in the Sixteenth year of the Raigne of our Sovereigne Lord Kinge Charles the Second.

Digested into one Volume for the publicke use of the Territoryes in America under the Government of his Royall Highnesse.

Collected out of the Severall Lawes now in force in his Majesties American Colonyes and Plantations.

Published March the 1st Anno Domini 1664 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 April 1664.

Absence.

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

Absence from sessions, how punished.

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.

Trial of actions.

All actions of Debt or Trespasse under the 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 therof by the Constable shall choose three other indifferent persons; who are to meet at the Dissenters charge from the first Arbi-

Arbitrations.

* See Appendix for ordinance introducing these laws on the Delaware.

- tration and both plaintiffe and Defendant are to be concluded by the award of the persons so chosen by the Justice.
- Compensation of constables.** In all differances under five pounds not triable in Courts, the Constable is to have one shilling for naming Arbitrators to whom if the Difference be refered, they shall have two shillings six pence each.
- And of arbitrators.** 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.
- Loss of action to plaintiff.** If any Person shall pretend his Debt or trespass 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 lose his action and pay the Defendant Cost.
- Trial of actions of certain value.** All actions or Cases from the Value of five pounds to Twenty pounds, shall be tryed at the Sessions within that Jurisdiction from whence there is to be no appeal unless the debt appear to be above that summe of twenty pounds, or where there is a dubiousness in the expression of the Law, Which doubt made by one, if it tend to the Causeless vexation of y^e other Party; the other Person so offending shall pay all the charges.
- Actions of assault and battery, &c.** 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:
- Renewal of suits without cause.** Any Person renewing his Suit or Petition or Review Causcless 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.
- False damages.** Any Person falsly pretending great damages & Debts to vex his Adversary; shall pay trible Damage.
- Non-suits.** 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.
- Entry and filing of actions and declarations.** All Actions of the Plaintiffe; with his declaration shall be entered and filed in the Clarke's office eight Days before the Day of hearing, to the end that the Defendant may (if he please) take a Coppy 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 and remaine in the hands of the Clarke.
- Settlement of actions.** Where an Action hath been once entered for proses 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 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 the 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 therebe or if any such refuse to be present, It shall be lawful 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 & forty hours after, he is to deliver in writing & upon Oath his full knowledge, to the next Justice of the Peace and the said Justice of y^e peace is impowered to send out warrants to take Security against any embezelment or disposal of y^e said Estate under any pretence whatsoever, until the next Court of Sessions where all Cases of Administration within that Liberty shall be Adjudged.

Duty of constable and overseers of parish, upon death of a person.

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 Claymes of any Such Relations afore mentioned, if it be made appear upon Oath to the Court, within one Year and Sixweeks.

Estates of intestates to escheat to king.

That no Administration be granted untill the third sessions after the parties decease, except to the Widdow 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 harmeless, And in case the widow or Child do Administer the Estate shall be Inventoryed and Apprisement made by four 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 fitt 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 descendant, and paid according to the priority of Law and the Surplusage remaining, if any, to be delivered to the next kinsman of the descendant, if he appears or if none prove himself such within one year and six week, Then the Court to give an accompt of the 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 there are no Sonnes the daughters shall Inherit as Copartners, and if any of the Children shall hap-

Granting of administration.

Inventories and appraisements.

Sale and division of estates.

pen to dye before it come to age his portion shall be divided amongst the Surviving Children.

Administrators
to give security.

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 party 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 Administratores 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.

Administrators
de bonis non.

Executors and
administrators
individually li-
able for debts of
decedent, in cer-
tain cases.

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 that 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.

Duty of constable
on renunciation
of executorship,
or failure of
friends to admin-
ister.

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.

Duties of clerk of
sessions.

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 Parrish 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.

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

Amercements.

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

Imposition and collection of fines and amerocments.

That all fines and Amercements 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 Sherriffe eight days before the next Assizes.

Appearance.

It shall be lawful for the plaintiffe or Defendant to take out Subpencs from the Sherriffe 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 Sessions 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 forsee nor avoid Provided also that this Law shall not prejudice any person of his Just cost and Damage in Civill Actions.

Right to subpoena witnesses.

Punishment for non-appearance.

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 giving 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 Judgment; but to abate or increase Damages as shall be Judged Right.

Appeals, how determined and judged.

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.

Appellants to give security.

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 Goale till the next Assizes and then prosecuted and tryed Accordingly.

Appeals in criminal cases.

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

To be recorded.

Reasons to be given, and returned to court.

Neglect to prosecute appeals. 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 Copies 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.

How appeals to be made. 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 & above two Shillings Six pence to the Clark for entering the Appeal.

Costs.

Apprisement of Goods.

Appraisements regulated.

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 the peace, to Apprise such Goods indifferently and his Umpirage to be final. 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 Authentickly proved, if Occation Require.

Arrest.

No arrests to be made upon certain days.

That no Sheriff nor other officer shall Execute any writt or warrent 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 publique ser-

vice or upon Compulsion upon Complaint and Examination of the matter by oath, shall be freed from any Arrest during their occasions so long as the Court sits. Freedom from arrest.

All arrests, writs, warrants and proclamations are to be in his Majesties Name. Style of writs, &c.

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. Arrests for debt.

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. Arrests in suits between two persons residing in same town.

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 discretion 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 Plaintiff or Defendant. Arrests to prevent persons from testifying.

Any person under arrest except in cases not bailable 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. Persons arrested may give bail.

No mans person shall be longer imprisoned for Debt or fine than he can find Securityes 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 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. To be discharged on bail given.

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 then 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 Conscaling 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. Imprisonment for debt.

Assessments.

All assessments shall be made by the Constable and the Eight Overseers of the Parrish proportionable to the Estate of the Inhabitants in the Town or parrish where such As- How assessments to be made.

assessments is to be made, and every Inhabitant who shall not Contribute proportionably to the Rate so Assessed, shall be compelled thereunto by Attachment or distress of Goods to be Leveyed by the Constable provided that no man shall be assessed for any Estate Reall or personall which lyeth not within the same Town or Parrish where he is Assessed.

Justices of the peace exempted.

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

To be certified to sessions.

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

Absence or death of overseers.

In case of the necessary or Casual absence of one two or more of the Overseers when the Assessments or other Dutyes are 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 during 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, defined.

Assaults are made either by Blowes offering of hurtful blowes, or at least by threatening & 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.

Punishment of servants for assaulting their masters.

A servant or Labourer convicted by Confession or two witnesses for Assaulting his Master Dame or Overseer 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 Ajudge Saving life and Member.

Use of force to resist assaults.

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.

Right to issue summons or attachment.

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.

Notice to be given.

That in all attachments of Goods and Chatties or of Lands and hereditaments Legal notice shall be given to the party, or Left in writing at his house or place of usuall aboad, otherwise the Suite shall not procede 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

Entry of 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 Judgment within one year or such further time as the Court shall Limitt.

Execution.

That no summons pleading Judgment or any kind of proceedings in Court, or Courts of Justice shall be abated Arrested or Reverst 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 Inclusively 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.

Reversal of proceedings for mistakes.

When a person at liberty to appear or not.

That all Original processe whether Summons or Attachment shall expres in whose name the party Sucth, whether in his own name or as an Executor of the last will & testament of such a man, or Administrator of the goods & Chattle of such a man, or the 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.

How original process to be issued.

Attorney.

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

Justices not to act as attorneys.

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 own Case shall request the Court to Assign him the High Sheriffe under Sheriff high Constable petty Constable or Clark to plead for him it shall be Lawfull 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 Concerne their said Employers.

Nor sheriffs, constables, or clerks of courts.

Exceptions.

Assizes.

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

When court of assizes to be held.

Vpon information from any Court of Sessions to the Governour and Councill of any Capitall Offender, unless the Court of Assizes shall happen, to be within two Months time after such Information; The Governour and Councill shall Issue forth a Commission of Oyer and Terminer for the more Speedy Trial of such Offender.

Speedy trial of capital offences.

Bayle.

- Ball, defined.** 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.
- Delivery to sureties.** The person Bayled is to be delivered into his Suretyes hands.
- Discharge of sureties.** If the sureties shall afterwards doubt the Escape of the prisoner Bayled; a Justice of Peace upon prayer may discharge the Sureties and Commit the party to prison until he find other Security such as the Justice shall except.
- Negligent escape.** To Bayle one not Baylable, is a negligent Escape in the Justice.
- Bailing contrary to law.** 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.

Barratry.

- Power of court to punish barrators.** 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.

- Punishment for taking ballast without authority.** 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 Six-pence 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.
- And for casting out same in harbors.**

Bill.

- Assignments of debts due upon 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.

- Bond slavery prohibited.** 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 have or shall by any Indenture or Covenant take Apprentices for Terme of Years, or or other Servants for Term of years or Life.
- Exceptions.**

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 of February and at the charge of each particular Town upon the penalty of five pounds for every Town that shall neglect the same.

Bounds of towns, to be set out.

Renewal of marks.

If any particular Town lott or Lands lying in Common with others shall refuse to go 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.

Refusal to go the bounds between lands.

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 unskillfulness 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, then such as Employed them, until 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.

Surveys.

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 Mistery 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 unwholsome & useless for their supply, either through the insufficiency of the Mault or Brewing or unwholsome Cask the Person wronged thereby, shall be and is hereby enabled to recover equal and Sufficient damage by Action against that Person that put the Beer to Sale.

Brewers to be skilled in the art.

Sale of unwholsome beer.

Births Marriages & Burials to be Registered.

The Names and Surnames of every Inhabitant within the Several Parrishes within this Government shall be Registered, and to prevent future inconveniences which may arise about the age of Orphants, The Certaine Marriage of Men and Women or the decease of 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

Registry of marriages, births, and deaths.

well and truly and plainly Record all Births Marriages and Burials that shall happen within his 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. 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.

Burials, regulated.

Whereas the private Burial of Servants and others give occasion of much Scandal against divers persons and So divers times not undeservedly of being guilty of their Death from which if the person Suspected 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 than such of the family as by nearness of Relation, as being Husband Wife or Child are unwilling or Servants, are fearfull to discover it, if Murder were Committed, for remedy 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 publique places of Burial, and before the Corps be Buryed there shall be three or four of the neighbours Called, of which one shall be one of the Overseers of the parish, 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 intered in the Burial place of some other parish.

Capital Lawes.

Denial of true God, punishment for.

Murder.

Slaying defenseless with sword.

Killing by lying in wait.

Buggery.

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 wo-

man, they shall be put to Death, unless the one party were **Sodomy.**
 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 **Kidnapping.**
 mankind; He shall be put to death.

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

9. If any man shall Traitorously deny his Majestyes right **Treason.**
 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, **Invasion and sur-**
 attempt to invade or Surprise any Town or Towns, Fort or **prise of towns**
 Forts, within this Government, He shall be put to Death. **and forts.**

11. If any Child or Children, above sixteen years of age, **Smiting father or**
 and of Sufficient understanding, shall smite their Natural **mother.**
 Father or Mother, unless thereunto provoked and forct for
 their selfe preservation from Death or Mayming, at the Com-
 plaint 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.

Cattle Corn Fields Fences.

Every Person interested in the improvement of Common **Fencing, improv-**
 fields inclosed for Corn or other Necessary use shall from **ing, and preserv-**
 time to time, make and keep his part of the fence Sufficiently **ing of fields.**
 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 no-
 tice given to the Constable and Overseers of the Town they
 shall appoint a Convenient time to hear and order such dif-
 ferences, and Settle a due way of fencing improving and
 preserving such fields and the fruits of them, And whoso-
 ever shall Oppose or transgress shall be lyable to all damage
 proved to grow thereby and to such further fine for breach
 of order as the Overseers shall Judge meet.

