

To the Right Honourable the
Lords of the Council of Trade
and Foreign Plantations.

The Memorial of the Proprietors of the
Province of East New Jersey, in
America.

THE Proprietors having in all their applications to this honourable board, shewed an aversion to have any controversy with his Majesty, as by their several expedients in their memorials laid before your lordships may appear ; and considering how often the near neighbourhood of East Jersey, to New York, (the most important frontier belonging to the crown of England in North America) has been urged upon them, to induce them to a resignation of their government ; they do hereby declare themselves ready to surrender the same to his Majesty ; altho' the government was the chiefest motive of purchasing the said Province, which they did by the opinion and advice of eminent council learned in the law, upon the credit of which and the confirmation by King CHARLES the Second, of the title to the grantees, their heirs and assigns, as absolute Proprietors and Governor's, (as by his proclamation hereunto annexed does appear) they have buried great part of their estates in building and planting the country, and at their own expence maintained the government for many years past, as well before his Majesty's happy accession to the crown as ever since, and have not received any returns whatsoever for all their labour and cost to this day. In consideration of the premisses the Proprietors do with humble confidence rely on his Majesty's justice and goodness to confirm to the Proprietors and planters respectively, the following rights and privileges, to render them (at least) as easy under his

Majesty's government, as when under the Proprietors, toward which they presume to enumerate the following particulars, viz.

I. That his majesty will be graciously pleased to confirm to them the soil and lands of the said Province and the quit-rents reserved upon the grants made or to be made to any planters or others.

II. That upon the annexation of the government of the said Province to that of New York, the port of Perth Amboy, may be established for entering ships and importing goods there, and exporting goods from thence, without being obliged to enter their ships at any other place, paying the same or like custom to his Majesty as are or shall from time to time be payable at New York.

III. To have free liberty to trade with any Indians or other inhabitants of America, without interruption, and the Proprietors to have the sole privilege (as always hath been practiced) of purchasing from the Indians, all such lands lying within East Jersey, as yet remain unpurchased from them.

IV. All necessary officers and courts of justice for administration of justice, in cases criminal and civil, to be appointed and held in East Jersey, in the same manner as is practiced within the government of New York, and that the inhabitants may not be obliged to go to New York or be impleaded there for any criminal or civil matter arising within East Jersey, nor be compelled to serve upon juries or in any ministerial office within the Province of New York.

V. That a superior court be held twice a year at Perth Amboy, before whom writs of error or appeals (in the nature of writs of error) from other courts within the Province may be brought and determined.

VI. That the publick register and all records relating to the said Province may be kept at Perth Amboy, and not removed to any other place; and that the constituting of the secretary and register and the

Surveyor General of the said Province of East New Jersey, remain in the Proprietors.

VII. That the same number of counties be continued in East Jersey, as there are at present, and by the same names, and that each county in East Jersey may choose and send as many representatives to the General Assembly to be held for New York, and East Jersey, as are or shall be chosen by any county in New York, and if any more counties shall be hereafter created or appointed in New York, as many may be created and appointed in East Jersey.

VIII. That a proportionable number of the inhabitants of East Jersey, may be appointed to be of the Governor's Council at all General Assembly's and to have votes therein.

IX. That the twenty four Proprietors may be Lords of the soil, and hold courts for the lands in their propriety-ships, and appoint all officers that relate thereunto.

X. No person or persons whatsoever to be molested or deprived of any civil right or privilege, or rendered incapable of holding any office or employment in the Government because of their religious principles, the Province being planted by Protestant people of divers perswasions, to whom that liberty was an original encouragement.

XI. That all wills of persons dying within East Jersey, and letters of administration of estates lying there, may be made and granted by the chief judge of East Jersey for the time being, who is to reside there, and a register thereof kept at Perth Amboy.

XII. That the Proprietors still have their power continued to grant markets and fairs in the said Province.

XIII. Lastly, all lands, goods and chattles of traitors, felons, felons of themselves, doedands, fugitives, persons outlawed and put in exigent, waifs, estrays, treasure trove, mines and minerals, royal mines, wrecks, royal fish, that shall be forfeited, found or

taken within East Jersey, or by the inhabitants thereof, within the seas adjacent, to remain to the Proprietors, with all other privileges and advantages, as amply as in the grant and confirmation to them of the fourteenth of March, 1682.

And because many of the Proprietors of East Jersey, are also Proprietors of West Jersey.

It is humbly desired, that Colonel Andrew Hamilton may be dispatched by this board to the government of West Jersey, his presence being much wanted there, for the convenience of his Majesty's subjects in that Province.

Signed by order and on behalf of the Proprietors.

William Dockwra, Secretary and Register.

I do hereby certify that this is a true copy taken from the books in the plantation office, Whitehall, January 17, 1752.

Samuel Gillibrand, Deputy, Secretary.

To their Excellencies the Lords Justices
of England.

The Humble Petition of the Proprietors
of the Province of East and West Jer-
sey in America.

Sheweth,

THAT your petitioners, as they were advised by their Council, being legally entitled to the Government of those Provinces, by virtue of several grants from the late King JAMES, when Duke of York, the declaration of the late King CHARLES the second,

under the great seal of England, and of several acts of State and orders of Council, admitting their right, have for many years appointed Governor's there, and particularly Colonel Andrew Hamilton, who administred the Government to the great service of the Crown and universal satisfaction of the inhabitants, until an act of Parliament passed in the seventh and eight years of his present Majesty's reign, entitled, an act for preventing frauds and regulating abuses in the plantation trade.

Upon which laws some doubt arising, whether a native of Scotland, (as Colonel Hamilton, is) were capable of being a Governor of the plantations, your petitioners for avoiding any colour of offence against that act of Parliament, appointed one Jeremiah Basse, Governor of those Provinces; but the Lords of the committee of trade and plantations, making then some scruple concerning your petitioners right of government, Mr. Basse had not such a formal approbation of his Majesty, as that act directs; and though your petitioners were at the same time honoured with instructions from the then Lords justices, and Lords commissioners of the treasury, for their Governor's conduct, which were produced and published by Mr. Basse, as a testimony of his being nominated Governor, with the knowledge and implicate consent of his Majesty and his ministers of State, yet for want of an express approbation in writing, the inhabitants refused to obey him, and he returned for England.

Whereupon your petitioners who had been informed of the opinions of his Majesty's late attorney and present Solicitor General, that a native of Scotland, was not disabled to execute any office in the plantations, were reduced to re-appoint the said Colonel Hamilton, (then in England) Governor of those Provinces, whom your petitioners presented to the Lords of the committee of trade and plantations, humbly remonstrating to them the necessity of sending a Governor for preservation of the publick peace, and praying their lordships recommendation of him, for his Majesty's approbation, but their lordships having resolved to controvert your petitioners right of government by a tryal

at law, declared they could not consent to such an approbation without prejudice to his Majesty's right ; yet in regard of the necessity of the people's being under some government, till the right was determined, their lordships delivered their opinions, that Colonel Hamilton, acting according to the laws of England, your petitioners might be safe in commissionating him, and he in executing their commission, under the security of which approbation Colonel Hamilton went over, and re-assumed the government of those Provinces ; but some factious and turbulent persons impatient of any government, oppose his administration, because he is not approved of by an order of Council, according to the express letter of the act of Parliament, and have made so great divisions and confusions there, that the publick peace is daily violated, and the publick justice obstructed.

That your petitioners have agreed and are ready to surrender all their right of government to his Majesty, upon such terms and conditions as are requisite for preservation of their properties and civil interests, and which they humbly hope will be allowed to them.

Your petitioners therefore most humbly pray, that for the preservation of the publick peace of these Provinces, your excellencies will be graciously pleased immediately to approve of Colonel Hamilton to be Governor of the Provinces of East and West Jersey, until the terms of surrender can be adjusted.

And your petitioners shall ever pray.

Thomas Lane,	Jos. Brooksbanke,
Paul Dominique,	Dan. Cox, junr.
Thomas Skinner,	Thomas Hart,
John Bridges,	Joseph Ormston,
Michael Watts,	Joseph Ormston, as having
E. Richier,	procuration from Miles Fos-
Clement Plumstead,	ter, and Edward Anthill,
Thomas Cooper,	Gilbert Molleson,
Walter Benthall,	Thomas Barker,

I do hereby certify that this is a true copy taken from the books in the plantation office,

Whitehall,

January 17, 1752.

SAMUEL GELLIBRAND, D. Secretary.

Opinion and Answer of the
Lords Commissioners for
Trade and Plantations,

To the Memorial of the Proprietors of
East New Jersey in America; signed
by Mr. Dockwra, and recorded from
him the 5th of July, 1699.

ARTICLE I. **W**E have no objection to what is herein desired.

ARTICLE II. We conceive his Majesty may do what is herein proposed, in case the Proprietors accept of a new charter, with such conditions as are reasonable with relation to their propriety; but that it is very improper for his Majesty to oblige himself to a compliance with this article by any clause in the new charter.

ARTICLE III. The first part of this article is not reasonable, since it may happen to be sometimes adviseable to restrain this liberty: But the Proprietors of East Jersey, may have the same liberty granted them of trading with the Indians as is granted to the inhabitants of New York, or any other plantation in America, under his Majesty's immediate government. What relates to the purchasing of lands may be allowed.

ARTICLE IV. The first part of this article we conceive may be fit to be allowed (provided the officers be appointed by the King's Governor) but not without appeals in civil matters to the King's Governor and Council, and to the King in Council: Nor so as to hinder tryals in criminal matters by his Majesty's special commission to be executed either in New York, or East Jersey, as shall be thought fit, New York, and East Jersey, being to be accounted one Province without distinction, except as to the propriety of lands and the *dominium utile*.

Lords Commissions Answer. 595

ARTICLE V. This article we think fit to be allowed of, provided there be a further appeal to the Governor of New York and Council, which is to consist as well of the inhabitants of East Jersey, as of those of New York, indifferently.

ARTICLE VI. What relates to the publick register and records to be kept at Perth Amboy, may be allow'd; but the not removing them to any other place upon any account whatsoever, when the publick service shall require it, seems unreasonable; and the Proprietors constituting of the Secretary and Register (which the King does everywhere appoint) does not seem fit to be allow'd: Nor is it fit there should be more than one Chief Secretary both for New York and New Jersey, who may appoint a deputy to officiate in his absence from either place.

The Surveyor General has a more particular reference to the Proprietors and their lands; so that their constitution of such an officer may be allowed.

ARTICLE VII. We have no objection against the number of counties; but the rest of this article seems to be wholly unreasonable; and in case East Jersey be allowed to send one sixth part of the representatives of the General Assembly, and West New Jersey, one sixth part more (which would be one full third of the whole number of the representatives for New York, and the Jersey's) it is as much as can well be allowed; since otherwise these two Jersey's under Proprietors would come in competition with New York itself, and out vote that part of the Province, when united: So that one third of the number of the representatives for the Jersey's, and two thirds for New York, (or thereabouts) seems a reasonable proportion.

