

*Observations upon the Charter of the Province of New-York.*

[New-York Papers, I. 288.]

Observacôns upon the Charter of New York.

*Charter.* That the Inhabitants of New York shall be governed by and according to the  
Laws of England.

*Observation.* This Priviledge is not granted to any of His Ma<sup>ty</sup>s Plantations where the Act of  
Habeas Corpus and all such other Bills do not take Place.

*Chart.* Sheriffs and other Officers of Justice to be appointed with like power as in England.

*Obs.* This is not so distinctly granted or practiced in any other Plantation.

*Char.* That the Supream Legislative Authority shall remain in the Governor, Council and the People mett in a Gen<sup>l</sup> Assembly.

*Obs:* The words *The People* met in a General Assembly are not used in any other Constitution in America; But only the Words *General Assembly*.

*Char.* The Exercise of the Cheif Magistracy and Administration of the governm<sup>t</sup> shall be in the Gov<sup>r</sup> assisted by a Council; with whose advice and consent he shall and may govern and rule the said Province according to the laws established.

*Obs:* If this oblige and restrain the Gov<sup>r</sup> from doing anything without the Council it is a greater restraint than any other Gov<sup>r</sup> is subject to.

*Charter* That according to the usage and practice of the kingdom of England there shall be a sessions of a Generall Assembly to be called to meet once in 3 Years or oftner.

*Observation.* This is an Obligation upon the government greater than has been ever agreed to in any other Plantation, And the grant of such a privilege has been rejected elsewhere, notwithstanding a Revenue offered to induce it.

*Char:* Which Representatius of the Province with the Governor and his Council shall be the supream and only legislatiue power of the said Province.

*Obs:* Whether this does not abridge the Acts of Parliament that may be made concerning New York.

*Char:* That all Bills agreed upon by the said Representatius shall be presented by them to the Governor and Council for the time being for their Approbation and Consent.

*Obs.* This seems to take away from the Governor and Council the power of framing Laws as in other Plantations.

*Char.* Which Bills so approved shall be deemed a Law for the space of two years unless the Lord Proprietor shall signify his dissent within that time. That in case the Lord Proprietor shall confirm the Laws within that time, they shall continue in force untill repealed by the Assembly. That in Case of Dissent or Determination of two years they shall be voyd.

*Obs* This Term of years does abridge the King's power, and has been thought inconvenient in other Plantations, and is different from Colonel Dungan's Instructions.

*Chart.* No person shall be admitted to sitt in the Assembly untill he hath taken the Oaths of Allegiance and Fidelity to the Lord Proprietor.

*Obs:* This must be altered at present.

*Chart.* And by his submission and peaceable behaviour hath demonstrated his affection to the Government.

*Obs:* This seems to be restrained by what follows.

*Chart.* That the Assembly shall with the Consent of the Governor judge of undue elections, and of the Qualifications of the Representatiues; And with the like consent to purge their house, and expell any member as they shall see occasion.

*Obs:* This may be inconvenient, and is not practiced in some other Plantations.

*Char:* That the forfeiture for not making due Entries shall be applyed, one third to the Lord Proprietor, one third to the Governor, and one third to the Informer.

*Obs:* The application to the Gov<sup>r</sup> is unusuall.

*Char:* That all Christians shall enjoy Liberty of Conscience, so they do not disturb the peace.

*Obs:* This is practised in the Proprieties.

*Char:* That every publick Minister upon Long Island shall be maintained according to subscriptions: That all Contracts made in New York for the maintenance of the severall ministers shall be made good.

*Obs:* This is agreeable to the Practice of New England, but not of his Ma<sup>ty</sup>s other Plantations.

Endorsed

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Read 3 Mar 8 $\frac{1}{2}$