And the said Constable and Overseers shall from year to **Fence viewers.**
 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 Suf- **Neglect to make**
 ficiently Repaired, he or they shall forthwith upon the de- **repairs.**
 mand 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 de-

fects, 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 Damages, by the Owners or Occupiers of the said insufficient fence or fences.

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

Security from cattle by fencing. 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.

Line fences. And where one man shall improve before his neighbour & 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.

Non liability for damages in certain cases.

Cattle and swine to be marked. 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.

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

Impounding of unmarked swine and cattle. 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 and 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. Sale when no owner found.

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 them upon his own ground, within Sufficent fences all his own or put and keep upon each of them such shakles and fetters or yoakes and Rings as may Sufficently from time to time Restraine them and prevent trespass or shall pay all Damage and 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. Cattle prohibited from running at large, unless shackled.

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. Damages.

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. Constables' fees.

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. Cost of keeping to be paid.

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. Granting of replevin by constable.

Causes.

That all causes shall be heard and tryed according to their Rates of payment of causes.

Hearing and trial of causes. priority of entrance, and if it shall happen that the Justices have Leasure and can dispatch the Causes 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.

Preamble.

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 observed in every parish (Viz.)

Church to be built in each parish.

1. That in each Parish within this Government a church be built in the most Convenient part thereof, Capable to receive and accommodate two Hundred Persons.

Overseers and church wardens.

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 Householders 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.

Oath of allegiance to be taken.

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 Overseer and Constable of the parish, besides the Oath of his office.

Ministers to produce testimonials.

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 Governour, 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 Testimouy 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 householders.

Duties of ministers.

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 Imprison-

Punishment for disturbing congregations.

ment 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 benift 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. Administration of sacrament of Lord's Supper.

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. Baptisms.

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. Marriages.

9. Sundays are not to be prophaned by Travellers, Labourers or vicious Persons. Profanation of Sundays.

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 differing in Judgment in matters of Religion who profess Christianity. Disturbance of religious meetings.

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

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 evidences concerning the same, and the refusers shall be Lyable to be fined at the Sessions. Duties of church wardens.

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 Assignment to his or their Satisfaction. Payment of public charges.

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

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 Instruction of children and servants.

Punishment for disobedience.

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 Stuborne 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 call before them Such an Offender, and to Inflict such Corporall punishment as the merrit of their fact in their Judgment shall deserve, not excepting ten Stripes, provided that such Children and Servants be of Sixteen years of age.

Chirurgions, Midwives, Physicians.

Practice of professions of surgery, midwifery, and medicine.

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 mystery 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 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 punishment as the nature Of the fault may deserve, which Law nevertheless is not intended to discourage any from all Lawful use of their skill but rather to encourage and direct them in the right use thereof, and to inhibit and restrain the presumptuous arogancy of such as through Confidence of their own skill, or any sinister Respect, dare boundly 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.

Courts.

Court of sessions.

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 begining Continuing and proceeding in the said Court.

When to begin.

The Courts 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 be entered 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 &c: And in the year of our Lord God 1664 present.

Style of court, and opening same.

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 whilst 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 thy Action gainst C. D. or else thou wilt be non Suited. And the Plaintiffe putting in his Declaration, the Cryer shall Call for the Defendant.

Calling plaintiff.

Calling for the Defendant.

C. D; come forth and save thee and thy Bayle, or else thou wilt forfeit thy Rocognizance.

Calling defendant.

For proceeding in the said Court

Warrants to be Issued by the Clerk.

Whosoever 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.

Speaking in derogation of court, punishment for.

Constable.

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.

Duties and powers of constables.

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 Peace is near, Every Constable shall have full power, to make Sign and put forth pursutes 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 places and those to Apprehend and keep in Safe Custody till opportunity Serves to bring them before the Next Justice of the peace 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 Offendor 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 prosecuting Hue and Cryes by foot 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 impowered to press Boats or Carts: for the 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 fines and Amerciaments 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 of the freeholders in each Town; that is to say one of the four Overseers, into 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 ensu-

Punishment for refusing to assist constables.

Badges of office.

Punishment for refusing to raise hue and cry.

Right to take bail.

Accounts for fines and amerce-ments.

Election of constables.

ing there to be Confirmed by the Justices of the peace by taking the oath appointed for Constables.

Conveyances, Deeds & 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 seal, Unless the said Deed be Acknowledged and Recorded according to Law.

Requisites of a conveyance of real estate.

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 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 Inhabitation of a Town.

How conveyances of estates of inheritance to be expressed.

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

Deeds illegally obtained.

All Covenants 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.

Fraudulent alienations.

That after the time aforesaid no Mortgage Bargain Sale or Grant made of any Houses, Lands Rents 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 acknowledge 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 Government or else where 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, unless he shall

Acknowledgment and recording of deeds.

Acknowledge the same, and the Grantee is to enter his Caution with the Clerk of the Court of Sessions and this shall save his Interest 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 Clerk of every Court of Sessions shall enter all such Grants, Bargains, Sales, and Mortgages of Houses Lands, Rents and Heriditaments as aforesaid together with the estates of the Granter and Grantee; things and Estates granted, together with the Date thereof.

Councell.

**Powers of coun-
cill:**

Any Person who shall be sworn of the Councell 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.

**Execution and
burial of con-
demned.**

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 Persons Executed shall be buried near the place of Execution.

Defamation.

**Defamatory ac-
tions.**

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 non-suited and because offences of this Nature may be Speedily Determined any Justice of 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.

**Forfeiture of
dower.**

If any Woman shall Causelesly absent herself from her Husband of which he shall make Complaint to the Court of Sessions If upon certaine 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 Days and Days of Thanks givin To be Observed.

**Certain days of
fasting and
thanksgiving to
be observed.**

Whereas by 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	Fees of justices of the peace.
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 Subpœna 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 y ^e Bench.		
The Justices Charges are to be bourne, both at the Sessions and Assizes out of the fines and Amerciaments.		

Fees of Petty Constables.

	S. D.	
For Collecting of the Assessments Amercements and fines and paying them into the high Constable per pound	1 0	Petty constables.
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 Original or Capitall Offenders but are to be done ex officio.		

Fees for the High Constable and under Sheriffe.

	S. D.	
For receiving the Assessments Amercements & fines from the petty Constable and paying them into the Sheriffe per pound	0 6	High constables and under sheriffs.
For every Judgment in Court or Virdict	1 0	
For the Summoning and Empannelling a Jury	0 4	

Fees of the Sheriffe.

	S. D.	
The Sheriff shall have of the Plaintiffe upon all Arrests whether by Bill Writ or warrant	1 8	Sheriffs.
Vpon every Execution that shall be Served if under one Hundred pounds for each pound	1 0	

	S. D.
For what shall be above one Hundred pounds for each pound	0 6
For receiving the Assessments Amercements and fines from the high Constable & paying them into the Treasury per pound	0 6
For going into Prison	1 6
For whipping	2 6
For pillory	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	}

For Fees of the Clarke of the Court of Sessions Who is also Clarke of the writts.

	S. D.
Fees of clerk of court of sessions. For entering every Action for Tryall	2 6
For entering and recording a bargain and Sale of Lands or Houses Inventories or Conveyances if under 24 lynes	2 6
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 Accomptable their	2 6
For entering a Judgment of Court	3 0
For entering an execution	1 6
For Entering an Order of the Court	1 0
For the Coppy	1 0
For Entering an Attachment	1 6
For Entering A Deposition	1 0
For Entering A Petition	0 6
For Entering A Certificate	1 0
For the Entering and Recording of any other business (orphants excepted) for the first and Second pages	2 6
For every page more	0 6
For licences to Innkeepers and Victuallers	2 6

The Fees of the Clerk of Assizes.

Clerk 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 Clerk of the Assizes or the Clerk of the writts 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.

	S. D.
Fees for 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

S. D.
For the Copy of an Appeal and Causes 2 6

Fees for the Cryer of the Court.

S. D. Fees of court
For Calling the Jury for each Cause 1 0 orior.
For swearing every witness 0 4
For A non Suit 1 0
For non appearance of witnesses upon Subpeane . 0 4
For every verdict 0 4

Fees for the Marchall.

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

S. D.
For every verdict brought in while the Court sits, 0 6
If the Jury Stay together all Night before delivery } 2 6
of the Virdict }

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 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 his 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 enjoyning Marriage, fine or Corporal punishment, or any of those According to the discretion of the Court. Fornication, punishment for.

Forgery.

If any Person or Persons whatsoever 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 Several 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. Forgery.

Fires 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 con- Arson.

vinced by prooffe or Confession of the Crime he shall 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 Cattles to the party or parties damni- fied according to the good Discretion of the Bench.

Firing woods,
commons, &c.

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 Neighboures, 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.

Runaway ap-
prentices and ser-
vants, provisions
relative to.

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 Transporta- tion 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 enter- tain any such Apprentice or Servant, knowing that he hath absented himself from his Service, upon due proof thereof shall forfeit to the Master or Dame ten shillings for every Days entertainment or Concealment.

Transporting
and carrying
away debtors,
without licence.

If any Master of Shippe or vessell shall Transport or carry away any freeman whether Merchant or housholder 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 Mer- chant or Housholder do return again into this Government, and Appears to Answer in Court within the space of Six Months after such absence.

Horses and Mares.

Towns to have a
branding .ren.

Also, owners of
horses

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 distin- guishing mark, that one mans Horses may be known from anothers.

Register of
brands, to be ap-
pointed.

His duties.

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 wheter 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 duely observe this Order at his perill.

Compensation.

And when any Horse Mare or Colt is to be Sould 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.

Horses about to be sold, to be branded.

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.

Evidence of ownership, to be required.

No mares 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 Shipt for Transportation.

Mares not to be transported to other countries, without license.

To Prevent the frequent abuse of Selling and killing other Mens Horses or Cattle, whereby the true owner Seldome or 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 Buies; which Horse, Mare, Cow, Oxe, or Bull though markt, shall be Registered 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.

Punishment for selling un-marked horses and cattle.

When sold, to be registered in town where changed to.

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.

Cattle not to be slaughtered, without notice to register.

Impresses.

That in all Publique workes for the safety and defence of of the Gouvernment or the Nessessary conveniences of Bridges Highways and Comon passages, the Governour or deputy Governour and Councell 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

Compelling performance of public work.

above one week together No man shall be compelled to any publique work or service unless the Press be grounded upon some known Law of this Government, or an Act of the Governour and Councell 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 Sufficiently exempted by want of years greatness of years defect of mind, failing of senses or Impotency of limbes, or by the Quality of the office which is else where exprest.

Compelling to go to war.

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 Enemy shall be enterprized by the Governour with the Advice of the Council 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 recompensed.

Taking property for public use.

Inn keepers & Ordinaries.

Keepers of inns and eating-houses, to have certificate of good behavior.

No Person or Persons shall at any time under any pretence or Colour whatsoever undertake to be a Common Victuler keeper of A Cookes 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 dwelt 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.

And be licensed.

To keep a sign.

Every Person so licenced 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.

To be provided with wholesome beer.

Every Person Licenced to keep an Ordinary shall always be provided of strong and wholesome Beer, of four bushels of malt, at the least to a Hoggshead 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 peny the Ale quart or under.