ARTICLE VIII. This may be reasonable, but then the proportion must be agreed on, so as to answer that of the preceding article.

ARTICLE IX. We have no objection to this article, in case those officers be no other than such as constitute a court baron or court leet in England.

596 Lords Commissioners Answer.

ARTICLE X. This article must be regulated by acts of Parliament, and the usage of New York it self.

ARTICLE XI. Probate of wills is usually in the King's Governor, but he may appoint commissaries for executing the same in any part of his government.

ARTICLE XII. We have no other objection than that this power is usually in the Governor.

ARTICLE XIII. This article may be reasonable, except as to the goods and chattles of traitors, fugitives and persons out-law'd, which is matter of state ; nor can right accruing to the Proprietors from the seas adjacent be well circumscribed ; the grant also of 1682, ought to be duly considered, and such particulars therein as are proper may be allowed of, without such a general and determined reference.

I do hereby certify that this is a true copy taken from the books in the Plantation Office.

Whitehall,

January 17. 1752.

SAMUEL GELLIBRAND, D. Secretary.

To the Right Honourable the Lords of
the Council of Trade and Foreign
Plantations.

The humble Memorial of the Proprietors
of the Province of East New Jersey in
America.

THE Proprietors in all their applications to your lordships, and particularly in their last proposals, having expressed a great readiness of complying with his Majesty's pleasure in relation to their government, so as their properties might be preserved to them by such concessions of his Majesty's part as are necessary to that end, are surprized at the dubious answer returned by your lordship's to the second article of their proposals concerning the establishment of a port at Perth Amboy, for entering ships and importing goods there, and exporting goods from thence, without being obliged to enter their ships at any other place: For the principal objection that has been always made to the allowance of a port in East Jersey, arising from the non payment of customs there, and the detriment accruing to the trade of New York by reason thereof, the Proprietors conceived that by submitting to pay the same customs as are paid at New York, they had effectually answered that objection, and prevented all others, and that they being his Majesty's subjects, and equally entitled to his favour and protection with the inhabitants of New York, might under the payment of such duties freely enjoy those conveniencies for trade, which God and Nature have allotted to their colony, and they have purchased with their money, and which has not been denied to any other American plantations, tho' paying no custom, but permitted as a natural right.

The Proprietors therefore crave leave (in pursuance of that sincerity and plainness, wherewith they have all along addressed to your lordships on this occasion) to declare, that the obtaining a port to be continued for ever was their main inducement to consent to a surrender of their government; and therefore they insist, that in the new charter to be granted to them by his Majesty, there be an express clause inserted, whereby Perth Amboy, shall be established a port for ever for entering all ships coming into and going from East Jersey, for importing and exporting goods, and that such port shall not be forfeited or taken away for any misdeameanour whatsoever, but only the persons guilty of the misdeameanour shall be accountable and punishable for it.

This is the only thing that can make the Province of any value to the Proprietors, or give them hopes of re-imbursing their purchase-money and other expences in improvements; and if your lordships think it too great a privilege for them, who have been faithful subjects to his Majesty, and contributed to the defence of the frontiers during the late war in America, more than they were able to bear; the Proprietors cannot be accessory to their own ruin by a voluntary surrender, but must endeavour to vindicate their right in a legal manner, and seek redress by such other measures as they shall be advised to, and are consistent with their duty to his Majesty.

The Proprietors do further crave leave to mention, that if their desire of a port is once granted, they do not foresee any great difficulty to adjust with your lordships the other articles mentioned in their memorial.

Signed on the behalf of the said Proprietors and by their order.

London, 15th,
1699,

WILLIAM DOCKWRA,
Secretary and Register.

January 1700,

I do hereby certify that is a true copy taken from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 17, 1752.

The humble Memorial of the Proprietors
of the Provinces of East and West
Jersey in America.

THOUGH the Proprietors are advised by their Council, that their right to ports within those respective Provinces was fully asserted, and their past administration of the government of those Provinces as fully justified at the late tryal had in the court of King's bench, between Mr. Basse and the Earl of Belloment; they are notwithstanding ready and desirous in obedience to his Majesty's pleasure, to surrender all right of government there, in humble hope and confidence, that as his royal wisdom prompts him to resume the American proprietary governments into his own more immediate administration, so his justness and goodness will incline him to grant the Proprietors all reasonable privileges, which are necessary to preserve their civil rights and the interests of the planters, and which are not inconsistent with his Majesty's service or royal authority.

To which they humbly propose and pray.

First. That his Majesty will grant and confirm to them, their lands and quit-rents, with such other liberties, franchises and priviledges as were granted to them by the late King JAMES, when Duke of York, or have been granted by his Majesty to other Proprietaries of Provinces in America, except the powers of Government.

II. That his Majesty will grant to them the sole power of purchasing from the Indians, all lands lying within these Provinces, which remain unpurchased from them, and that all other persons who have purchased or shall purchase lands from the Indians, either with or without licence first had from the Proprietors, and who have not already taken patents, shall be obliged to take patents of such lands from the Proprietors, under a moderate quit-rent; and in default thereof, their title from the Indians to be declared null and void. This the Proprietors humbly conceive will be necessary, as well to vindicate his Majesty's Royal Right, as their

own property under him, because the planters have lately taken up and promoted an opinion, that the King's right to all American countries discovered by English subjects, is only notional and arbitrary, and that the Indian natives are the absolute independent owners, and have the sole disposal thereof; and some of the planters, who have made such purchases of land from the Indians, refuse to take patents from the Proprietors, grantees of the Crown, and others who have taken patents, refused to pay the quit-rents reserved.

III. That the inhabitants of both Provinces may have the same liberty of trading with the Indians, as the inhabitants of New York, or of any other plantation in America, under his Majesty's immediate government do or shall enjoy.

IV. That the port of Perth Amboy, in East Jersey, and the ports of Burlington, and Cohanzie in West Jersey, may be established ports of those respective Provinces for ever; and that no ships bound to any of those places shall be obliged to enter at any other port, nor any ships to be laden there, shall be obliged to clear at any other port; and that officers may be appointed at such port for collecting the customs and seeing the acts of navigation duly executed.

V. That the Proprietors may appoint Surveyors General and other officers, for surveying and recording the surveys of land granted by and held of them.

VI. That the Proprietors of East Jersey, may hold three markets in every week for ever, on Tuesday, Thursday and Saturday, for all manner of cattle, goods and merchandizes at Perth Amboy, and four fairs in every year, there to begin the
Monday in the months of

and each fair to continue six days; and that the Proprietors of West Jersey, may hold the like number of markets in every week, for ever on Monday, Wednesday, and Friday at Burlington, in West Jersey, and four fairs in every year, there to begin the
Monday in the month of

and each fair to continue six days.

VII. That East and West Jersey, may be erected into one distinct government, and have one General Assembly for making laws for the good of both Provinces, to sit alternatively at Perth Amboy in East Jersey, and Burlington in West Jersey; and that such General Assembly may be elected every year in the month of _____ and may meet on the first Monday in October, and oftner if need be.

VIII. That the General Assembly may consist of thirty six representatives to be chosen in manner following, viz. two by the inhabitants house-holders of the city or town of Perth Amboy in East Jersey; two by the inhabitants house-holders of the city or town of Burlington in West Jersey; sixteen by the free-holders of East Jersey and sixteen by the freeholders of West Jersey; but that no person shall be capable of being elected a representative by the said freeholders, or afterward of sitting in General Assembly, who shall not have one thousand acres of land of an estate of freehold in his own right within the Province, for which he shall be chosen; and that no freeholder shall be capable of electing such representatives, who shall not have one hundred acres of land there in his own right of an estate of freehold; and that this number of representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise than by act of General Assembly, and the approbation of his Majesty, his heirs and successors.

IX. That the Governor's Council may consist of inhabitants of both Provinces, whereof an equal number to be chosen out of each Province.

X. That all necessary officers and courts for administration of justice in cases criminal and civil, be established in each Province, and that one Supream Court may be held for both Provinces twice in every year at Perth Amboy in East Jersey, and Burlington in West Jersey, alternatively; in which court all writs of error or appeals in the nature of writs of error from any other courts within these Provinces shall be brought and determined; and that this court may consist of the Governor's Council and the three capital judges of each Province (except such of them who pronounced the first judgment, sentence

or decree) or of any seven of them, whereof two of the Council, and three judges for the time being shall be five, and every member of the court who shall be present, shall have an equal vote, saving that where the court shall be equally divided in their opinions, the eldest of the Council shall have a decisive vote.

XI. That no appeals to the King may lye in personal actions, where the cause of action is of less value than two hundred pounds.

XII. That all Protestants may be exempt from all penal laws relating to religion, and may be capable of being of the Governor's Council, and of holding any other publick office, though they do not conform to the discipline of the Church of England, or scruple to take an oath; and that an instruction be given to the Governor for procuring a law to pass in the General Assembly for substituting some proper declaration in the place of an oath.

XIII. That his Majesty will be pleased to permit the Proprietors to nominate the first Governor.

XIV. That all such further priviledges, franchises and liberties, as upon consideration shall be found necessary to the good government and prosperity of the said Provinces, and increasing the trade thereof, may be granted to the Proprietors.

Walter Benthall,
E. Richier,
Jos. Brookbank.
Dan. Cox, junr.
Thomas Lane,
Paul Dominique,
John Bridges,
Michael Watts,
Thomas Skinner,
Thomas Hart,

Joseph Ormston,
Joseph Ormston, as having
procuration from Miles Foster,
and Edward Anthill,
Gilbert Molleson,
Thomas Barker,
Claud Plumstead,
Thomas Cooper,
William Dockwra,
August 12th, 1701.

I do hereby certify that this is a true copy taken from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 17, 1752.

To their Excellencies the Lords Justices.

May it please your Excellencies,

IN OBEDIENCE to your excellencies commands signified to us by Mr. Yard, upon several papers laid before your excellencies, relating to the state of his Majesty's Provinces of East and West New Jersey in America, we have considered all the said papers, together with others of the like nature that were already in our hands, and having likewise heard what the Proprietors and others had to offer; we thereupon most humbly report to your excellencies,

That those countries which are now known by the name of East and West New Jersey, were granted together with several other territories by King CHARLES the Second, by Letters Patents bearing date the 12th day of March, 1664, to the then Duke of York, his heirs and assigns, together with full and absolute power and authority to him, his heirs, deputies, agents, commissioners and assigns, to correct, punish, pardon, govern, and rule all such persons as did then, or should at any time thereafter reside within the said territories, according to such laws, orders, ordinances, directions and instruments, as by the said Duke of York, or his assigns, should be established, and with several other clauses relating to the government and defence of the same.

That the said Duke of York did therefrom grant, convey, and assign the said Provinces (by the name of Nova Cæsaria or New Jersey) to John Lord Berkley, and Sir George Carteret, their heirs and assigns, with all and every the appurtenances thereto belonging, in as full and ample manner as the same was granted to him by the foresaid Letters Patents of King CHARLES the Second.