Sale of same.

Punishment for permitting excessive drinking, &c.

No Licenced 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.

For not notifying constable or overseers of quarrels.

If any quarrel or disorder doth arise from intemperate persons within their house, the Person so licenced 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 Peace and disorders 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 occations 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 Seafareing men in the night season when they Come on shore or from their Journey for their necessary refreshment or towards their preparation for their Voyage or Journey, And also all Strangers, Lodgers or other Persons may freely Continue in such Houses, when their Lawfull Occations and business doth require, Provided there be no disorder amongst them.

Punishment for drunkenness on premises, breaches of peace, &c.

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 roome And attendance; upon Penalty of two Shillings Sixpence for every days default, and double Damage to the party thereby wronged.

To be provided with stabling.

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 lycenced.

Extortionate charges, prohibited.

Price of meals.

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 Licences for which they shall pay to the Clark of the Sessions two Shillings Six pence, or else they shall forfeit five pounds as unlicenced persons.

Term of licenses.

Renewal of same.

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.

How offenses to be determined.

Indians.

No Purchase of lands from Indians After the first day of March 1664 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.

Purchase of lands from Indians.

All Injures 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

Redress of injuries.

as full and Ample manner, (with reasonable allowance for damage) as if the Case had been betwixt Christian and Christian.

Furnishing Indians with guns, &c., without licence, prohibited.

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 Inhabitting 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, Vessell, 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.

Also, trading for furs.

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, remained if he shall find just Exception.

Furnishing liquor.

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 Rum 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 So proportionably 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.

Cattle prohibited from destroying Indians' corn fields.

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 Occasion of the Damage did arise.

Satisfaction for damages.

Provided that the Indians shall make prooffe the Cattle of such a Towne 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 Toolles to finish it Provided that such Indians shall fence their Cornfields or

To be assisted in fencing their fields.

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 Sufficient 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 Gouvernoure or Deputy Governour with two of the Councell, or any Court of Sessions or Assises may order Satisfaction according to Law and Justice.

Satisfaction for injuries to cattle by Indians.

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

Powwowing, prohibited.

Jurors and Juryes.

That the Clark of the Sessions shall 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 for 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 Sufficient 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 occasions, or shall happen to be Inhabitants of the Towne where the Court shall be held.

Summoning of Jurors.

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 sentance 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.

To be sworn.

And directed in points of law.

Bench to determine matters of equity.

Every Juryman shall be allowed three Shillings Six pence per Dicm 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.

Compensation.

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.

Number.

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,

Special verdicts.

Liberty in matters of fact.

- yet to find and present in their verdict so much as they Can.
- May ask advice on obscure points.** Whensoever any Jury or Jurores are not Clear in their Judgements concerning any Case, they shall have liberty in 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.
- Foreman to give in verdict.** The Verdict shall be given in, by the foreman of the Jury.
- Verdict of majority, sufficient.** 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 unanimos in their Verdict.
- Exception.** The Bench is briefly to sum up the Evidence by way of Information to the Jury.
- To be charged by bench.** 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.
- Exemption on grounds of relationship.** Any one that shall presume to reveale the dissenting votes of a Jury or Arbustration, shall forfeit ten Shillings for the first offences and for farther breach of this Law The next Court of Sessions, or Assizes shall impose a greater fine on the Offender according to the Meritts of the Cause.
- Punishment for revealing dissenting votes.**

Justices of the Peace.

- Justices of peace empowered to issue warrants.** 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.
- Where to be of force, and how executed.** 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.
- May pronounce sentences in absence of governor, &c.** The eldest Justice of Peace in the absence of the Governor Deputy Governoure or Some one of the Council 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.
- Preside at town meetings.** Any Justice of the Peace, may if he please, or see cause for it Preside as Chiefe in any of the Towne Meetings within the Jurisdiction where he dwells.

Lands.

- Lands to be free from fines, upon alienation.** All Lands and heritages within this Government shall be free from all fines and Licenses, upon Alienation and from all Heriotts, Wardships and Liveryes Premier Seizins year day and wast. Escheats, and forfeitures upon the Death of Parents or Ancestors Natural, unnatural, Casuall, or judiciall, and that for ever (Cases of high treason only Excepted.)
- And from heriotts, &c.** To the end all former Purchases may be asertained 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.

To be patented anew.

All Purchasores of implanted Lands shall of their Cost and Charge, Cause a Survey and Draught thereof to be made within one yeare 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.

Surveys and drafts, to be made and recorded.

Forfeiture of title for not seating lands.

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.

Payment for patents.

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

Reservation of town lots.

Laws.

In regard it is almost impossible to provide Sufficient Lawes 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.

Cognizance of cases whereof no provision is made in the laws.

Lying and False News.

Every Person of age of discretion which shall be reputed of fourteen years or upwards, who shall wittingly and willingly forge or Publish fals newes whareof no Certain Auther 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 Sufficient 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 publicly 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 satisfaction, 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.

Punishment for lying, and publishing false news.

Marriages.

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.

Banes to be published in church.

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.

How publication made where there is no church.

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 (viz) 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 read 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.

License from governor.

Oath to be taken.

Perjury in such cases, how punished.

Punishment for harboring a married woman without her husband's consent.

No man shall harbour, conceal or detain Contrary to the consent 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 so harboured concealed or detained.

Provided always that any woman flying from the barbarour 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 be Punishable to Re Marry.

May re-marry in case of false oath before minister.

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

Also, in case of death.

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 Magestrate the other is free.

If either the man or woman Travelling by sea or Land into any forraigne Parts, which voyage by Common computa-

tion 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. And in case of absence for five years.

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 wayes endeavoured by writings or Messages by 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 hendred from giving such information It shall any 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 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. Punishment for marrying contrary to law.

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. And without consent of parents and masters.

Masters, Servants, & Labourers.

No Servant either Male or Female, shall either give sell or Truck any Commodity whatsoever, during the time of their Service, 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 Parish where they shall Inhabit. Sale of merchandise by servants, prohibited.

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. Performance of work by servants.

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 Runaway servants to be pursued, and brought back.

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.

Payment for service.

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 Arbtration.

Abuse and cruel treatment of servants.

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 them 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.

Causeless complaints.

But in Case any Servant or Servants shall causelessly Complain against their Master or Dame If they cannot make prooffe of a just occasion 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 vndue Complaint.

Assignments to other masters.

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.

Seven years' faithful service, to be rewarded.

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 parish where they dwell.

Negligent servants to make satisfaction.

Military affaires.

Laws relating to militia, to be observed.

For as much as the good Management of the Militia is the Support of all Goverments 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, Sherriffes, high Constables and under Sherriffe Petty Constable Ministers and professed School-masters, 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 for bodily Infirmity 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.

Male citizens above age of sixteen, to attend military exercises.

2 Every Town shall be provided of a Sufficient ware 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, 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.

Towns to be provided with powder magazines.

And ammunition.

Forts to be maintained.

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 Sufficient by his Military Officer to be kept in Constant fitness for present Service, with a good sword bandelecters or horne a worme 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 Councell how the Inhabitants are furnished and provided, That due Supply may be Ordered.

Male inhabitants, to be furnished with arms and accoutrements.

Account to be furnished governor and council.

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 Over-

Captains, lieutenants, and ensigns, to be commissioned.

	scers, shall proceed to a new Election, which is to bee by the plurality of voyces of the Soldiers.
Penalty for refusing to accept military office.	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.
Inspections.	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 duly 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.
How fines to be imposed.	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, but for the neglect of particular persons by the Constable & Overseers.
Training days.	8 Every Town within this Government shall have every year four Days of Trayning amongst themselves and their 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.
General trainings.	{ 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 Governour. 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 all Such as are or shall be in Some measure instructed for all Military Service, against therebe 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
Instructions on training days.	
Appointment of such days.	
Roll-call.	
Punishment for absence, tardiness, &c.	

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 Carriage 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 levied 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.

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, Halberds and other necessary Charges relating to the Militia. Disposition of fines.

10 The Governor and Councell 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 General the Major General to the Sheriffe, the Sheriff to all Officers both Civill and Military shall Immediately dispatch Order Warrants or pre-septs to all other Persons whatsoever, that upon their utmost perills of fine and Imprisonment, by the Governor & Council 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. Reservouing of militia.

19* All inferiour 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 abatements granted, except by the Governor & Council. Orders of superiors, to be obeyed.

12 The three Chiefe Officers of each Company have power to punish any Souldier or Souldiers that shall commit disorder 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 bee 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. Punishments for contempt.

13 Offences of Contempt or disorder at any General Trayning shall bee 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 al- Hearing and adjudging of contempts.

* Match Locks accepted against, omitted which was the 11.

ter the manner which is directed to the Chiefe Military Officers in Towne Traynings.

Furnishing arms and ammunition to persons unable to procure same.

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 Captaine and two other Indifferent men whereof one to bee Chosen by the party, shall bee adjudged of greater value by a fifth part, then such Armes and Ammunition is of hee shall bee excused of the penalty for want of Armes untill hee bee provided, and the Captaine shall Endeavoure to furnish him so soone as may bee by Sale of such goods so deposited, rendering the Overplus to the party, But if any person shall not bee able to provide himself Armes and Ammunition though meere poverty, if hee be Single he shall bee 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.

Workmen to repair arms.

15 Vpon any Expedition upon occasion of and 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 then ten dayes, shall forfeit for every such Offence ten Shillings.

Penalties for neglect.

Bearing arms beyond government limits, not to be compelled.

16 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.

Wars upon Indjans, how to be maintained.

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

Raising armies to assist neighboring colonies.

18 In respect of the mutuall, and Brotherly Assistance which 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 Counsel 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 Government 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 himselfe 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 Moneths pay and made good by a General 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 impowered and required to Suppress and hinder all Levyes of Souldiers by beat of Drume or other-

wise to be composed, But such as shall be Authorized by his Majesties immediate warrants, or the Governor and Council here Established.

20 All souldiers shall bee respective to their Officers and Obedient to their Command in their Marchings Quarterings and watchings as well as Traynings, whilest they are required to attend the Service, under the penalty (for their Disobediance in ordinary occations) of five shillings but in Case of such Disobediance happens 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 empowered to hear, Examine and Determine the Cause and what fine or penalty that Court shall thinke to impose upon the offender.

Souldiers to obey their officers.

Punishment for disobedience.

21 If any man appointed to stand Centinel, 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.

Punishment of sentinels for sleeping at their posts.

22 Every man that absents himselfe from the watch without leave from his Officers, 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.

Absence without leave.

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 enjoyned upon the foot Officers and Souldiers respectively, Mutatis Mutandis as followeth.

Cavalry companies, of what to consist.

Observance of times to muster, &c.

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

Outfit of a trooper.

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

Penalty for selling horse without leave.

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

For non-appearance on muster days.

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

For departing without permission.

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

Officers to obey their superiors.

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 applyed to such uses as are else

Other penalties, how to be levied and applied.

where directed and Ordained in Relation to the foote Officers and Souldiers.

Officers and Offices.