That his said Majesty King CHARLES the Second, by other Letters Patents, dated the 29th of June, 1674, did again grant and convey to the said Duke of York, all the said lands and territories in the same manner as before expressed, and that several sub-

divisions and sales having in the mean while been made by the said Lord Berkley, Sir George Carteret, and others claiming under them, he the said Duke of York, did by indenture dated the sixth day of August, 1680, grant and confirm the Province of West New Jersey, with all the appurtenances thereunto belonging to Edward Byllynge, of Westminster gent. in whom the title thereunto then was, and to his heirs and assigns forever: And did in like manner by indenture dated the 14th day of March, 1682, grant and confirm the Province of East New Jersey, with all the appurtenances thereto belonging, to James Earl of Perth, William Penn, Esq; and several other persons, in whom the title to the same then was, and to their heirs and assigns for ever. And by each of the said indentures did likewise give, grant and assign unto the aforesaid respective grantees or assigns all and every such, and the same powers, authorities, jurisdictions, governments and other matters and things whatsoever, which by the forementioned respective Letters Patents, or either of them, were granted or intended to be granted to be exercised by him the said Duke of York, his heirs, assigns, deputies, officers or agents.

That the present Proprietors who derive their respective titles to their several shares and proportions of the soil of those Provinces by several mean conveyances from and under the forementioned grants to Edward Byllinge, and to the Earl of Perth, and other persons, to whom the Duke of York, had immediately conveyed the same, do in like manner and by virtue of divers such mean conveyances, claim the same powers and rights of government, as were granted by King CHARLES the Second to the Duke of York, and by him to others according to the tenor, of the aforesaid indentures.

That nevertheless, we do not find that any sufficient form of government has ever been settled in those Provinces, either by the Duke of York, or by those claiming under him, as aforesaid; but that many inconveniencies and disorders having arisen from their pretence of right to govern, the Proprietors of East New Jersey did surrender their said pretended right to the

late King JAMES, in the month of April, 1688, which was accordingly accepted by him.

That since his Majesty's accession to the Crown, the Proprietors both of East and West New Jersey, have continued to challenge the same right as before, and did in the year 1697, apply themselves to us in order to their obtaining his Majesty's approbation of the person whom they desired to have constituted Governor of the said Provinces, but at the same time refused to enter into security to his Majesty, pursuant to the address of the right honourable the House of Lords of the 18th of March 1696, that the person so presented by them the said Proprietors, should duly observe and put in execution the acts of trade; yet nevertheless proceeded from time to time to commissionate whom they thought fit to be governors of those Provinces without his Majesty's approbation, according to what is required by the late act for preventing frauds and regulating abuses in the plantation trade.

That in this manner having formerly commissioned Colonel Andrew Hamilton, afterwards Mr. Jeremiah Bass, then again superseding their commission to Mr. Bass, and renewing or confirming that to Colonel Hamilton; and ever since that also some of them having sent another commission to one Captain Andrew Bown, the inhabitants sensible of the defects and insufficiency of all those commissions for want of his Majesty's authority, have upon several occasions some of them opposed one of those Governors, some another, according as interest, friendship or faction have inclined them.

That the inhabitants of East New Jersey, in a petition to his Majesty the last year, complained of several grievances they lay under by the neglect or mismanagement of the Proprietors of that Province or their agents; as particularly that from the latter end of June, 1689, till about the latter end of August, 1692, (which was a time of actual war) they had not taken any manner of care about the government thereof, so that there having been neither magistrates established to put the laws in execution, nor military officers to com-

mand or give directions in order to the defence of the Province, they were exposed to any insults that might have been made upon them by an enemy ; unto which they also added, that during the whole time the said Proprietors have govern'd or pretended to govern, that Province, they have never taken care to preserve or defend the same from the Indians or other enemies, by sending or providing any arms, ammunition or stores, as they ought to have done ; and the said inhabitants thereupon humbly prayed, his Majesty would be pleased to commissionate some fit person, qualified according to law, to be Governor over them.

That it has been represented to us by several letters, memorials and other papers, as well from the inhabitants as Proprietors of both those Provinces, that they are at present in confusion and anarchy, and that it is much to be apprehended least by the heats of the parties that are amongst them, they should fall into such violences, as may endanger the lives of many persons and destroy the colony.

That the greatest number of the Proprietors of both those Provinces residing in this city, being hereby sensible of the necessity of his Majesty's authority for the preserving of peace and good order in those countries, have lately presented a petition to your excellencies, in the preamble whereof, tho' they still seem to assert their title to the government of the said Provinces, yet nevertheless in the end declare, that they have agreed and are ready to surrender the same to his Majesty upon such terms and conditions as are requisite for preservation of their proprieties and civil interests ; and they thereupon humbly pray, that for the preservation of the publick peace, your excellencies would be graciously pleased immediately to approve Colonel Hamilton, to be Governor of both the said Provinces of East and West New Jersey, until the terms of surrender can be adjusted.

That in a late memorial presented to your excellencies (and signed not only by the same persons, but by others likewise, who wou'd not join in the prayer of that petition) having again prefaced their own pre-

tended right to government, they do in like manner declare their readiness to surrender the same, in humble hope and confidence (as they express themselves) that his Majesty will be pleased to grant them all reasonable priviledges, which are necessary to preserve their civil rights and the interests of planters, and which are not inconsistent with his Majesty's service or royal authority; after which they proceed to propose and particularly enlarge upon several articles relating to the method of settling both the said Provinces, and uniting them under one government.

That the Proprietors of East New Jersey, residing there, have signed and sent over hither to a gentleman, whom they have constituted their agent and attorney in that behalf, an absolute and unconditioned surrender of their right to the government of that Province, so far as the same is in them, and so far as they are capable of doing it for others concerned with them in that propriety.

That in relation to the aforesaid articles, we have been attended by several of the Proprietors here, who have further personally declared to us, that their intention in proposing the same, is only to secure their right in such things as are matter of property; and that they unanimously desire to surrender the government to the King, and submit the circumstances thereof to his Majesty's pleasure. But in relation to the forementioned petition, that Colonel Hamilton may at present receive his Majesty's approbation to be Governor these Provinces, the said Proprietors are so divided amongst themselves, that whereas some seem to insist upon his approbation as one principal condition of their surrender, others in the same manner insist upon his exclusion.

Upon all which we humbly represent to your excellencies.

That not being satisfied that the forementioned grants from the Duke of York, (the only title upon which the said Proprietors claim a right to government) without any dirrect and immediate authority from the Crown,

were or cou'd be of any validity, to convey that right (which we have been informed is a power inalienable from the person to whom it is granted, and not to be assigned by him unto any other, much less divided, subdivided and convey'd from one another, as has been done in the present case) we did thereupon humbly represent to his Majesty the 18th of April, 1699, that a tryal might be had in Westminster Hall, upon a feigned issue, whereby their claim to the right of government might receive a determination.

That no such determination having yet been made, nor any proceedings (that we know of) had upon the forementioned surrender, but it being generally acknowledged both by the inhabitants and Proprietors of the foresaid Provinces, that the disorder and confusion they are now fallen into, are so great, that the publick peace and administration of justice is interrupted and violated and whilst those disorders continue, there neither is; nor possibly can be, any due provision made for the guard and defence of that country against an enemy; we are humbly of opinion, that it is very expedient for the preservation of those territories to the Crown of England, and for securing the private interest of all persons concerned, that his Majesty would be pleased to constitute a Governor over those Provinces by his immediate commission. Which together with the instructions to be also given to the said Governor, may contain such powers, authorities and directions as may be necessary for the establishing there, a regular constitution of government, by a Governor, Council and General Assembly, with other civil and military officers, and for securing to the Proprietors and inhabitants all their properties and civil rights in as full and ample manner as the like are enjoyed by any plantation under governors appointed by his Majesty's immediate commission, together with such clauses and further provisions as may be thought reasonable, in order to prevent the interfering of that colony with the interest of his Majesty's other plantations, as the proprietary governments in America have generally done.

And we further humbly offer, that draughts of such a commission and instructions may be prepared, and

Surrender of the Proprietors. 609

that they may be also shewn to the Proprietors of those Provinces, in order to their acquiescence, and the surrender of their pretended right to government, in such manner and form as may be effectual in law, to the final extinguishing of their pretences; or in case of their refusal, in order to such other proceedings as shall then be thought fit.

All which nevertheless is most humbly submitted.

Whitehall,
October 2, 1701.

Phil. Meadows,
Jo. Pollexsen,
Abr. Hill,
Mat. Prior,

I do hereby certify that this is a true copy taken from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 17, 1752.

Surrender from the Proprietors of East and West New Jersey, of their pre- tended Right of Government to Her Majesty.

WHEREAS his late Majesty King CHARLES the Second, by his Letters Patents under the great seal of England, bearing date at Westminster on or about the 12th day of March, in the sixteenth year of his reign, did give and grant to JAMES then Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of Saint Croix, next adjoining to New Scotland in America, and from thence extending along the sea-coast unto a certain place called Pemaquod or Pemaquid, and so up the river thereof to the furthest

head of the same, as it tends northward, and extending from thence to the river of Kenibique, and so upwards by the shortest course to the river Canada, northward ; and also all that island or islands commonly called by the several name or names of Manowacks, or Long Island, situate, lying and being towards the west of Cape Codd and the Narrohigansets, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut and Hudson's river ; together also with the said river called Hudson's river, and all the lands from the west side of Connecticut river to the east side of Delaware bay. And also all those several islands called or known by the names of Martin's Vinyard, and Nantucks or Nantucket, together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, hunting, and fowling, and all other royalties, profits, commodities and hereditaments to the several islands, lands, and premises, belonging and appertaining, with their and every of their appurtenances, *to have and to hold* all and singular the said lands, islands, hereditaments, with their and every of their appurtenances, to the said JAMES Duke of York, his heirs and assigns forever, to be held of the said King, his heirs and successors as of his manor of East Greenwich in Kent, in free and common soccage and not in capite or by knight's service, yielding and rendering therefore yearly and every year, forty beaver skins when demanded, or within ninety days after : And by the same Letters Patents the late King CHARLES the Second, for himself, his heirs and successors, did give and grant to the said JAMES Duke of York, his heirs, deputies, agents, commissioners and assigns, full and absolute power and authority to correct, punish, pardon, govern and rule all such subjects of the said King, his heirs and successors, as should from time to time adventure themselves into the parts and places aforesaid, or that should at any time then after inhabit within the same, according to such laws, orders, ordinances, directions and instructions as by the said Duke of York, or his assigns, should be established ; and in defect thereof, in case of necessity, according to the good directions of his deputies, commissioners, officers or

assigns respectively, as well in all causes and matters as well capital and criminal as civil, both marine and others, so always as the said statutes, ordinances and proceedings were not contrary, but as near as might be agreeable to the laws and statutes and government of the realm of England, saving and reserving to his said Majesty, his heirs and successors, the receiving, hearing and determining, of the appeal and appeals of all or any other person or persons of, in or belonging to the territories or islands aforesaid, in or touching any judgment or sentence to be there made or given; and further that it should and might be lawful to and for the said Duke of York, his heirs and assigns, from time to time to nominate, constitute, ordain and confirm such laws as aforesaid, by such name or names or stiles as to him or them shall seem good; and likewise to revoke, discharge, change and alter as well all and singular Governors, officers and ministers, which then after should be by him or them thought fit or needful to be made or used within the aforesaid parts and islands; and also to make, ordain and establish, all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy, fit and necessary for and concerning the government of the Territories and islands aforesaid, so always as the same were not contrary to the laws and statutes of the realm of England, but as near as might be agreeable thereunto; and the same at all times then after to put in execution or abrogate, revoke or change, not only within the precinct of the said Territories or islands, but also upon the seas in going and coming to and from the same, as he and they in their good direction should think to be fittest for the good of the adventurers and inhabitants there. And the late King did thereby grant, ordain and declare, that such Governors, officers, ministers as from time to time should be authorized and appointed in manner and form aforesaid, should and might have full power and authority to use and exercise martial law in cases of rebellion, insurrection and mutiny, in as large and ample manner as the lieutenants of his said Majesty in his counties of the realm of England had, or ought to have, by their commissions of lieutenancy, or any law or statute of the said realm