- Terms of sheriffs and constables.** · All Sheriffs under Sheriffs or High Constables and Constables shall be Changed every yeare, only the under Sherifes or high Constables, by Speciall warrant may continue in their Office.
- And of justices of the peace.** · Justices of the Peace are to continue in their Places during the Governours pleasure.
- Clarks of courts, criers and marshalls.** · Clarks of Courts Cryers, and Marshalls, are to continue in their places durement their good behaviour for breach of which they are punishable by the Loss of their places, and fine at the Discretion of the Court.
- Removal from office, and supplying of vacancies.** · That the Governour and Council may by Special warrant displace any Officer made or Chosen within this Government for Neglecting of his Office or other Notorious misdemeanour; 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, number, qualifications, election and terms of.** · 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 yeares Successively, and four shall be Changed for New ones every yeare, which Election shall proceed the Elections of Constables, in point of time, In regard the Constable for the yeare ensuing, is to be chosen out that Number which are dismist from their Office of Overseers.
- To be confirmed.** · 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.
- To discharge duties of constables in emergencies.** · Any one Overseers 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 Overseers to Act by virtue thereof, and in his Majesties name as any Constable might or ought to do.

Orphans.

- Estates of orphans, provisions relative to.** · That all Persons who now have or shall have any Estate of Goods Chattle or Lands; in their possession, belonging to any that are under age shall exhibite 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 Assises 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 be thought Convenient to Continue it in the said Persons hands hee or they shall give better Caution and Security or else it shall be 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 be Satisfied in kind according to Covenant, Provided that in such Cases where payment in kind according to Covenant is by Some inevitable accident hindred which could not be foreseen.

Payments upon contracts.

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

Satisfaction of damages.

Pipe Staves.

That the Constable and Overseers in all Townes within this Government where pipe Staves shall be shipt, do from time to time as need shall require; Nominate two men of each Town, Skillfull 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 not Merchantable, both in respect of worme holes, and due Assize (viz) That are not in length four foot and a halfe in breadth three Inches and a half 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 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 whowe, And if any man shall put aboard any ship or any other vessel, any Pipe Staves other then 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 value thereof And the viewers shall be allowed two Shillings for every thousand of pipe Staves which they shall so Search; as well the re-fuse, as the Merchantable to be paid by him that set them to work; And if any master or other Officer of any Ship or other vessel shall Receive into such ship or Vessell any per-cell 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 View-ers, 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 say be delivered into The shipp Pro-

Viewers of pipe staves, to be chosen.

To be sworn.

Their duties.

Merchantable staves.

Forfeiture of staves not examined by view-ers.

Compensation of viewers.

Punishment of masters of ves-sels for receiving staves not ex-aminied.

vided 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.

Possession.

Title secured to lands by 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 Legally made to such Lands, or Houses for the tearme of foure yeares last past, and shall so remaine without any Claime legally Entered 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.

Letters to and from governor, to be forwarded by constables.

Whereas this Government may in many Occations be disappointed of speedy and true Information of Publique Affaires out of England, as well as out of our Neighbour Colonyes To the remedy of such future inconveniences, 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 Secretaries 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 Sheriff 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 Preas a Sufficient horse and Man to that purpose Allowing for the Man and Horse Satisfaction Six pence for each Miles travel, which shall be disccounted to each Constable in the Publique Rates.

Fishers Caske and Cooper Gager.

Caske, size of, and of what to be made.

Gaugers to be appointed.

Coopers to mark their caske.

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 greator and lesser Caske; And because there may be no Neglect in choyce of a Gager or Packer That Every Towne within this Jurisdiction; wherein any Caske are made, shall yearly make Choice of a fitt man for that Imployment, who being prefered by the Constable within 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, And every Gager or Packer shall see that all Cask 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.

Punishment for selling defective casks.

Gagers to be chosen yearly.

To be sworn.

Their duties.

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 proportionably, that the best be not left out, and for fish that they be packed all of one kind, and all Caske soe packed be full Sound and well Seasoned, Setting his Seal on all Casko 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.

Compensation.

Forfeiture of unmarked goods.

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.

Towns to be provided with stocks, pounds and prisons.

Public 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 Civill 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 Towne Charges, both Civill and Ecclesiasticall (as aforesaid) where

Inhabitants to contribute to civill and ecclesiasticall charges.

Lands and estates to be rated.

the Lands and Estates, shall Lye, and their Person where they Dwell.

Sheriff to direct warrants to constables.

Overseers to make lists of persons, and estimates of property.

Subjects of assessment.

How to be rated.

Exceptions.

Lists to be examined and corrected by sheriff.

And transmitted to governor.

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 Months 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 or wages, which they may use (viz) of warre Houses, Lands of all sorts as well unbrokenup 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, Shippes, and all small vessells, 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 vallowed at five pounds, Every Heyfer and Steere between three and four years old, at four pounds and between two and three, at fifty Shillings, and between one and two years old thirty Shillings, Every Oxe and Bull of four years old 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 disenabled by Sicknes 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 do bring into the high Sheriffe fairly written the just Numbers of all Males Listed as aforesaid, the Assessments of Estates, made in their Severall Townes, according to the Rules and directions expresed 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 Trans-

mitt 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 peculiers (viz) such Places as are not yet layd within the Bounds of any Towne, The said person with the 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.

Payment of rates.

Lands not to be assessed in other townes.

Assessment of lands not within town bounds.

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 dne 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 Cattles 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 returnes 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 mean time.

Punishment for neglect of duties by constables, overseers and sheriff.

Distress for non-payment of rates.

Warrant to attach the body.

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, during 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 Sherriffe shall not so distraine the Constable hee shall be Answerable for the same.

How town rates to be made.

Constables empowered to collect after expiration of terms.

They and sheriff answerable for rates.

And if the Constable be not able to make payment it shall be lawfull for the high Sherriffe 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 Petition to the Court of Assizes, shall have Order to Collect the same againe equally of the Towne, with just damage for the same.

Towns liable for arrearages.

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

Rates to be brought in on day appointed.

Neglect to do so. 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.

Conveyances to be transmitted for record.

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 Month after the Record shall be made in the Courts, If in the East Riding within two Moneths.

Saylors.

Arrest of saylors for debt by innkeepers.

To prevent many miscarriages which are frequently committed by Saylors, 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 Saylors 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.

Sherriffe.

Power of sherriff to issue writs.

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

May preside at town meetings.

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

To nominate marshal.

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

Choosing of sherriff.

Each Riding shall have their Turne in having a Sherriffe Chosen within their Jurisdiction Successively And the Justice in the last Sessions before the Expiration of the Office of the then Sherriffe, 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 Sherriffe for the Yeare ensuing.

Townships.

Constitutions for towns.

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 Crimminall 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 four Months after the making thereof, Otherwise to bee voide and of none effect.

Punishment for offenses at town meetings.

Constitutions to be confirmed by court.

Whereas it is formerly Exprest, That small Causes shall be Arbitrated in Townes; It is to bee understood That the Constable and Overseers in their 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.

Hearing and determination of small causes.

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.

Votes in private affairs of towns.

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 and 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 Peck 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 be allowed Except in Nayles 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

Standards of weights and measures, to be provided.

High constable to see that towns are furnished with copies of standards.

Sealers to be appointed.	each Towne to be Sealer of such weights and measures ; which man so Chosen, they shall present to the next Court of Sessions And their 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 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 Town, 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 neighbours, he shall forfeit (besides Correction) Treble the value to the Towne.
To be sworn.	
Powers and duties.	
Compensation.	
Punishment for neglect of duties.	
For selling by false weight or measure.	

Witnesses.

No one to be put to death without testimony of witnesses, &c.	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.
Swearing of witnesses in certain cases.	In all Causes (whether Civill or Criminall but not Capitall) properly 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.
Compensation.	Every Witness, in any Action may require as due to him from the Party at whose Suite hee appears two Shillings for every Days attendance, but unless a witness bee Served with a Subpena to give in Testimony, it is in his Choice to appear or not but after a Subpena Served, he shall have onely eighteen pence per Diem.
Not compelled to appear, unless subpoenaed.	
Party delinquent, to pay costs.	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 of the Suit.

Wolves.

Reward for killing 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
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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.

Persons producing heads of wolves, to be examined.

Heads to be nayled over constables' doors.

Wrecks of the Sea.

If any shipp or vessel belonging either to friend or Enemy shall at any time Suffer Shippwreck 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 Council 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.

Persons shipwrecked, to be relieved.

And their goods preserved.

The goods of friends are by Warrant from the Governour and Council to be restored to the Owncs, if any Canne be found or knowne.

Goods of friends, to be restored.

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 Council (after notice sent) shall give further Order therein.

Whales cast upon shore, to be placed in custody of officers.

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

Acknowledgment to be received.

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.

Special warrants and licenses.

Oathes.

Whereas you are Chosen and appointed by the Governour and Council, 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 Ever living God, that you will truly Endeavour, to the best of your Skill, with a good Conscience and according to the Lawes of this Government, Dispense Justice Equally and Impartially in all Cases and to all persons whereunto by virtue of your Office you are impow-ered. So help you God.

Oath of justice of the peace.

Oath of high
sheriff.

Whereas you are Chosen and appointed by the Governour and Council, Established under his Royall Highness the Duke of Yorke to be High Sherriffe for this present year, 1666 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 Selve or your Sufficient Deputy Issue forth all such writts, 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, Assesments and all other publike Moneys in their hands, and returne the names of such as fail in their Duty to the Governour and Council using your best Endeavour for the Collecting and bringing the said Sumes to the Governour and Council at New York, you will also render yearly a true Accompt and make good payment thereof, And will in all things behave yourselve according to the quality of your Office, and the trust reposed in you So help you God.

Of high constable.

Whereas you are Nominated and Confirmed by the Governour & Council 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 performe all manner of writts Summons warrants, or the like, wh:ch shall be to you directed from the Governour and Council, 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.

Of town constable.

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 until 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 Council Established under his Royall 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 Sumes 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 faithfulness, speed and Diligence will serve all Attachments Executions distresses in private Causes, Betwixt party and party according to the Sentence 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, determining or Composing all matters pertaining to your Cognizance. And in all things behave yourselfe, 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 Swear 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 Endeavour 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.

Oath of overseer.

You do Swear 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.

Of a juror.

You do Swear 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 swear by the Everlasting 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,

Witness.

Whereas you are Chosen Apprizer of such Goods Lands Houses or Cattles which are now under your Consideration you do here Swear 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.

Appraiser.

Whereas you are Chosen and appointed Marshall for this Jurisdiction; you do Swear by the Everliving God to be true 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 Legall warrant for his deliverance, as also that you will not exact Extravagant prices, but conforme your Selfe to the Rates allowed for the Lodging and dyat of Prisoners without fraud or Corruption So help you God.

Marshall.

Whereas you are Chosen and appointed viewer of pipe staves, within the Towne of — you do Swear by the Everliving God, that at all convenient times whilst you shall be

Viewer of pipe staves.

in place, or shall be required to Execute your Office, you will ducly 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.

Oath of surveyor. You do swear by the name of the Everlasting God that in the office of a Surveyor, you will according to the best of your skill and abilities, diligently and faithfully discharge the trust Committed to you, without fraud or Corruption So help you God.

Of notary public. You do Swear by the name of the Everliving God That in the Office of a publique Notary, you shall demeane your Selve 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.

Packer of beef, pork, &c. 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 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.

Council. You being Admitted of the Council of the Governour under his Royall Higness 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 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 Councell, or committed to your Secrecy but will in all things be a true and faithful Councillour when you are thereunto required, So help you God.

Precedents and Formes.

Form of summons. 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 of— Due 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.

Attachment. To the Justices, high Sheriffe, under Sheriffe high Constable, Constable of C, or their Deputyes you are required to

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attach the Body and Goods of G. H., and to take Bond of him to the value of with Sufficient Surety or Sureties for his appearance at the next Court holden at S, on the day of the Month of Then and there to Answer the Complaint of T M, &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 C: 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 Licence.

The Justice, high Sheriffe, under Sheriffe high Constable 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 of Every Towne upon Long Island.

A East hampton
B Southampton
C Southhold
D Scatacott
E Huntington
F Oyster Bay
G Hempsteed
H Jamaica
I Flushing

K West Chester
L New Towne
M Bushwick
N Brookland
O Flat Bush
P Flat Land
Q Vtricht
R Gravesend

Marks for horses.

DUKE OF YORKE'S LAWS.

- Amendments to laws.** **HAVING** received Information that at y^e 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.
- Holding of towne courts.** 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 or 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.
- Pay of jurors and witnesses.** That henceforth the payment of 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.
- General trainings for certain townes, respited.** 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.
- Certain townes may unite in raising military company.** 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.
- Deputy constable for certain townes.** 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 alone 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.
- Contribution to public charges.** That no 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. Winthrope to be returned, The Justices or the officers of the Towne are to take Care the said order be performed.
- Certain fine collected, to be returned.** 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
- Constables may furnish Indians with powder, &c.**

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 alteration or amendment.

Town laws, to be confirmed at assizes.

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.

Excuse of constables from attendance at sessions.

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

Purchase of liquors for private use, allowed.

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.

Punishment for refusing to serve as overseer.

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.

For refusing to serve on a jury.

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 his wayes 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.

For burglary and robbery.

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.

For larceny of fruit, vegetables, &c.

If any one shall steal from another any Coyne, goods, or Cattles to the value of ten shillings or upwards he shall be whipped 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.

For stealing goods of value of ten shillings or over.

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.

Search warrants.

RICHARD NICOLLS.

To the Justices of the peace High Sheriffe and all other officers both military and Civill in the East Riding of Yorkshire on Long Island.

SOME Alterations Amendments and Additions made in the Lawes and confirmed att the Generall Assizes held in New Yorke the 28th and 29th Dayes of September and the 2nd, 3rd and 4th Dayes of October 1665.

Punishment of constables for absence from sessions or assizes.

If any Justice of the peace or high Constable shall be absent from the Sessions held within that Rideinge where hee Inhabitts, or from the Generall Court of Assizes, he shall pay for every Dayes absence, tenn pounds, And every Petty Constable for each Default shall pay five pounds, unless one of the Overseers who shall be nominated of the Jury Doe give attendance on the Court in his place, with the Constables staffe Provided after that it shall be Lawfull for the Justices of the Bench to discharge any Constable from his appearance, if they think fitt.

Arbitrations.

In all Acoons of what nature soever not exceedinge the value of five Pounds between Neighbourss, Arbitration of two indifferent Persons of the Neighbourhood shall be tendered, which persons are to bee nominated by the Constable of the place before it be brought to a Towne Court and if either or both parties shall refuse (upon any pretence) to stand to Arbitration Then the Court shall Determine the Case If above the value then the next Justice of the Peace upon the Complaint of the party shall propound Arbitration to both Parties and if they accept thereof the Justice is to nominate the Arbitrators But if either Party refuse, Then the Justice is to give fourth his warrant as the Action requires.

Compensation of constables, justices, and arbitrators.

In all differences under five pounds not tryable in Sessions the Constable is to have one shilling for nameinge Arbitrators to whom if the difference be referred, they shall have two Shillings and Sixpence each, If the Action is brought to the Justice, he shall have two Shillings Six pence for nomination, And the Arbitrators hee appoints two Shillings Six pence each.

Frequent holding of town courts.

That to prevent the trouble of two frequent houldinge of towne Courts a Court may be held in each respective Towne at some Convenient certaine tyme either once in two, three, or four weeks as shall bee adjudged most meete, And if any shall desire to Call a Court any other time that hee pay the Charge and trouble thereof, as it shall be reasonably adjudged by the Court.

Judgment to be given by majority vote.

In Towne Courts the Constable and Overseers are to give their judgment by the Major Vote, where six with the Constable, or Seaven in his absence, are Competent and equivalent to a Jury, and the Constable upon equal Division, is to have a Casting voyce.

Fees of town courts.

The fees belonginge to the Towne Courts shall be halfe of what is allowed at the Sessions, as the fees of the Court of Sessions are halfe of the fees of the Assizes.

Titles of Land as well as other acoons are to be tryed in

Sessions unlesse being above the value of 20*l.* they shall bee Ordered to bee tryed at the Assize by the Governour's Speciall warrant. Actions triable at sessions.

Accon of Debt &c. above the value of 20*l.* may likewise bee tryed at the Assizes by Speciall Warrant from the Governour.

Those that live att great distante from Courts, are to have the heads of the plts: Declaration, left at the Place of their Abode as well as the Summons before the tryall, eight dayes. Service of process on persons distant from courts.

Where the Originall Point is matter of equity the proceedings shall bee by way of Bill and delivering in Answers upon Oath and by the Examination of witnesses, in like manner as is used in the Court of Chancery in England, And due regard must be had that the Defendant have timely notice thereof, as is appointed at Common Law; which is eight dayes warning before the Court shall sitt. Equity proceedings.

That all Originall Wills after haveing beene proved att the Court of Assizes or Sessions and returned into the Office of Records att New-Yorke shall remaine there, and the Executors Administrators shall receive a Coppie thereof, with a Certificate of its being allowed and attested under the Scale of the Office. Executors to receive attested copies of wills.

Administration may be granted by the Court to any Person, the Second Sessions, but to widow or Child, Brother or Sister immediatly. Granting of administration.

A (Quietus) is to be procured within a yeare and six weeks after Administration is granted or a will proved. Quietus, when to be procured.

All Reasons of Appeals as well as Declarations are to be delivered into the Clarke of the Assizes or Sessions, eight Dayes before the Court sitts. Filing appeals and declarations.

The Security to be given for prosecuteinge of appeales, shall be taken by the Court the party appeales from, and for the prosecution of any other suit at the Assizes Security shall be given to the Clarke of the Assizes. Security for prosecuting appeals.

All appeals are to bee made by way of Petition to the Governour and Council, and the Appellant shall pay tenn shillings upon the deliverie of his Petition, over and above two Shillings Six pence to the Clarke of the Assizes, for Entering of the Appeale. How appeals to be made, and cost thereof.

These words (a Justice of the Peace) are to bee Added in the beginnige of this clause (vizt) It shall be lawfull for the the plaintiffe or Defendant to take out a Subpena from a Justice of the Peace, the Sherriffe or under Sherriffe. Addition to certain clause.

That Whereas it is said in the second Clause the Sheriff shall remove the Goods, out of the possession of the Plain-tiffe &c. It is to be altered and written out of the possession of the Defendant. Alteration of certain.

And whereas it is therein also said the Execution is too bee returned by the Sheriff to the Clarke of the Sessions that Granted it, in stead of Granted it its to bee, that Signed it by order of the Court.

That the Persons who shall be nominated and Chosen Apprisores of Goods lands or whatsoever else, shall be taken in execution are to bee allowed fouer Pence per pound, for what Compensation of appraisers.

- shall be by them soe apprised which is to bee payed by the party Cast in the suit and risen Accordingly.
- Amendment of certain clause.** The latter end of the 4th Clause is to conclude thus (vizt) In which case also hee shall not be Arrested, but by speciall warrant.
- Granting of speciall warrants.** Noe High Sheriffe or Justice of the peace may at any tyme grant a speciall warrant But dureing the tyme of the sittinge of the Court of Sessions the whole Bench may grant it.
Provided that the previledges belonging to the Corporation of the Citty of New York, bee not hereby infringed, But that it shall and may be Lawfull for any of the Inhabitants thereof to Arrest a Debtor in the said Citty, though the place of his abode shall happen to bee in any other Towne within this Government and the person so arrested, to sue and Impleade in the Citty Court, any Law to the Contrary in anywise notwithstanding.
- Further amend-ments.** In Assessments add the words in the Parenthesis, in the first clause (vizt) And every Inhabitant who shall not contribute (to all Charges both Civill and Ecclesiasticall) Proportionably to the Rate so Assessed &c.
In the first Clause, its to bee written the Generall Court of Assizes &c.
- Calling court of assizes by speciall warrant.** A Court of Assizes may also bee Called at any tyme (by speciall warrant) to heere and Determine Civill Causes (that require a speedy dispatch) as well as Criminall.
- Issue of process.** No other Processe shall Issue forth for tryall of Accons at the Assizes, But the Governours speciall warrant, Except in Cases of Appeale.
- Negligent escape.** To Bayle one not Bayleable is a negligent escape in the Justice, or in any other authorized to take Bayle.
To be added, (or on some other paper or parchment annexed to it.)
- Title papers, &c., to be recorded.** All Lands Pattents and Bounds and limits of Townes are to bee Recorded in the Office of Records at New Yorke as well as in each Particular Towne, and at the Sessions.
- Burglary and robbery, punishment for.** That if any Person within this Government shall commit Burglary by Breakeing upp any Dwelling House, or shall Robb any Person in the field or highwayes, the Person so offending shall for the first offence, be branded on the forehead, for the second, hee shall be branded as before, and severely whipt, and for the third offence hee shall bee putt to Death.
- Robbing orchards, defacing dwelling houses, &c.** If any Person shall Robb any Orchard or garden, or shall steale away any Linnen wollen or other Goods left without Doores or shall wilfully deface or spoyle any Dwelling House, or out House or any part thereof, or any thing belonging thereunto, he shall Pay treble Damages or bee whipt.
- Larceny of goods of value of ten shillings or over.** If any Person shall take from an other, any Corne, Goods, or Cattles to the value of tenn shillings or upwards, he shall be whipt, or pay such a fine as the Court shall adjudge, to satisfy the Damage, with the Costs and Charges of Court, And it is also left to the Discretion of the Court to appoynt smaller Mulots or Punishments for smaller offences of that kinde.
That the Constable by warrant from a Justice of the Peace,

or upon sudden occasion without warrant (haveing with him the staffe of His office,) may make search in any House or place suspected both for the offender, and for the goods stolen, And whosoever haveing his Goods stolne, shall privately receive them and shall not legally prosecute the offender he shall forfeite to the Publique use the Goods so received or the value.

Search warrants.
Goods stolen and returned, to be forfeited, unless offenders prosecuted.

In Cases of Adultery all proceedings shall bee accordinge to the Lawes of England which is by Divorce (if surd) Corporall punishment or fine and Imprisonment.

Proceedings in cases of adultery.

All those who shall have their Cattle markt, with the Towne marke, shall pay to the Officer that markt them, two pence per head.

Charge for marking cattle.

That it shall be left to the peculier Lawes of Towneshippes to allow what more they shall thinke fitt, to give for the Impounding of Cattle, than herein is exprest.

For impounding them.

The Charge of each Cause bee as followeth (vizt) Every Cause of or under five Pounds shall pay two shillings six Pence, from five Pounds and under tenn Pounds, five Shillings, from tenn Pounds, and under twenty Pounds, fifteen Shillings, from twenty Pounds and under forty Pounds twenty Shillings, And for every tenn pounds more above forty Pounds two Shillings Sixpence; That money so Levied is to go towards the defraying of Court Charges.

Charges for caused.

That such Churches shall be built within three years, after this assizes, to which end a Towne Rate may bee made to begin this year.

When churches to be built.