612. Surrender of the Proprietors.

of England. And the said late King did thereby also for himself, heirs and successors, grant to the said JAMES Duke of York, that it should and might be lawful for him, his heirs and assigns, in his or their discretions, from time to time, to admit such and so many person or persons to trade and traffick unto and within the Territories and islands aforesaid, and into every or any part or parcel thereof, and to have process and enjoy any lands and hereditaments in the parts and places aforesaid, as they should think fit, according to the laws, orders, constitutions and ordinances by the said JAMES Duke of York, his heirs, deputies, commissioners and assigns from time to time to be made and established, by virtue of and according to the true intent and meaning of the said Letters Patents, and under such conditions, reservations and agreements as the said JAMES Duke of York, his heirs and assigns should set down, order, direct and appoint, and not otherwise. And by the said Letters Patents the said King did for himself his heirs, and successors, grant to the said JAMES Duke of York, his heirs and assigns, and to all and every such Governor and Governors or other officers or ministers as by the said JAMES Duke of York, his heirs or assigns, should be appointed, with power and authority of government and command in or over the inhabitants of the said Territories or islands, that they and every of them should, or lawfully might, from time to time, and at all times then after or for ever, for their several defence and safety, encounter, expulse, repel and resist by force of arms, as well by sea as by land, and all ways and means whatsoever, all such person or persons as without the especial licence of the said JAMES Duke of York, his heirs and assigns, should attempt to inhabit within the several precincts and limits of the said territories and islands; and also all and every such person and persons whatsoever as should enterprize, or attempt at any time then after, the destruction or invasion, detriment or annoyance to the parts, places or islands aforesaid, or any part thereof; as by the said recited Letters Patents duly enrolled, relation being thereunto had, more at large may appear. *And whereas* the estate, interest, right and title of the said JAMES Duke of York, in and to the Provinces of East

Jersey and West Jersey, part of the premises by the said recited Letters granted, are by mean conveyances and assurances in the law, come unto and vested in or claimed amongst others by Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbank, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steell, Obediah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, Jo. Bennet, John Booker, Benjamin Nelson, James Wassee, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Pounceford, William Hamond, Ferdinando Holland, William Dockwra, Peter Sonmans, Joseph Grimston, Charles Ormston, Edward Antill, George Willocks, Francis Handcock, Thomas Barker, Thomas Cooper, Robert Burnet, Miles Forster, John Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Clement Plumstead, Gilbert Mollison, and Richard Hasel, the present Proprietors thereof, and they also have claimed, by virtue of the said Letters Patents and mean conveyances, to exercise within the said Provinces for the governing the inhabitants thereof, all the powers and authorities for government granted by the said Letters Patents to the said Duke and his heirs and assigns; but her Majesty hath been advised, that they have no right nor can legally execute any of the said powers, but that it belongeth to her Majesty in right of her Crown of England to constitute Governors of the said Provinces, and to give directions for governing of the inhabitants thereof, as her Majesty shall think fit. And the said Proprietors being desirous to submit themselves to her Majesty, are willing to surrender all their pretences to the said powers of government, to the intent her Majesty may be pleased to constitute a Governor or Governors of the same Provinces, with such powers, privileges and authorities for the government thereof, and making of such laws there with the consent of the Assembly of the said Provinces, and her Majesty's subsequent approbation thereof, as her Majesty in her great wisdom shall think fit and convenient. We therefore the said Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbanke, Machael Watts

Ed. Richier, John Norton, Ebenezer Jones, John Whiting, Clement Plumstead, John Wilcocks, John Bridges, Thomas Skinner, Benjamin Steele, Obadiah Burnet, Joseph Micklethwaite, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewes, Jo. Bennet, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Paunceford, William Hamond, Ferdinando Holland, William Dockwra, Peter Sonmans, Joseph Grinston, Charles Ormston, Edward Anthill, George Wilcocks, Francis Hancock, Thomas Barker, Thomas Cooper, Robert Burnett, Miles Forster John Johnston, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Gilbert Molleson, and Richard Hasell, &c. the present Proprietors of the said Provinces of East Jersey, and West Jersey, for the considerations and to the intent aforesaid, have surrendered and yielded up, and by these presents for us and our heirs, do surrender and yield up unto our Sovereign Lady ANNE by the grace of God Queen of England, Scotland, France, and Ireland, Defender of the Faith, &c. her heirs and successors, all these the said powers and authorities to correct, punish, pardon, govern and rule all or any of her Majesty's subjects or others, who now are or inhabit or hereafter shall adventure into or inhabit within the said Provinces of East Jersey, and West Jersey, or either of them; and also to nominate, make, constitute, ordain and confirm any laws, orders, ordinances and directions and instruments for those purposes or any of them; and to nominate, constitute or appoint, revoke, discharge, change or alter any Governor or Governors, officers or ministers which are or shall be appointed, made or used within the said Provinces or either of them; and to make, ordain and establish any orders, laws, directions, instruments, forms or ceremonies of government and magistracy, for or concerning the government of the Provinces aforesaid or either of them, or on the sea in going and coming to or from thence, or to put in execution, or abrogate, revoke or change such as are already made for or concerning such government, or any of them; and also all those the said powers and authorities to use and exercise martial law in the places aforesaid, or either of them, and to admit any person or person

Surrender of the Proprietors. 615

to trade or traffick there, and of encountering, repelling and resisting by force of arms any person or persons attempting to inhabit there without the licence of us the said Proprietors, our heirs and assigns, and all other the powers, authorities and priviledges of or concerning the government of the Provinces aforesaid, or either of them to the inhabitants thereof, which were granted or mentioned to be granted by the said recited Letters Patents, and every of them. *In witness* whereof the persons abovenamed have hereunto set their hands and seals this fifteenth day of April, in the year of our Lord one thousand seven hundred and two, and in the first year of her Majesty's reign.

For the Eastern Division.

L. Morris, in the behalf	}	Peter Sonman's,
of Robert Burnett,	}	Joseph Ormston, for myself,
Miles Foster,		and as proxy for Charles
John Johnstone,		Ormston, Edward Anthill,
Michael Hawdon,		and George Willocks, and
John Barclay,		Representative of Francis
David Lyell,		Handcock,
Thomas Warne,		Thomas Lane,
Thomas Gordon,		Paul Dominique,
Thomas Barker,		Robert Mitchell,
Thomas Cooper,		Joseph Brooksbank.
Gilbert Mollison,		E. Richier,
Henry Adderly,	for }	Michael Watts,
Richard Hasel,	of }	Clement Plumstead,
Barbados.		
William Dockwra,		

For the Western Division.

Benjamin Nellson,	John Booker,
James Wasse,	John Whiting,
Richard Harrison,	John Wilcocks,
John Jurin,	John Bridges,
Richard Greenaway,	Thomas Skinner,
Charles Michell,	Benjamin Steel,
Francis Michell,	Obadiah Burnett,
Francis Paunceford,	Jos. Micklethwait,
Wm. Hammond,	Thomas Lamb,
Ferd. Holland,	Paul Dominique,
Elizabeth Miller,	Robert Michell,
Benjamin Levy,	Jos. Brooksbanks,
Francis Minshall,	Michael Watts,
Joseph Collin,	E. Richier,
Thomas Lewis,	John Norton,
Jo. Bennet,	Eben. Jones,

616 Surrender of the Proprietors.

Sealed and delivered by Thomas Lane, Paul Dominique, Robert Michell, Joseph Brooksbanks, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, John Bennett, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Pauncefort, William Hamond, Ferdinando Holland. And for the interest the Proprietors of West Jersey, have in East Jersey, Thomas Lane, Paul Dominique, Robert Mitchel, Joseph Brooksbank, Edward Richier and Michael Watts.

Sealed and delivered by the aforesaid persons in presence of us.

L. Morris,
Jonathan Greenwood,

Sealed and delivered by William Dockwra, Peter Sonmans, Joseph Ormston, Thomas Barker and Thomas Cooper, Proprietors of East Jersey, in the presence of us.

Richard Bouts.
Nathaniel Welch,

Sealed and delivered by Gilbert Molleson, in presence of us.

Daniel Wild,
Gilbert Falconer,

Sealed and delivered by Clement Plumstead, in presence of us.

John Askew,
Samuel Hannington.

Sealed and delivered by Henry Adderly, in presence of us.

John Blackall,
Thomas Cage,

Sealed and delivered by Lewis Morris, in presence of
Aug. Graham,
Richard Bibby.

I do hereby certify that this is a true copy from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 17, 1752.

The QUEEN'S Acceptance of the Surrender of Government.

At the Court of St. James's the 17th Day
of April, 1702.

PRESENT,

The QUEEN'S most Excellent Majesty.

His Royal Highness,	Lord Chamberlain,	Lord Godolphin,
Prince George of Denmark,	Earl of Dorset,	Mr. Comptroller,
Lord Keeper,	Earl of Manchester,	Mr. Vice Chamberlain,
Lord President,	Earl of Stamford,	Mr. Secretary Ver-
Lord Steward,	Earl of Burlington,	non,
Duke of Bolton,	Earl of Radnor,	Mr. Chancellor of
Duke of Schonberg,	Earl of Barkeley,	the Exchequer,
Duke of Leeds,	Earl of Rochester,	Lord Chief Justice,
Lord Great Cham-berlain,	Earl of Marlborough,	Sir Charles Hedges,
Earl Marshall,	Earl of Bradford,	Mr. Smith,
Lord High Admiral,	Earl of Romney,	Earl of Renalagh,
	Lord Ferrers,	

THIS day the several Proprietors of East and West New Jersey in America, did in person present a deed of surrender by them executed under their hands and seals, to her Majesty in Council, and did acknowledge the same to be their act and deed, and humbly desire her Majesty to accept the same, that it might be enrolled in the Court of Chancery, whereby they did surrender their power of the Government of those plantations: Which her Majesty graciously accepted, and was pleased to order as it is hereby ordered, that the same be enrolled in her Majesty's said High Court of Chancery, whereby they did surrender their power of the Government of those plantations which her Majesty graciously accepted and was pleased to order, as it is hereby ordered, that the same be enrolled

in her Majesty's said High Court of Chancery, and the said instruments are to be delivered to Mr. Attorney General, who is to take care that the same be enrolled accordingly.

7 October, 1747

A true copy.

W. Sharpe,

Examined the foregoing copy, with the entry remaining in the register book in the office of his Majesty's privy Council at Whitehall, and found the same to contain a true copy.

John Waddell,

17 March 1747,

Examined the foregoing copy with the entry, remaining in the register book, in the office of his Majesty's privy Council at Whitehall, and found the same to contain a true copy.

James Hamilton,

Be it remembered, that on the tenth day of September, 1748, John Waddell of the city of New York, merchant, appeared before Robert Hunter Morris, Esq; Chief Justice of the Province of New Jersey, and being duly sworn on the holy evangelists, on his oath declared, that the name of John Waddell, signed to the preceeding certificate of the 7th of October, 1747, is the proper hand writing of the declarant, and that the matter contained in the said certificate is true,

Sworn as above,
before me,

John Waddell.

Robert Hunter Morris.

Agrees with an attested copy, being carefully examined and corrected by me,

John Smith, register of the Proprietors of East New Jersey.

Instructions for our Right Trusty and well beloved Edward Lord Cornbury,

Our Captain General and Governor, in Chief in and over our Province of Nova-Cæsarea, or New-Jersey, in America. Given at our Court at St. James's, the 16th Day of November, 1702, in the first year of our Reign.

1. WITH these our instructions you will receive our Commission under our Great Seal of England, constituting you our Captain General and Governor in chief of our Province of New Jersey.

2. You are with all convenient speed to repair to our said Province, and being there arrived, you are to take upon you the execution of the place and trust we have reposed in you, and forthwith to call together the following persons, whom we do by these presents appoint and constitute members of our Council in and for that Province, viz. Edward Hunlock, Lewis Morris, Andrew Bowne, Samuel Jennings, Thomas Revill, Francis Devenport, William Pinborne, Samuel Leonard, George Deacon, Samuel Walker, Daniel Leeds, William Sanford, and Robert Quarry, Esqrs.

3. And you are with all due solemnity, to cause our said Commission under our Great Seal of England, constituting you our Captain General and Governor in Chief as aforesaid, to be read and published at the said meeting of our Council, and to cause proclamation to be made in the several most publick places of our said Province, of your being constituted by us our Captain General and Governor in Chief as aforesaid.

4. Which being done you shall yourself take, and also administer to each of the members of our said Council, so ap-

620 Instructions for Lord Cornbury.

pointed by us, the oaths appointed by act of Parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in an act, entitled, an act to declare the alteration in the oath appointed to be taken, by the act entitled, an act for the further security of his Majesty's person, and the succession of the crown in the Protestant line and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders and their open and secret abettors, and for declaring the association to be determined. As also the test mentioned in an act of Parliament made in the 25th year of the reign of King CHARLES the Second, entitled, an act for preventing dangers which may happen from Popish recusants, together with an oath for the due execution of your and their places and trusts, as well with regard to the equal and impartial administration of justice in all causes that shall come before you, as otherwise, and likewise the oath required to be taken by Governors of plantations to do their utmost, that the laws relating to the plantations be observed.

5. You are forthwith to communicate unto our said Council, such and so many of these our instructions, wherein their advice and consent are mentioned to be requisite, as likewise all such others from time to time, as you shall find convenient for our service to be imparted to them.

6. And whereas the inhabitants of our said Province have of late years been unhappily divided, and by their enmity to each other, our service and their own welfare has been very much obstructed, you are therefore in the execution of our Commission to avoid the engaging your self in the parties which have been form'd amongst them, and to use such impartiality and moderation to all, as may best conduce to our service and the good of the Colony.

7. You are to permit the members of our said Council to have and enjoy freedom of debate, and vote in all affairs of publick concern, that may be debated in Council.

8. And altho' by our Commission aforesaid, we have

thought fit to direct that any three of our councillours make a quorum, it is nevertheless our will and pleasure, that you do not act with a quorum of less then five members except in case of necessity.

9. And that we may be always informed of the names and characters of persons fit to supply the vacancies which shall happen in our said Council, you are to transmit unto us by one of our principal Secretary's of State, and to our commissioners for trade and plantations, with all convenient speed, the names and characters of six persons inhabitants of the Eastern Division, and six other persons inhabitants of the Western Division of our said Province, whom you shall esteem the best qualified for that trust, and so from time to time when any of them shall dye, depart out of our said Province, or become otherwise unfit, you are to nominate unto us so many other persons in their stead, that the list of twelve persons fit to supply the said vacancies, viz. six of the East, and six out of the West Division as aforesaid, may be always compleat.

10. You are from time to time to send to us as aforesaid, and to our commissioners for trade and plantations, the names and qualities of any members by you put into our said Council, by the first conveniency after you so doing.

11. And in the choice and nomination of the members of our said Council, as also of the principal officers, judges, assistants, justices and sheriffs, you are allways to take care that they be men of good life and well affected to our government, of good estates and abilities, and not necessitous people or much in debt.

12. You are neither to augment nor diminish the number of our said Council, as it is hereby established, nor to suspend any of the present members thereof without good and sufficient cause: And in case of suspension of any of them, you are to cause your reasons for so doing, together with the charges and proofs against the said persons, and their answers thereunto (unless you have some extraordinary reason to the contrary) to be duly entered upon the Council books, and you are forthwith

622 Instructions for Lord Cornbury.

to transmit the same, together with your reasons for not entering them upon the Council books, (in case you do not enter them) unto us and to our commissioners for trade and plantations as aforesaid.

13. You are to signify our pleasure unto the members of our said Council that if any of them shall at any time hereafter absent themselves, and continue absent above the space of two months together from our said Province without leave from you, or from our Governor or Commander in Chief of our said Province, for the time being, first obtained ; or shall remain absent for the space of two years or the greater part thereof successively without our leave given them under our royal sign manual, their place or places in our said Council, shall immediately thereupon become void, and that we will forthwith appoint others in their stead.

14. And in order to the better consolidating and incorporating the two divisions of East and West New Jersey, into and under one government, our will and pleasure is, that with all convenient speed, you call together one General Assembly for the enacting of laws for the joint and mutual good of the whole ; and that the said General Assembly do sit in the first place at Perth Amboy, in East New Jersey, and afterwards the same, or other the next General Assembly at Burlington, in West New Jersey ; and that all future General Assemblies do set at one or the other of those places alternately, or (in cases of extraordinary necessity) according as you with the advice of our foresaid Council, shall think fit to appoint them.

15. And our further will and pleasure is, that the General Assembly so to be called, do consist of four and twenty representatives ; who are to be chosen in the manner following, viz. Two by the inhabitants house-holders of the city or town of Perth Amboy, in East New Jersey, two by the inhabitants house-holders of the city and town of Burlington in West New Jersey ; ten by the freeholders of East New Jersey, and ten by the freeholders of West New Jersey ; and that no person shall be capable of being elected a representative by the freeholders of either division, or

afterwards of sitting in General Assembly's, who shall not have one thousand acres of land of an estate of freehold, in his own right, within the division for which he shall be chosen ; and that no freeholder shall be capable of voting in the election of such representative, who shall not have one hundred acres of land of an estate of freehold in his own right, within the division for which he shall so vote : And that this number of representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise then by an act or acts of the General Assembly there, and confirmed by the approbation of us, our heirs and successors.

16. You are with all convenient speed to cause a collection to be made of all the laws, orders, rules, or such as have hitherto served or been reputed as laws amongst the inhabitants of our said Province of Nova Cæsaria or New Jersey, and together with our aforesaid Council and Assembly, you are to revise, correct, and amend the same, as may be necessary ; and accordingly to enact such and so many of them, as by you with the advice of our said Council and Assembly, shall be judged proper and conducive to our service, and the welfare of our said Province, that they may be transmitted unto us, in authentick form, for our approbation or disallowance.

17. You are to observe in the passing of the said laws, and of all other laws, that the stile enacting the same, be by the Governor, Council and Assembly, and no other.

18. You are also as much as possible to observe in the passing of all laws, that whatever may be requisite upon each different matter, be accordingly provided for by a different law, without intermixing in one and the same act, such things as have no proper relation to each other ; and you are especially to take care that no clause or clauses be inserted in, or annexed to any act which shall be foreign to what the title of such respective act imports.

19. You are to transmitt authentic copies of the

forementioned laws that shall be enacted, and of all laws, statutes, and ordinances which shall at any time hereafter be made or enacted within our said Province, each of them separately, under the publick seal, unto us and to our said commissioners for trade and plantations, within three months or by the first opportunity after their being enacted, together with duplicates thereof by the next conveyance, upon pain of our high displeasure, and of the forfeiture of that years salary, wherein you shall at any time, or upon any pretence whatsoever, omit to send over the said laws, statutes and ordinances as aforesaid, within the time above limited, as also of such other penalty as we shall please to inflict. But if it shall happen that during time of war, no shipping shall come from our said Province or other our adjacent or neighboring plantations, within three months after the making such laws, statutes and ordinances, whereby the same may be transmitted as aforesaid, then the said laws, statutes, and ordinances are to be so transmitted as aforesaid, by the next conveyance after the making thereof, whenever it may happen, for our approbation or disallowance of the same.

20. You are to take care that in all acts or orders to be passed within that our Province in any case for levying money or imposing fines and penalties, express mention be made that the same is granted or reserved to us, our heirs or successors for the publick uses of that our Province, and the support of the government thereof, as by the said act or orders shall be directed.

21. And we do particularly require and command, that no money, or value of money whatsoever, be given or granted by any act or order of Assembly, to any Governor, Lieutenant Governor, or commander in chief of our said Province, which shall not according to the stile of acts of Parliament in England, be mentioned to be given and granted unto us, with the humble desire of such Assembly, that the same be applied to the use and behoof of such Governor, Lieutenant Governor, or commander in chief, if we shall so think fit; or if we shall not approve of such gift or application, that the said money or value of money be then

Instructions for Lord Cornbury. 625

dispose of and appropriated to such other uses as in the said act or order shall be mentioned, and that from the time the same shall be raised, it remain in the hands of the receiver of our said Province until our royal pleasure shall be known therein.

22. You shall also propose with the said General Assembly, and use your utmost endeavours with them, that an act be passed for raising and settling a publick revenue for defraying the necessary charge of the government of our said Province, in which provision be particularly made for a competent salary to yourself, as Captain General and Governor in Chief of our said Province, and to other our succeeding Captain Generals, for supporting the dignity of the said office, as likewise due provision for the salaries of the respective members of our Council and Assembly, and of all other officers necessary for the administration of that government.