That the Office of the Churchwardens aforementioned is to be performed by the Constables & all the Overseers who are to take the like care as is required of the Churchwardens.

Office of churchwarden, by whom to be performed.

That the Second Clause in Charges Publique bee left out of the Booke.

Certain clause, stricken out.

In the third Clause, warrants are to bee Issued by the High Sherriffe to the High Constable of each Riding who shall send warrants to the Constables &c.

Issue of warrants.

In the 5th. 7th. 8th and 9th Clauses the High Constables name is also to bee incerted to act between the high Sheriff and the Constables.

Certain clauses amended.

The Constable of each Towne during his Office may furnish the Indians with such quantity of Powder and shott as may be thought necessary for their killing of woolves and provisions, And also may permitt them to have their Gunns mended; the said Constable to give an accompt of what is so furnished and permitted, by him to the Indians at every Sessions.

Constables may furnish Indians with ammunition, &c.

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 keepe his Majesties peace, and to execute such warrants & orders as hee shall receive from his Superiours.

Deputy constable for certain town.

That whosoever (being duly elected) shall refuse to serve in the office of a Constable, hee shall forfeite for his refusall, the summe of five pounds, towards the defraying of Towne Charges.

Punishment for refusing to serve as constable.

How warrants to be issued.	Memorandum, that noe warrants are to bee Issued by the Clarke of any Court, but in the name of the Court.
Each town to contribute to public charges.	That in regard the Conditions of distracted Persons, may bee both very chargeable and troublesome and so will prove too great a Burthen for one Towne alone to beare, each Towne in the Rideing where such person or persons shall happen to bee, are to Contribute towards the Charge which may arise upon such occasions.
Fees of justices.	The Justices fees for nominatinge Arbitrator is to be altered from 7s. to 2s. 6d.
Court fees.	Court fees, are either to bee payed to the High Sherreife, or the Clarke of the Assize, or Sessions who are to bee accountable for them. All Court fees are to be levied by distress or put into the execution with the Debt and so risen.
Fees of clerk of sessions.	The Clarke of the Sessions shall have for the entry of each accoon for tryall two Shillings six pence, whereas as it was before but one Shilling.
Of sheriffs.	The Sherreifes fees in Appeales shall bee the same as in other Acoons.
Transportation of mares.	The proviso for liberty of transportation of Mares shall continue three years longer then the tyme formerly allotted, And (if found convenient) at the expiracon thereof may bee continued for a longer tyme.
Liquors, sale of, &c.	That Inn keepers or Ordinary keepers, shall not bee obliged to put any perticuler quantity of Mault into their Beere, but they shall not sell their Beere above two pence the quart, nor any Liquors above twelve Shillings the Gallon, under the penalty of twenty Shillings for each Gallon so Sold, Provided alwayes, and it is to be understoode, that noe man is hereby hindered from buying for his owne private use, any quantity of Liquors, And it shall and may bee Lawful for any Person, to sell such quantity to him, so that hee doe not sell it againe by retaille without a Licence. That if any Complaint bee made to the Officers of a Towne, against selling of Liquors att two unreasonable, and extraordinarie rates, by Ordinary keepers, or others, they have power to give redress therein.
Pay of jurors and witnesses.	That the payment of Jurymen and witnesses, who shall attende the Court of Sessions or Assizes shall bee from the tyme of their going from whom to their returne.
Punishment for refusing to serve on jury.	That whosoever shall be nominated to serve in Jury and without Just Cause showed shall refuse it, he shall forfeit twenty Shillings, towards the defrayinge of Publique Charges, which is to be levied by the Constable.
Exceptions to jurors.	And the Court upon Occasion is to Judge of other Just exceptions against Jurors besides kindred.
Granting replevin, <i>ex officio</i> .	The Justices of the Peace, High Sherreife or under sherreife may grant Replevine <i>ex Officio</i> .
Justices may preside over town courts.	Whereas it is said Justices may preside in Towne meetings it is to be written in Towne Courts.
Additional compensation to justices.	Every Justice of the peace, shall have allowance of Twenty pounds per Annum to bee payed out of the publique Rates, towards the defrayinge of their Charges, over and above

what may arrise out of the fines and Amerciaments not otherwise disposed of.

To the end all former Purchases &c: all persons whatsoever who have any grants or Patents of Towneshippes, Lands or Houses, within this Government shall bring in the said Grants or Patents to the Governour and shall have them Reviewed by Authority from his Royall Highness the Duke of Yorke, before the beginnige of the next Court of Assizes.

Grants and patents to be brought to governour, and be reviewed.

That every Purchaser &c. shall pay for every hundred Acres as an Acknowledgement two Shillings and Six pence.

Payment of acknowledgement by purchasers.

All persons to bee accounted of fitt age to Marry, when the Man shall attaine to the age of twenty one, and the Women of Eighteene years.

Marriagable age, defined.

Every Trooper listed in any Troope of Horse shall keepe and maintaine a good Horse for service when required fitted with Saddle, Bridle Holters and Pistells, or a Carbine and a Good sword under the penalty of tenn Shillings for the least default, Neither shall any Trooper sell, or change his horse, and leave himselfe destitute, under the penalty of five pounds, And for non appearance upon Dayes of Muster and Exercise, tenn Shillings a day, Neither is it Lawfull for any listed Trooper to disband himselfe (But with leave from his Captaine) under the penalty of fifty Shillings.

Punishment of trooper for not keeping outfit, selling horse, &c.

Or by any Justice of the Peace of the same Rideing, out of Sessions, the Oath appoynted for Overseers being administered unto them.

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

Punishment for refusing to serve as overseer.

That the Justices of the Peace of each Rideinge shall Cause a peece of Ground to bee layed out in the same Towne where the Sessions shall be kept, whereon shall bee built a Towne House, and Prison which are to bee erected before the next Assizes, for the defraying the charges whereof, a Rate is to be made throughout each Rideing at the next Sessions.

Towne house and prison, to be erected.

That Pounds and Stocks, shall be Provided in each Towne, by the next Sessions, Under the Penalty of forfeiting forty Shillings for each Towne.

Pounds and stocks, to be provided.

That the High Sherreife from year to year is a Justice of the Peace by Virtue of his Office.

High sheriff, a justice of peace *ex officio*.

The last Clause of Towneshippes relating to accions beginning where it is formerly exprest &c. shall be left out.

In the Second Clause Towne Meeteing are to bee written Towne Courts.

Certain clauses, amended.

Whereas it is said the Peculier Constitutions of Townes, are to bee Confirmed within fouer monthes &c. it is to bee written at the next Court of sessions.

Every Witness in any accon may require due to him from the party att whose suite hee appeares two Shillings per Diem for every Dayes attendance, whether hee give in his Evidence voluntarily, or being served by Subpena, but unlesse a witness bee Served with Subpoena its in his Choice, whether hee appeares or not.

Witnesses, compensation of.

Not compelled to appear, unless subpoenaed.

Whereas Severall Explicacons and some Amendments in

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Amendments communicated for action thereon.

the Lawes are thought of present necessity to bee made for the good, and to the Satisfaccoon of the Countrey, I have thought fitt to Communicate the Same underwritten unto you, and to Authorize you to Act therein, as by vertue of this my Speciall warrant, Untill such time as they may bee further Enacted and Confirmed at the next Generall Assizes, Given under my hand this 26th of February 1665.

RICHARD NICOLLS.

Excuse of constable from attendance at assizes or sessions.

If the High Constable shall have no publick business at the Assizes or Sessions hee may bee Excused from his attendance by any Justice of the Peace of the Riding to which hee belongs under the hand of the said Justice to bee produced in the Court.

Actions triable in sessions.

All Originall Debts or Trespasses must bee of the vallew of five pounds or not tryable in Sessions.

Trial of matters of equity.

Matters of Equity under five pounds may bee Tried in Towne Courts, and if under twenty at the Sessions.

Freedom from arrest whilst attending assizes.

No Arrest is to bee made upon the Person of any one attending the publique business at the Assizes whether hee bee Plaintiffe Defendant Witness Juror or any publick Officer.

Certain purchases not obliged to be recorded at New York.

The Purchases of Lands under the Value of thirty Pounds are not obliged to bee Recorded at New Yorke.

Payment of acknowledgements, construed.

That whereas it is said in the Lawes, that implanted Lands shall pay 2s. 6d. for every Hundred Acres, as an acknowledgement to the Duke; Its to bee understood of Lands not formerly Planted.

Price of grain received in payment of public rates.

That the Payments for Publick Rates in all Sorts of graine to bee according to the Price at the time and Place where it is payable.

Compensation of constables for inquiring after estates.

Constables are to have a Competent allowance for the time they Spend in Searching and enquiring after the Estate of the Dead, to bee made by the Justice of the peace before whom hee shall take his Oath of the truth of what he is to Deliver in Concerning the Estate.

For distraining goods.

That two pence in the pound Allowed to Constables for Attachments and apprizement of Goods, is to bee understood of Goods Distreyned.

Compensation of appraisers.

That the apprizers of the Goods of any one Dying Intestate, shall have Satisfaction Allowed them by the Court of Sessions, at the time of their nomination.

Public charges to be first defrayed.

That after the Rates shall be Levyed Publick Charges are first to be Defrayed.

Justices to fix number of sessions and assizes.

That it bee left to the Consideration of the Justices of the Peace at the Severall Sessions in each Riding, whether two Sessions, and one Assizes, may not bee Sufficient for the businesse of the Countrey, and what will bee the most Convenient Season for holding the Courts.

And seasons for holding courts.

Whether March and June will bee most proper for the Sessions, and October for the Assizes.

Sessions in East Riding.

That the Sessions in the East Riding bee kept by turnes in the Townes of Southampton and Southhold.

Certain wills not obliged to be recorded at New York.

That Wills and Administrations of Estates under the vallew of one hundred Pounds, are not obliged to bee Recorded at New Yorke.

Wills to be proved and Administration granted in Sessions if the Estate be under the value of one hundred pounds, shall pay one Shilling if one hundred pounds five Shillings and so proportionably five Shillings for each hundred pounds, towards the Defraying Court Charges.

Charges for proving wills and granting administration.

That the Plaintiffe at the Entering of his Action shall Enter into Recognizance to pay one Dayes Cost of a Jury for each Action that shall be brought to be tryed at the Sessions or Assizes.

Plaintiff to bind himself to pay cost of jury.

That whereas it's said in the Amendments of the Lawes, That all Graunts and Pattents' are to be brought in and renewed &c. Its to be understood, that all old Grants which are to be brought in, are to be Confirmed and returned to the Parties. And where no Lawfull Grants are, or that they be Doubtfull, New and Legall Grants shall be obtained.

Old grants, to be confirmed.

Where new ones to be obtained.

RICHARD NICOLLS.

ADDITIONS Amendments and explanacoons of some things in the Lawes made and Confirmed at the Generall Court of Assizes held in New Yorke the 27th 28th and 29th Dayes of September and the 1st & 2nd Dayes of October Anno Domini 1666.

- Compensation of justices of the peace.** That instead of the Salary of 20*l.* per Annum formerly Allowed to the Justices of the peace, their Charges shall from henceforth be bourne in their Attendance at the Court of Sessions or Assizes, as also all other extraordinary incedent Charges, about publick affaires, an Estimate whereof is to be given in and allowed of yearly att the Assizes.
- To contribute to town rates.** That the Justices of the Peace for the tyme to come are to pay their proportions to the Towne Rates to which they belong and are to bee excused onely from payments in the Rates for publique Charges.
- High sheriff continued in office.** That the present high Sherriffe is to be continued in his office until the next generall Assizes at which tyme hee is to give into the Court, true and perfect accompt, of all publique Receipts and Disburstments provided that this shall no wayes Infringe the priviledge in the Law allowed to the North & West Ridings, of haveing each of them a Sherriffe in their Turnes after the expiration of the said tyme.
- High constable and under sheriff, to be dismissed.** That the high Constable and under Sherriffe in each Riding shall after the last day in December bee dismissed and discharged, of their employments when they are to Cleare up their accompts, with the high Sherriffe and the constable in each Towne are to collect this yeares Rate and all others for the future, and what shall be Collected by them is to remaine in their hands untill, the high Sherriffe shall give order for the disposing thereof towards the payments of Publique Charges, which shall become Due within their Respective Towne Shippa.
- Their fees, to be added to high sheriff's fees.** That the fees heretofore due to the high Constables and under Sherriffes shall bee added for this yeare ensuing to the high Sherriffe fees.
- Power of constable and overseers to bind over offenders, &c.** In the Absence of a Justice of the peace or where no Justice of the peace Resides, upon extraordinary occation the Constable, and Overseers, shall have power to bind over an offender to the next Court of Sessions or assizes and to take Suertyes for their keeping the peace, or Commit such as are guilty of the breach thereof to prison If they shall see Cause.
- Admission of new evidence in cases of review and appeal.** That in Cases of Review at Sessions and appeale att the Assizes, new Evidences may bee admitted of If the Court shall see Cause.
- When courts of sessions and assizes to begin.** That for the tyme to come, there shall bee held in each Riding but two Courts of Sessions in one yeare, the first to begin on the first, second and third wednesdays in March, the latter on the first second and third wednesdayes, in June, and the Generall Court of Assizes is hereafter to begin, upon the last wednesday in October.

To the end their may bee an orderly way of empanneling of Juryes in any of the Courts of Sessions where the high Sherriffe Cannot bee present, It is therefore ordered that the Clarkes of each Sessions shall bring in a list of what Causes are entered for tryall for Juryes, three Dayes att least before the Sessions is to bee held to any two of the Justices of the peace of the same Riding who under both their hands are empowered by warrant, with equall Capacity as if the said warrant were signed by the high Sherriffe, to Summon a Sufficient Jury or Juryes to attend the publique Service in the said Sessions.

Summoning of Jurors where high sherriff cannot be present.

That in all Cases to bee tryed, by Juryes at the Generall Court of Assizes the number of Jurors shall be Twelve but att the Severall Courts of Sessions, the same number is sufficient, as already in the Law is sett forth.

Number of Jurors.

That the number of Overseers in each Towne shall before the first Tuesday in november, next bee Reduced to foure, and whereas election hath bene already made in the respective Townes of foure new overseers for this present year, two of them onely shall continue in their places, and the other two shall be dismiss, in like manner two of the old overseers, shall bee dismissed, and the other two shall continue which choice of those, who shall keep in or be discharged of the employment, shall be determined by the vote of the Major part of the Inhabitants of each Towne.

Number of overseers, to be reduced.

That the Constable and foure overseers shall for the tyme to come, have to all intents and purposes, the same power priviledges to act and to do in all matters Relating to their Towne affaires, as heretofore was in the Law allowed, to the number of eight, and that in Towne Courts the Constable and any two of them, have power to heare and decide all such matters as come within their cognizance, as formerly the Constable and foure of them might have done.

Powers of constable and four overseers.

That att the tyme prescribed in the Lawes for Election of Constable and Overseers the two old overseers att present Continued shall be dismiss, and two new ones are to be Chosen in their stead, and that from henceforth the Elections both for Constables and overseers in each Towne shall be by the vote of the major part of Inhabitants.

Election of constable and overseers.

That in each towne Itt bee left to the vote of the Major part of the Inhabitants, whether att the Admission of y^e Overseers into their places they shall take the oathes in the Lawes enjoyed, Alwayes provided that if any person of the towne or Stranger, have a Cause or Suit depending to bee tryed in that towne Court where the overseers are not sworne, in such cases that the person may have a lawfull objection against their proceedings, unless the overseers objected against, do first take their oathes, which the Constable hath liberty to administer unto them.

Swearing of overseers.

That the publique Rates shall henceforth be payable att one Certayne tyme of the yeare which is to be att or before the last day of December, and the Constables haveing already sufficient Authority in the Law to make distress for non payment, they shall bee lyable to make good the Rates

Payment of public rates.

in their Townes, if any part shall bee in arreare or unpaid after the tyme prescribed.

Payment of ar-rearages.

That the arreares of the former yeares Rates shall be payd into the Constables in every towne without further delay, in the Month of December next, with the present yeares Rate.

Prices for corn, beef and pork taken in payment of public rates.

That the payment of the Rate for publique Charges shall bee made in Corne beefe or porke, att the price herein mentioned (that is to say) wheate not exceeding 5s. the bushell Rye and pease 4s: Indian Corne 3s. and oates 2s. 6d. beefe att 3d. and porke att 4d. her pound and no other payment shall bee allowed of.

When constable and overseers to value estates, and distrain for rates.

That whosoever shall omitt, or Refuse to bring in the valuacons of their Estates, to the Constables as is Required the Constable and overseers shall putt a vallue thereupon according to their discretions and destrayne for the same Accordingly.

Punishment for refusing to obey governor's special warrant.

That whosoever shall neglect or Refuse to obey a Special warrant under the Governours hand and Seale, shall bee lyable to such a fine, as the Court of Sessions or Assizes shall adjudge, according to the merritt of the Default.

Slandering persons acting in public capacity.

That whosoever shall Reproach or Defame any Person or Persons, who have or shall Act in any publique Employment, either in Court or otherwise or shall villifie their proceedings who serve the publique in this Government by Authority under his Royall Highnes the Duke of Yorke, or whosoever hereafter shall any wayes Detract or speake against any of the Deputies signing the address, to his Royall Highnes, at the generall meeting att Hempsteed, they shall bee presented, to the next Court of Sessions, and if the Justices shall see Cause they shall from thence bee bound over, to the assizes their to Answer for the Slander, upon plaint or Information.

Clause defining marriageable age, construed.

Whereas in the Amendments or the Lawes formerly sett forth under the head (Marriage) It is said, that all persons are to bee accompted of fitt age to marry, when the man hath attained to the age of 21 and the woman of 18 yeares, itt is to bee understood, of such persons onely as are under guardianship, and itt is not in any wayes to take of the naturall bounds of Duty and obligation which Children owe to their parents.

Payment of jurors.

That the payment of Jurymen, shall bee by abatements in their Rates in the townes where they Inhabite which upon Certificate of their service from the Clarke of the Courts of Assizes or Sessions, shall bee allowed them by the Constable.

Testimony of Indians to be received in certain cases.

Whereas divers Complaints have bene made that notwithstanding, the penalties in the law sett forth severall persons do presume to sell liquors to the Indians whereby oftentimes greate Disorders are Committed, but what is done by them in that kinde is acted so privately that seldome any other proof thereof can bee made then by some of the Indians themselves, It is therefore ordered that although the testimony of Hethens against Christians may not altogether bee allowed, yet when it meets with other apparant circumstances, such as may bee sufficient to Convince a Jury, in such cases

the Indian Testimonies, shall bee admitted as good proofes against the persons accused.

The Court haveing taken notice of the defects and failings of both townes and persons in perticuler of not bringing in their grants or pattents to Receive a Confirmacon of them, or not comeing to take out new grants where they are defective or where there are none at all, according to former directions in the law, As also takeing itt into their serious Consideracons that severall townes and persons within this Government as well English as Dutch do hould their Lands and houses upon the Conditions of being Subjects to the States of the united Belgicke Provinces, which is contrary to the Allegiance due to his Majestie, they do therefore order that all grants or pattents whatsoever formerly made shall bee brought in to bee confirmed, or Renewed by Authority of his Royall Highnes the Duke of Yorke, and all such as have not pattents, shall likewise bee Supplied therewith, by the first day of Aprill next after the date hereof, after which tyme, neither Towne or private person whether English or Dutch, shall have liberty to plead any such old grants pattents or Deeds of purchase in Law, but they shall be looked upon as invalid to all intents and purposes.

Grants and pat-
ents. to be con-
firmed and re-
newed.

By order of the Governour
and Court of Assizes,
MATTHIAS NICOLLS Secr.

ORDERS made and Confirmed at the Generall Court of Assizes held in New Yorke begining on the 2nd and ending on the the 7th Day of October in the 24th yeare of his Majesties Reigne, Anno Domini 1672.

Charges for hues and cries, how to be borne.

1st. Whereas great Abuse hath been practized in the Government by private persons prosecuting their Servants with Hue and Cryes at the publick Charge, the Gayne whereof redounds only to themselves, It is from henceforth Ordered That the Charges of all Hue & Cryes shall bee borne by the respective person concerned; for the better seburning whereof Caution is to bee given by those who take them out and prosecute them unless in Cases of Criminalls, or upon Capitall Crimes where all Officers and others are obliged to use their Endeavour to secure them to bee brought to condigne punishment, which is to bee bourne at the publick Charge, if the person offending hath not wherewith to make Satisfaction.

Premiums for killing wolves, reduced.

2. Whereas it hath been taken into Consideration how great Abatement there is in the Rates of severall Townes upon the Account of Wolves discounted with the Constables, within whose Lymitts they are killed, so that the Summe to be collected doth not Answer the Expectation of the publick Charge, It is Ordered, that the Summe of Twenty five Shillings lately given for a Wolves Head shall be reduced to twenty Shillings as formerly, and for Whelps proportionably, and that for the time to come for all Wolves which shall be killd within the Bounds of any Towne upon Long Island and parts adjacent, the one half of the Charge shall bee borne by the Towne, and tother by the Publick; It is also Ordered, That each Towne bee obliged for the preservacon of their Stock and Cattle to make and maintain Wolfe pitts which are to bee directed by the respective Officers of the Townes to which they do belong.

Payment of same.

Townes to maintain wolf pits.

Strangers traveling without passeports, liable to arrest.

3. Whereas frequent Complaints have been made of Servants who runn away from their Masters into other Governements, for want of due Care and Examinacon of them by the Magistrates or Officers of the Townes through which they pass, It is ordered, that if hereafter any Stranger or person unknown shall come to, or travill through any Towne or place within this Government without a Pass port or Certificate from whence hee came and whither he is bound, shall bee lyaable to bee Seized upon by any Officer of the Towne or Place unto which hee comes, or through which he shall travill, there to bee Secured untill hee can Cleare himselfe to bee a free Man, and shall defray the Charges of his Detention there, by his worke or Labour (if not otherwise able to give Satisfaction) in the best way and Manner he shall bee found capable.

4. Vpon its being represented to this Court that notwithstanding the positive Law and y^e Severall Orders of Assizes

and otherwise That English Weights and Measures shall be only used in these his Royall Highness Territoryes, which hath hitherto been respited for want of Measures for Liquids and due Standards, It is Ordered that the practice thereof bee noe longer delayed but the same putt in Execution by the 25th Day of March next under the penalty in the Law prescribed, or what shall further bee adjudged by the Governour and his Councill.

English weights and measures, to be used.