23. Whereas it is not reasonable that any of our Colonies or plantations should by virtue of any exemptions or other priviledges whatsoever, be allowed to seek and pursue their own particular advantages, by methods tending to undermine and prejudice our other colonies and plantations, which have equal title to our royal care; and whereas the trade and welfare of our Province of New York, would be greatly prejudiced, if not intirely ruined, by allowing unto the inhabitants of Nova Cæsaria, or New Jersey, any exemption from those charges, which the inhabitants of New York are liable to, you are therefore in the settling of a publick revenue as before directed, to propose to the Assembly, that such customs, duties and other impositions be laid upon all commodities imported or exported in or out of our said Province of Nova Cæsaria, or New Jersey, as may equal the charge that is or shall be laid upon the like commodities in our Province of New York.

24. And whereas we are willing in the best manner to provide for the support of the government of our said Province, by setting a part sufficient allowances to such as shall be our Governor or commander in chief, residing for the time being within the same. Our will and

626 Instructions for Lord Cornbury.

pleasure therefore is, that when it shall happen, that you shall be absent from the territories of New Jersey and New York, of which we have appointed you Governor, one full moiety of the salary and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall, during the time of your absence from the said territories, be paid and satisfied unto such Governor or Commander in Chief who shall be resident upon the place for the time being, which we do hereby order and allot unto him towards his maintenance, and for the better support of the dignity of that our government.

25. Whereas great prejudice may happen to our service and the security of our said Province under your government by your absence from those parts, without a sufficient cause and especial leave from us; for prevention thereof, you are not upon any pretence whatsoever to come to Europe from your government, without first having obtained leave for so doing, under our signet and sign manual, or by our order in our privy Council.

26. You are not to permit any clause whatsoever to be incerted in any law for the levying money, or the value of money, whereby the same shall not be made liable to be accounted for unto us here in England, and to our high treasurer, or to our commissioners of our treasury for the time being.

27. You are to take care that fair books of accounts of all receipts and payments of all such money be duly kept, and the truth thereof attested upon oath, and that the said books be transmitted every half year, or oftener, to our high treasurer or to our commissioners of our treasury for the time being, and to our commissioners for trade and plantations, and duplicates thereof by the next conveyance; in which books shall be specified, every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end we may be satisfied of the right and due application of the revenue of our said Province.

28. You are not to suffer any publick money what-

Instructions for Lord Cornbury. 627

soever, to be issued or disposed of otherwise then by warrant under your hand, by and with the advice and consent of our said Council ; but the Assembly may be nevertheless permitted from time to time to view and examine the accounts of money, or value of money, disposed of by virtue of laws made by them, which you are to signify unto them as there shall be occasion.

29. And it is our express will and pleasure, that no law for raising any imposition of wines or other strong liquors, be made to continue for less than one whole year: As also that all laws whatsoever for the good government and support of our said Province, be made indefinite, and without limitation of time, except the same be for a temporary end, which shall expire and have its full effect within a certain time.

30. And therefore you shall not re-enact any law which shall have been once enacted there by you, except upon very urgent occasions, but in no case more than once without our express consent.

31. You shall not permit any act or order to pass in our said Province, whereby the price or value of the current coin within your government, (whether it be foreign or belonging to our dominions) may be altered, without our particular leave or direction for the same.

32. And you are particularly not to pass any law or do any act, by grant, settlement, or otherwise, whereby our revenue, after it shall be settled, may be lessened or impaired, without our especial leave or commands therein.

33. You shall not remit any fines or forfeitures whatsoever, above the sum of ten pounds, nor dispose of any escheats, fines or forfeitures whatsoever, until upon signifying unto our high treasurer, or to our commissioners of our treasury for the time being, and to our commissioners for trade and plantations, the nature of the offence and the occasion of such fines forfeitures or escheats, with the particular sums or value thereof, (which you are to do with all speed) you shall

628 Instructions for Lord Cornbury.

have received our directions therein, but you may in the meantime suspend the payment of the said fines and forfeitures.

34. You are to require the Secretary of our said Province, or his deputy for the time being, to furnish you with transcripts of all such acts and publick orders as shall be made from time to time, together with a copy of the journals of the Council, to the end the same may be transmitted unto us, and to our commissioners for trade and plantations as above directed, which he is duly to perform upon pain of incurring the forfeiture of his place.

35. You are also to require from the Clerk of the Assembly, or other proper officer, transcripts of all the journals, and other proceedings of the said Assembly, to the end the same may in like manner be transmitted as aforesaid.

36. Our will and pleasure is, that for the better quieting the minds of our good subjects, inhabitants of our said Province, and for settling the properties and possessions of all persons concerned therein, either as general Proprietors of the said under the first original grant of the said Province, made by the late King CHARLES the Second, to the late Duke of York, or as particular purchasers of any parcels of land from the said general Proprietors, you shall propose to the General Assembly of our said Province, the passing of such act or acts, whereby the right and property of the said general Proprietors, to the soil of our said Province, may be confirmed to them, according to their respective rights and title; together with all such quit-rents as have been reserved, or are or shall become due to the said general Proprietors, from the inhabitants of our said Province; and all such priviledges as are exprest in the conveyances made by the said Duke of York, excepting only the right of government, which remains in us: And you are further to take care, that by the said act or acts so to be passed, the particular titles and estates of all the inhabitants of that Province, and other purchasers claiming under the said general Proprietors, be confirmed and settled as of right does appertain, under such obligations as shall tend to the best

Instructions for Lord Cornbury. 629

and speediest improvement or cultivation of the same. *Provided always*, that you do not consent to any act or acts, to lay any tax upon lands that lye unprofitable.

37. You shall not permit any other person or persons besides the said general Proprietors, or their agents, to purchase any land whatsoever from the Indians within the limits of their grant.

38. You are to permit the surveyors and other persons appointed by the forementioned general Proprietors of the soil of that Province, for surveying and recording the surveys of land granted by and held of them, to execute accordingly their respective trusts: And you are likewise to permit, and if need be, aid and assist such other agent or agents, as shall be appointed by the said Proprietors for that end, to collect and receive the quit rents which are or shall be due unto them, from the particular possessors of any parcels or tracts of land from time to time. *Provided always*, that such surveyors, agents or other officers appointed by the said general Proprietors, do not only take proper oaths, for the due execution and performance of their respective offices or employments, and give good and sufficient security for their so doing, but that they likewise take the oaths appointed by act of Parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, An act to declare the alteration in the oath appointed to be taken by the act, entitled, An act for the further security of his Majesty's person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined. As also the forementioned test. And you are more particularly to take care that all lands purchased from the said Proprietors, be cultivated and improved, by the possessors thereof.

39. You shall transmit unto us, and to our commissioners for trade and plantations, by the first opportunity, a map with the exact description of our whole ter-

630 Instructions for Lord Cornbury.

ritory under your government, and of the several plantations that are upon it.

40. You are likewise to send a list of officers employed under your government, together with all publick charges.

41. You shall not displace any of the judges, justices, sheriffs, or other officers or ministers within our said Province, without good and sufficient cause to be signified unto us, and to our said commissioners for trade and plantations, and to prevent arbitrary removal of judges and justices of the peace, you shall not express any limitation of time in the commissions which you are to grant, with the advice and consent of the Council of our said Province, to persons fit for those employments, nor shall you execute yourself, or by deputy any of the said offices, nor suffer any persons to execute more offices then one by deputy.

42. Whereas we are given to understand that there are several offices within our said Province granted under the great seal of England, and that our service may be very much prejudiced by reason of the absence of the patentees, and by their appointing Deputies not fit to officiate in their stead, you are therefore to inspect the said offices, and to inquire into the capacity and behaviour of the persons now exercising them, and to report thereupon to us, and to our commissioners for trade and plantations, what you think fit to be done or altered in relation thereunto ; and you are upon the misbehaviour of any of the said patentees, or their Deputies, to suspend them from the execution of their places ; till you shall have represented the whole matter and received our directions therein ; but you shall not by colour of any power or authority hereby or otherwise granted or mentioned to be granted unto you, take upon you to give, grant or dispose of any office or place within our said Province, which now is or shall be granted under the great seal of England, any further then that you may upon the vacancy of any such office or place, or suspension of any such officer by you as aforesaid, put in any fit person to officiate in the interval till you shall have represented the matter unto us,

Instructions for Lord Cornbury. 631

and to our commissioners for trade and plantations as aforesaid (which you are to do by the first opportunity) and till the said office or place be disposed of by us, our heirs or successors, under the great seal of England, or that our further directions be given therein.

43. In case any goods, money or other estate of pirates, or piratically taken, shall be brought in, or found within our said Province of Nova Cæsaria, or New Jersey, or taken on board any ships or vessels, you are to cause the same to be seized and secured until you shall have given us an account thereof, and received our pleasure concerning the disposal of the same: But in case such goods or any part of them are perishable, the same shall be publick sold and disposed of, and the produce thereof in like manner secured until our further order.

44. And whereas commissions have been granted unto several persons in our respective plantations in America, for the trying of pirates in those parts, pursuant to the act for the more effectual suppression of piracy, and by a commission already sent to our Province of New York, you (as Captain General and Governor, in chief of our said Province of New York) are impowered, together with others therein mentioned, to proceed accordingly in reference to our Provinces of New York, and New Jersey, and Connecticut; our will and pleasure is, that in all matters relating to pirates, you govern yourself according to the intent of the act and commission aforesaid; but whereas accessories in cases of piracy beyond the seas, are by the same act left to be tryed in England, according to the statute of the Second of King HENRY the Eighth. We do hereby further direct and require you to send all such accessories in cases of piracy in our foresaid Province of Nova Casaria, or New Jersey, with the proper evidences that you may have against them, into England, in order to their being tryed here.

45. You shall not erect any court or office of judicature, not before erected or established, without our especial order.

632 Instructions for Lord Cornbury.

46. You are to transmit unto us, and to our commissioners for trade and plantations, with all convenient speed, a particular account of all establishments of jurisdictions, courts, offices, and officers, powers, authorities, fees and privileges which shall be granted or settled within the said Province, by virtue, and in pursuance of our commission and instructions to you our Captain General and Governor, in chief of the same, to the end you may receive our further directions therein.

47. And you are with the advice and consent of our said Council, to take especial care, to regulate all salaries and fees belonging to places, or paid upon emergencies, that they be within the bounds of moderation, and that no exaction be made on any occasion whatsoever ; as also that tables of all fees be publickly hung up in all places where such fees are to be paid ; and you are to transmitt copies of all such tables of fees to us, and to our commissioners for trade and plantations as aforesaid.