5. It is likewise Ordered, In regard of the great Inconvenience and Decay of Feed for Horses and Cattle in the Woods by the increase of the Brush or Under wood, which is suffred to grow up without any care taken to subdue the same, That four Dayes be appointed once every yeare for all the Inhabitants of the Townes upon Long Island and Precincts, from the Age of 16 to 60 (except those exempted by the Law to go into the Woods to cutt the said Brush or Under wood) the time to bee at the discretion of the Officers of each Towne, and whosoever shall faile therein, each particular person shall pay for every dayes default the value of five Shillings.

Four days in each year, to be appointed for inhabitants to cut underbrush.

Punishment for failure therein.

6. That the Boundaries of Townes be attended as the Law and their respective Patents doth direct, and that the Perambulacon bee made accordingly, in which if any Defectibility shall appear at either of the Courts of Sessions to bee held in the Month of June next, the Towne soe failing shall forfeite the Sume of Ten pounds to the Publick.

Town bounds, to be attended in accordance with directions.

7. That the Lawes of the Government be duely observed as to parochiall Churches, and that although divers persons may bee of Different Judgments, yett all shall contribute to the Minister Establisht and allowed of, which is noe way judged to bee an Infringment of the Liberty of Conscience, to the which they may pretend.

Lawes as to parochial churches, to be observed.

8. That forasmuch as many and great Complaints have been made against Hogg Stealers, as also against Stealers of Boats, Canoes, and their Appertenances, notwithstanding the strictness of the Lawes to the contrary, and Orders to reinforce the same, in the which divers having been found guilty, and have past the Censure of the Law, for a greater Terror to any Person, who shall for the future attempt to doe the like, It is Ordered that the person soe offending and convicted for the Same, shall for the first Offence besides a fine to be imposed by the Court receive the Corporall punishment of haveing one of his Ears cutt off to bee an Example to all others, and for the next receive some more severe punishment, as the Court shall direct or Judge meet.

Punishment for larceny of swine, boats and canoes.

9. That the High Sheriffs upon Long Island, Constables, and Clarkes of Sessions who have not yet brought in their Accompts to bee audited and allowed of do without further delay performe the same by the time wherein the next Court of Sessions is to bee held in the Respective Ridings to which they doe belong unto some Persons then to bee appointed to receive the same under the penalty in the Law sett forth, or such farther Mulct as shall be adjudged by the Governour and his Councill.

Accounts of high sheriffs, constables and clerks of sessions, to be brought in for audit.

10. Whereas upon the extraordinary Occation of Re—

Contributions for fort in New York, how charge for collecting and transmitting to be borne.

tion of the forte in the City of New Yorke, the which as recommended from the Governour, every Towne and Corporation within this Province, as also particular persons have by their free Consents and Subscriptions contributed towards the same, the collection whereof in the severall Townes in Country pay, by other then by themselves will bee found both inconvenient, troublesome, and of soe great Charge that it will not answer the End prescribed, the which having by most been thitherto soe well begunn and prosecuted, that it may have a happy Conclusion, It is thought fitt and ordered, That the Charge of Collecting and transmitting the Contribution aforesaid to this City or the ferry shall bee borne by each respective Towne or distinct Person who hath subscribed the same, and that the payment thereof bee made accordingly before the feast of Christmas next.

When payment to be made.

Prohibition as to transportation of grain, repealed.

11. Whereas severall Applications have been made as well to his Honour the Governour as unto this Court, some representing the Convenience, others the Inconvenience of continuing the Prohibicon of the Exportacon of wheat in Grayne or Meale, the time limited for the same being now expired, upon due Consideration had hereupon, It is Ordered, That the Prohibition for the Transportation of Corne shall bee repealed, And it shall and may bee Lawfull for any man to transport Wheat in Grayne or Meale from any part of this Government to Boston or any other place, as long as the price currant of good Merchantable winter Wheat shall bee there 4s. 6d. and good Summer Wheat 4s. the Bushell or above in Silver, but that none presume to sell it abroad under that price, upon the penalty of forfeiture of the vallue of what shall bee soe disposed of; And if any Strangers shall come to buy Corne, the same shall not bee sold unto them under 4s. per Bushell or 3s. 6d. in Silver or Goods Equivalent under like penalty as before, And that this Order bee in force for the space of one year, untill the Convenience or Inconvenience thereof shall appeare.

Rates per bushel for sale of wheat.

Value of certain coins.

12. Whereas It is thought expedient that a certaine Regulation should bee made upon the Silver Coyne which passeth to and fro in this Government by the Certainty of its vallue, It is Ordered, that a Boston Shilling shall pass for one Shilling, and a good piece of Eight of Spanish Coyne whether of Mexico, Seville, or a pillar piece shall be vallued and goe for six Shillings in any payment either for Debt and Demands or purchasing of Goods and Merchandize between Man and Man.

By Order of the Governour
and Court of Assizes.
MATTHIAS NICOLLS Secr.

ORDERS made at the Generall Court of Assizes held in New Yorke, beginning on the 6th and ending on the 13th day of October in the 27th yeare of his Majesties Reigne Anno Domini 1675.

Vpon consideration of the Mischief that too frequently happens by carrying Liquors and goods to trade with the Indians at their Plantations, where in Case of Disorders or Abuses small reliefe can bee expected amongst them; It is ordered, that throughout the Government there bee noe Trading upon any Account with the Indians at their Plantations.

No trading with Indians at their plantations.

That the Law bee likewise observed which prohibits selling strong Liquors to the Indians in Yorkshire upon Long Island and Dependences.

Law prohibiting sale of liquors to them, to be observed.

And that pursuant to the Law, the Constables of the severall Townes take care noe Powder or Lead bee sold to the Indians but by them as directed, or by their consent.

Sale of powder and lead.

The Proclamation sett forth by the Governour about Block Houses &c. being approved of, Its Ordered strictly to bee observed.

Block-houses, &c.

Vpon a Proposall whether it will not bee convenient at this juncture of time of the Indians Disturbance to the Eastward, to bring all Canooes on the North side of Long Island to this place, or to have them all destroyed to prevent any Entercourse with the Indians on the Maine and our Indians or that these Canooes bee brought to the next Townes, and secured by the Officers; Its Resolved That all Canooes whatsoever belonging to Christians or Indians on the north side of Long Island to the East of Hell-gate shall within three Dayes after the publication hereof bee brought to the next Towne and delivered into the Constables Custody to bee laid up and secured by them neare their Block Houses, And that whatever Canooe shall bee found upon the Sound after that time bee destroyed.

Canooes on north side of Long Island, to be delivered to constables.

That the Indians at Mr. John Pells on Anne Hooks Neck bee ordered to remove within a fortnight to their Usual Winter Quarters within Hell-gate upon this Island during which time Loaden Canooes which shall have Certificates from the Magistrates of the Place from whence they come expressing whether they are going shall bee permitted quietly to passe along the Shore, except out of the Government, which in noe case is to bee allowed.

Indians at certain place, to go to their winter quarters.

It being taken into Consideration whether it bee not proper to have English Weights and Measures to bee used according to the Law; It is Ordered that in three months after the publication thereof, the same shall bee putt in practice in this City, Long Island, and parts adjacent; and in six months in all other parts throughout the Government: And that whosoever shall after that time presume to use any other Weights or Measures, shall forfeit all that they shall see sell; and

English weights and measures, to be used.

Punishment for using other weights and measures.

- bee lyable to such further punishment for Contempt as the Case shall require.
- Continuance of prohibition for exporting corn and flour.** The time of the Proclamations prohibiting the Exportation of Corne, and also that of floure &c. being expired, the same being taken into consideration, and the Present Scarcity, It is Ordered, that the Prohibitions for the Exporting of Corne or floure doe still continue in force for the Terme of six Months after the Date hereof.
- Rates for horses.** The payment in the Rates for Horses and Horse kinde being recommended from the Towne of Southampton, and other Townes at the East end of Long Island to bee considered of whether not too high, It being soe much above the present value; Ordered that the Rates doe continue as they now are: And that all persons who have Horses upon Long Island doe within the space of six months prove their Horses before the Constable and Overseers, or Chiefe Officers of the respective Townes to which they doe belong, and such as shall be found unmarkt according to Law shall bee forfeited, the one halfe to his Royall Highnesse, the other halfe to the Towne to which they shall bee brought: And that noe person presume to marke any Horse or Colt, but before the Constable and Overseers, or Chiefe Officer of the Place.
- Forfeiture of unmarked horses.** That all Persons upon Long Island who have Estates from the value of 20*l.* to 100*l.* may keep one Breeding Mare, and noe more; And soe proportionably for every 100*l.* one. But may have as many working Geldings or Horses of Size according to Law, as he shall have Occasion of, and double the number in the woods.
- Before whom to be marked.** That all Persons who are single, though but of 20*l.* Estate may keep one Gelding or Horse at home, and in the Woods proportionably.
- Number of mares to be kept.** Upon Complaint of the Great Abuse at the East end of Long Island in their Oyle Cask &c: It is Ordered that there bee a Sworne Gager and Tapper of Oyle in the respective Townes where the Whaling Design is followed. And upon the Peticon and Complaint of severall Coopers in those parts concerning the making of Oyle Cask, and great deceit used by Stranger Coopers, It is likewise Ordered that noe Cooper shall bee admitted to make Caske without the Consent of the Magistrates and Officers of the respective Townes, and that the Sworne Gagers and Packers chosen and authorized according to Law, shall have the same Inspection of Oyle Cask, and viewing of Oyle, as for Beefe, Porke &c: and to have the same Allowance; and the Defaulters to incurr the like Penalty.
- And horses.** The Oyle Cask or Barrells are to containe thirty-one Gallons and a halfe.
- Gaugers and tappers of oil.** And that every Towne whom it doth or may concerne (if not now already provided) doe forthwith make a fitt Choice of a Gager and Packer to officiate as before according to Law: In Default whereof to answer it at their Perills.
- Oil casks not to be made without consent of town officers.** The Church Affaires being taken into Consideration, and particularly the Maintenance of the Ministry, It is Ordered, that towards the Maintenance of the Ministry, besides the Usual Country Rate, there shall bee a Double Rate levyed
- Inspection of casks and oil.**
- How many gallons casks to contain.**
- Each town to choose gauger and packer.**
- Rates for maintenance of ministry in certain towns.**

upon all those Townes that have not already a sufficient Maintenance for a Minister.

Upon Proposall of having a fayre and Markett in or neare this City, It is Ordered, That after this Season, there shall yearly bee kept a fayre and Markett at Breucklyn neare the ferry, for all Grayne, Cattle, or other Produce of the Countrey, to bee held the first Munday, Tuesday, and Wednesday in November; and in the City of New Yorke, the Thursday, Friday and Saturday following.

Fair and market at Brooklyn and New York.

Ordered, That in case there should happen a Warr with the Indyans in this Government (which God forbidd) for the better carrying on of the same one or more Rates shall be Levved, according as there shall bee Occation, An accompt whereof to bee given to the following Court of Assizes.

Rates in cases of Indian wars.

Ordered, That in all Cases, the Magistrates through the whole Government are required to doe Justice to the Indians as well as Christians.

Magistrates to do Justice to Indians.

That by reason of the Separation by Water, Staten Island shall have a Jurisdiction of itselfe; and to have noe farther dependance on the Courts of Long Island, nor on their Militia.

Staten Island to have a jurisdiction of itself.

By Order of the Generall Court of Assizes,
MATTHIAS NICOLLS, Secr.

This writing as above, is a true copy of the original, examined and compared by me,

ELISHA MULFORD, *Town Clerk.*

Easthampton, 29th July, 1798.