48. Whereas it is necessary that our rights and dues be preserved and recovered, and that speedy and effectual justice be administred in all cases relating to our revenue, you are to take care that a court of exchequer be called and do meet at all such times as shall be needfull, and you are to inform us and our commissioners for trade and plantations, whether our service may require, that a constant court of exchequer be settled and established there.

49. You are to take care that no man's life, member, freehold, or goods be taken away or harmed in our said Province, otherwise then by established and known laws, not repugnant to, but as much as may be agreeable to the laws of England.

50. You shall administer, or cause to be administred, the oaths appointed by act of Parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the foresaid act, entitled, an Act to declare the alteration in the oath appointed to be taken, by the act, entitled, an Act for the further security

Instructions for Lord Cornbury. 633

of his Majesty's person, and the succession of the crown in the Protestant line and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined, as also the forementioned test, to the members and officers of the Council and Assembly, and to all judges, justices, and all other persons that hold any office or place of trust or profit in the said Province, whether by virtue of any patent under our great seal of England, or otherwise, without which you are not to admit any person whatsoever into any publick office, nor suffer those who have been admitted formerly to continue therein.

51. You are to permit a liberty of conscience to all person (except Papists) so they may be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the government.

52. And whereas we have been informed that divers of our good subjects inhabiting those parts, do make a religious scruple of swearing, and by reason of their refusing to take an oath in courts of justice and other places, are or may be liable to many inconveniencies, our will and pleasure is, that in order to their ease in what they conceive to be matter of conscience, so far as may be consistent with good order and government, you take care that an act be passed in the General Assembly of our said Province, to the like effect as that past here in the 7th and 8th year of his Majesty's reign, entitled, An act, that the solemn affirmation and declaration of the people called Quakers, shall be accepted, instead of an oath in the usual form, and that the same be transmitted to us, and to our commissioners for trade and plantations as before directed.

53. And whereas we have been further informed, that in the first settlement of the government of our said Province, it may so happen that the number of inhabitants fitly qualified to serve in our council in the General Assembly, and in other places of trust or profit there, will be but small ; it tis therefore our will and pleasure, that such of the said people called Quakers, as shall be found capable of any of those places

634 Instructions for Lord Cornbury.

or employments, and accordingly be elected or appointed to serve therein, may upon their taking and signing the declaration of allegiance, to us in the form used by the same people here in England, together with a solemn declaration for true discharge of their respective trusts, be admitted by you into any of the said places or employments.

You shall send an account unto us, and to our commissioners for trade and plantations, of the present number of planters and inhabitants, men, women and children, as well masters as servants, free and unfree, and of the slaves in our said Province, as also a yearly account of the increase or decrease of them, and how many of them are fit to bear arms in the militia of our said Province.

You shall also cause an account to be kept of all person born, Christened and buried, and you shall yearly send fair abstracts thereof to us, and to our commissioners for trade and plantations as aforesaid.

You shall take care that all planters and Christian servants, be well and fitly provided with arms, and that they be listed under good officers, and when, as often as shall be thought fit, mustered and trained, whereby they may be in a better readiness for the defence of our said Province under your Government, and you are to endeavour to get an act past, (if not already done) for apportioning the number of white servants to be kept by every planter.

You are to take especial care, that neither the frequency, nor unreasonableness of their marches, musters, and trainings, be an unnecessary impediment to the affairs of the inhabitants.

You shall not, upon any occasion whatsoever, establish, or put in execution any articles of war, or other law martial, upon any of our subjects, inhabitants of our said Province, without the advice and consent of our Council there.

And whereas there is no power given you by your commission, to execute martial law in time of peace

upon soldiers in pay, and that nevertheless it may be necessary that some care be taken for the keeping of good discipline amongst those, that we may at any time think fit to send into our said Province, (which may properly be provided for by the legislative power of the same) you are therefore to recommend to the General Assembly of our said Province, that they prepare such act or law for the punishing of mutiny, desertion, and false musters, and for the better preserving of good discipline amongst the said soldiers, as may best answer those ends.

And whereas upon complaints that have been made of the irregular proceedings of the captains of some of our ships of war, in the pressing of seamen in several of our plantations, we have thought fit to order, and have given directions to our high admiral accordingly, that when any captain or commander of any of our ships of war, in any of our said plantations, shall have occasion for seamen to serve on board our ships under their command, they do make their applications to the Governors, and commanders in chief, of our plantations respectively, to whom, as vice admirals, we are please to commit the sole power of impressing seamen in any of our plantations in America, or in sight of any of them, you are therefore hereby required upon such application made to you, by any of the commanders of our said ships of war within our Province of Nova Caesæria, or New Jersey, to take care that our said ships of war, be furnished with a number of seamen that may be necessary for our service on board them from time to time.

And whereas together with other powers of vice admiralty, you will receive authority from our dearest husband Prince GEORGE of Denmark, our High Admiral of England, and of our plantations, upon the refusal or neglect of any captain or commander of any of our ships of war, to execute the written orders he shall receive from you for our service, and the service of our Province under your government, or upon his negligent, or undue execution thereof, to suspend him, such captain or commander from the exercise of his said office of captain or commander, and to commit him into safe custody, either on board his own ship or

636 Instructions for Lord Cornbury.

elsewhere, at your discretion, in order to his being brought to answer for such refusal or neglect, by commission either under our great seal of England, or from our High Admiral, or our commissioners for executing the office of our High Admiral of England for the time being.

And whereas you will likewise receive directions from our said dearest husband, as our High Admiral of England, and of our plantations, that the captain or commander, so by you suspended, shall during such his suspension and commitment, be succeeded in his said office by such commission or warrant officer of our said ship, appointed by our said High Admiral of England, or by our commissioners for executing the office of our High Admiral of England for the time being, as by that known practice and discipline of our navy, does and ought to succeed him next as in case of death, sickness, or other ordinary disability happening to the commander of any of our ships of war and not otherwise, you standing also accountable for the truth and importance of the crime and misdemeanour, for which you shall so proceed to the suspending of such our captain or commander; you are not to exercise the said power of suspending any such captains or commanders of our ships of war, otherwise than by virtue of such commission or authority from our said High Admiral; any former custom or usage notwithstanding.

Whereas it is absolutely necessary, that we be exactly informed of the state of defence of all our plantations in America, as well in relation to the stores of war, that are in each plantation, as to the forts and fortifications there, and what more may be necessary to be built for the defence and security of the same, you are so soon as possible to prepare an account thereof, with relation to our said Province of Nova Caesaria, or New Jersey, in the most particular manner, and you are therein to express the present state of the arms, ammunition and other stores of war, either in any publick magazines, or in the hands of private persons, together with the state of all places either already fortified, or that you judge necessary to be fortified for

the security of our said Province; and you are to transmit the said account to us, and to our commissioners for trade and plantations by the first opportunity, and other like accounts yearly in the same manner.

And that we may be the better informed of the trade of our said Province, you are to take especial care that due entries be made in all ports in our said Province, of all goods and commodities, their species or quantities imported or exported from thence, with the names, burden, and guns of all ships importing and exporting the same, also the names of their commanders, and likewise expressing from and to what places the said ships do come and go, a copy whereof the naval officer is to furnish you with, and you are to transmit the same unto us, our high treasurer or our commissioners of our treasury for the time being, and to our commissioners for trade and plantations quarterly, and duplicates thereof by the next conveyance.

And whereas great losses have been sustained by our subjects, trading to our plantations in America, by ships sailing from those parts without convoy, or without the company of other ships, which might protect them from our enemies, by which means many of them have been taken by the French in their return to England; to the end therefore the ships of our subjects may be better secured in their return home, you are to take care that during this time of war, no ships trading to our Province of Nova Casæria, or New Jersey, be permitted to come from thence to England, but in fleets, or under the convoy or protection of some of our ships of war, or at such a time as you shall receive notice from hence, of their meeting such convoys, as may be appointed for the bringing them safe to some of our ports in this kingdom; and in case of any danger, you are to expect directions from hence, what precautions shall be further necessary for their security.

You are likewise to examine what rates and duties are charged and payable upon any goods imported or exported within our Province of Nova Cæsaria, or New Jersey, whether of the growth or manufacture of

638 Instructions for Lord Cornbury.

the said Province or otherwise, and to use your best endeavours for the improvement of the trade in those parts.

And whereas orders have been given for the commissioning of fit persons to be officers of our admiralty and customs in our several plantations in America; and it is of great importance to the trade of this kingdom, and to the welfare of all our plantations, that illegal trade be every where discouraged. You are therefore to take especial care, that the acts of trade and navigation be duly put in execution; and in order thereunto, you are to give constant protection and all due encouragement to the said officers of our admiralty and customs, in the execution of their respective offices and trusts within our territories under your government.

You are from time to time to give an account as before directed, what strength your bordering neighbours have, be they Indians or others, by sea and land, and of the condition of their plantations, and what correspondence you do keep with them.

You shall take especial care, that God Almighty be devoutly and duly served throughout your government, the book of common prayer as by law established, read each Sunday, and holy-day, and the blessed sacrament administered according to the rights of the church of England.

You shall be careful that the churches already built there, be well and orderly kept, and that more be built, as the colony shall by God's blessing be improved; and that besides a competent maintainance, to be assigned to the minister of each orthodox church, a convenient house be built at the common charge for each minister, and a competent portion of land, assigned to him, for a glebe and exercise of his industry.

And you are to take care, that the parishes be so limited and settled, as you shall find most convenient, for the accomplishing this good work.

Instructions for Lord Cornbury. 639

You are not to prefer any minister to any cleistical benefice in that our Province, without a certificate from the Right Reverend Father in God the Lord Bishop of London, of his being conformable to the doctrine and discipline of the church of England, and of a good life and conversation: And if any person already prefer'd to a benefice shall appear to you, to give scandal either by his doctrine or manners, you are to use the best means for the removal of him, and to supply the vacancy in such manner as we have directed.

You are to give order, that every orthodox minister within your government, be one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that after the notice of a vestry summon'd, he omit to come.

You are to enquire whether there be any minister within your government, who preaches and administer the sacrament in any orthodox church or chapple, without being in due orders, and to give account thereof to the said Lord Bishop of London.

And to the end the ecclesiastical jurisdiction of the said Lord Bishop of London, may take place in our said Province, so far as conveniently may be, we do think fit that you give all countenance and encouragement to the exercise of the same, excepting only the collating to benefices, granting licenses for marriages, and probate of wills, which we have reserved to you our Governor, and the commander in chief of said Province for the time being.

And you are to take especial care that a table of marriages established by the canons of the church of England, be hung up in every orthodox church, and duly observed, and you are to endeavour to get a law passed in the Assembly of our said Province, (if not already done) for the strict observation of the said table.

You are to take care that drunkenness and debauchery, swearing and blasphemy, be discountenanced and punished: And for the further discountenance of vice,

640 Instructions for Lord Cornbury.

and encouragement of virtue and good living, (that by such example the infidels may be invited and desire to partake of the Christian religion) you are not to admit any person to publick trusts and employments in our said Province, under your government, whose ill fame and conversation may occasion scandal.

You are to suppress the engrossing of commodities as tending to the prejudice of that freedom which commerce and trade ought to have, and to settle such orders and regulations therein, with the advice of the Council, as may be most conducive to the benefit and improvement of that colony.

You are to give all due encouragement and invitation to merchants and others, who shall bring trade unto our said Province, or any way contribute to the advantage thereof, and in particular the Royal African Company of England.

And whereas we are willing to recommend unto the said company, that the said Province may have a constant and sufficient supply of merchantable negroes, at moderate rates, in money or commodities, so you are to take especial care, that payment be duly made, and within a competent time according to their agreements.

And you are take care that there be no trading from our said Province to any place in Africa, within the charter of the Royal African Company, otherwise then prescribed by an act of Parliament, entitled, An act to settle the trade to Africa.

And you are yearly to give unto us, and to our commissioners for trade and plantations, an account of what number of negroes, our said Province is yearly supplied with, and at what rates.

You are likewise from time to time, to give unto us, and to our commissioners for trade and plantations as aforesaid, an account of the want and defects of our said Province, what are the chief products thereof, what new improvements are made therein by the in-

Instructions for Lord Cornbury. 641

dustury of the inhabitants or planters, and what further improvements you conceive may be made, or advantages gained by trade, and in what manner we may best advance the same.

You are not to grant commissions of marque or reprizals, against any prince or state, or their subjects in amity with us, to any person whatsoever without our especial command.

Our will and pleasure is, that appeals be made in cases of error from the courts in our said Province of Nova-Cæsaria, or New Jersey, unto you and the Council there; and in your absence from our said Province, to our commander in chief for the time being, and our said Council, in civil causes, wherein such of our said Council as shall be at that time judges of the court from whence such appeal shall be made to you our Governor, and Council, or to the commander in chief for the time being, and Council as aforesaid, shall not be admitted to vote upon the said appeal, but they may nevertheless be present at the hearing thereof, to give the reasons of the judgment given by them, in the cause wherein such appeal shall be made. *Provided nevertheless*, that in all such appeals, the sum or value appealed for exceed one hundred pounds sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded in case the first sentence be affirmed.

And if either party shall not rest satisfied with the judgment of you, or the Commander in Chief for the time being, and Council as aforesaid, our will and pleasure is, that they may then appeal unto us, in our privy Council, provided the sum or value so appealed for unto us, do exceed two hundred pounds sterling, and that such appeal be made within fourteen days after sentence; and that good security be given by the appellant, that he will effectually prosecute the same, and answer the condemnation, as also pay such costs and damages as shall be awarded by us, in case the sentence of you, or the commander in chief for the time being, and Council, be affirmed. And provided also, that execution be not suspended by reason of any such appeal to us.

642 Instructions for Lord Cornbury.

You are also to permit appeals to us in Council, in all cases of fines imposed for misdemeanours; provided the fines so imposed, amount to or exceed the value of two hundred pounds, the appellants first giving good security, that he will effectually prosecute the same, and answer the condemnation, if the sentence by which such fine was imposed in our said Province of Nova Cæsaria, or New Jersey, shall be confirmed.

You are for the better administration of justice, to endeavour to get a law passed (if not already done) wherein shall be set the value of men's estates, either in goods or lands, under which they shall not be capable of serving as jurors.

You shall endeavour to get a law past for the restraining of any inhuman severity, which by ill masters or overseers, may be used towards their Christian servants, and their slaves, and that provision be made therein, that the wilfull killing of Indians and negroes may be punished with death, and that a fit penalty be imposed for the maiming of them.

You are also with the assistance of the Council and Assembly, to find out the best means to facilitate and encourage the conversion of negroes and Indians, to the Christian religion.

You are to endeavour with the assistance of the Council, to provide for the raising of stocks, and building of publick work houses, in convenient places, for the employing of poor and indigent people.

You are to propose an act to be past in the Assembly, whereby the creditors of persons becoming bankrupts in England, and having estates in our aforesaid Province of New Jersey, may be relieved and satisfied for the debts owing to them.

You are to encourage the Indians upon all occasions so as they may apply themselves to the English trade and nation, rather than to any other of Europe.

And whereas the preservation of the northern frontiers of our Province of New York, against the attempts of any enemy by land, is of great importance to the security of our northern plantations on the continent of America, and more especially of our said Province of New Jersey, which lyes so near adjoining to our Province of New York, and the charge of erecting and repairing the fortifications, and of maintaining the soldiers necessary for the defence of the same, is too great to be born by the single Province of New York, without due contributions from others concerned therein, for which reason, we have upon several occasions, required such contributions to be made, and accordingly settled a quota to regulate the proportions thereof, you are therefore to take further care, to dispose the General Assembly of our said Province of New Jersey, to the raising of such other supplies, as are or may be necessary for the defence of our Province of New York, according to the signification of our will and pleasure therein, which has already been made to the inhabitants of New Jersey, or which shall at any time hereafter be made to you our Governor, or to the Commander in Chief of our said Province for the time being.

And in case of any distress of any of our plantations, you shall upon application of the respective Governors to you, assist them with what aid the condition and safety of your government will permit, and more particularly in case our Province of New York, be at any time attacked by an enemy, the assistance you are to contribute towards the defence thereof, whether in men or money is according to the forementioned quota or repartition which has already been signified to the inhabitants of our foresaid Province under your government, or according to such other regulation as we shall hereafter make in that behalf, and signify to you or the Commander in Chief of our said Province, for the time being.

And for the greater security of our Province of New Jersey, you are to appoint fit officers and commanders, in the several parts of the country bordering upon the Indians, who upon any invasion may raise men and arms to oppose them, untill they shall receive your directions therein.

And whereas we have been pleased by our commission to direct, that in case of your death or absence from our said Province, and in case there be at that time no person upon the place commissioned or appointed by us to be our Lieutenant Governor, or Commander in Chief, the then present Council of our said Province, shall take upon them the administration of the Government, and execute our said commission, and the several powers and authorities therein contained in the manner therein directed ; it is nevertheless our express will and pleasure, that in such case the said Council shall forbear to pass any acts, but what are immediately necessary for the peace and welfare of our said Province, without our particular order for that purpose.

You are to take care that all writs be issued in our name throughout our said Province.

Forasmuch as great inconveniencies may arise by the liberty of printing in our said Province, you are to provide by all necessary orders, that no person keep any press for printing, nor that any book, pamphlet or other matters whatsoever be printed without your especial leave and licence first obtained.

And if anything shall happen that may be of advantage and security to our said Province, which is not herein, or by our commission to you provided for, we do hereby allow unto you, with the advice and consent of our Council of our said Province, to take order for the present therein, giving unto us by one of our principal Secretaries of State, and to our commissioners for trade and plantations, speedy notice thereof that so you may receive our ratification if we shall approve of the same.

Provided always, that you do not by any colour of any power or authority hereby given you, commence or declare war, without our knowledge and particular commands therein, except it be against Indians, upon emergencies, wherein the consent of our Council shall be had, and speedy notice given thereof unto us as aforesaid.

And you are upon all occasions to send unto us by one of our principal secretaries of State, and to our commissioners for trade and plantations, a particular account of all your proceedings and of the condition of affairs within your government.

And whereas the Lords spiritual and temporal in Parliament, upon consideration of the great abuses practiced in the plantation trade, did by an humble address represent to his late Majesty, the great importance it is of both to this our kingdom and to our plantations in America, that the many good laws which have been made for the government of the said plantations, and particularly the act passed in the seventh and eighth years of his said Majesty's reign, entitled, an act for preventing frauds, and regulating abuses in the plantation trade, be strictly observed. You are therefore to take notice that whereas notwithstanding the many good laws made from time to time, for preventing frauds in the plantation trade, it is nevertheless manifest, that very great abuses have been and continue still to be practiced to the prejudice of the same, which abuses must needs arise, either from the insolvency of the persons who are accepted for the security, or from the remissness or connivance of such as have been, or are Governors in the several plantations, who ought to take care that those persons who give bond should be duly prosecuted, in case of non performance; we take the good of our plantations and the improvement of the trade thereof, by a strict and punctual observance of the several laws in force concerning the same, to be of so great importance to the benefit of this our kingdom, and to the advancing of the duties of our customs here, that if we shall be hereafter informed, that at any time there shall be any failure in the due observance of those laws, within our fore-said Province of Nova Cæsaria, or New Jersey, by any willful fault or neglect on your part, we shall look upon it as breach of the trust reposed in you by us, which we shall punish with the loss of your place in that government, and such further marks of our displeasure, as we shall judge reasonable to be inflicted upon you, for your offence against us, in a mat-

646 Instructions for Lord Cornbury.

ter of this consequence, that we now so particularly charge you with.

A true copy.

Thomas Hill, Secretary.

7 October, 1747.

Examined the foregoing copy, with the entry in a bound book, intitled Nova Cæsaria, A. remaining in the office of the Lords commissioners for trade and plantations, at Whitehall, and found the same to contain a true copy.

John Waddell.

16th. December, 1747.

Examined the foregoing copy with the entry, in a bound book, remaining in the office of the Lords commissioners for trade and plantations, at Whitehall, and found the same to be a true copy.

James Hamilton.

Be it remembered, that on the tenth day of September, 1748, John Waddell of the city of New York, merchant, appeared before Robert Hunter Morris, Esq ; chief justice of the Province of New Jersey, and being duly sworn on the holy Evangelists, on his oath declared, that the name of John Waddell, signed to the preceeding certificate of the 7th of October, 1747, is the proper hand writing of the declarant, and that the matter contained in the said certificate is true,

Sworn as above,

John Waddell.

Before me,

Robert Hunter Morris.

Agrees with an attested copy, being carefully examined and corrected by me,

John Smith, Register of the Proprietors of East New Jersey.

Lord Cornbury's Commission.

ANNE by the grace of God of England, Scotland, France and Ireland, Queen, defender of the faith, &c. To our trusty and well beloved Edward Hyde, Esquire, commonly called Lord Cornbury, greeting. Whereas in the government of that country, which was formerly granted by King CHARLES the Second, under the name of Nova Cæsaria, or New Jersey, and which has since been subdivided by the proprietors and called East New Jersey, and West New Jersey, such miscarriages has happened that the said country is fallen into disorder and confusion, which has accordingly been represented to our dearest brother the late King in several petitions, memorials and other papers signed by the General Proprietors and by great numbers of the inhabitants; and by means of that disorder the publick peace and administration of justice, whereby the properties of our subjects should be preserved there, is interrupted and violated, and the guard and defence of that country so totally neglected, that the same is in eminent danger of being lost from the crown of England: And whereas the aforesaid Proprietors being sensible that the said country and our good subjects the inhabitants thereof cannot be defended and secured by any other means then by our taking the government of the same under our immediate care, have executed and made a formal and entire surrender of their right or pretended right and title to the government of that country unto us, we therefore reposing especial trust and confidence in the prudence, courage and loyalty of you the said Lord Cornbury, out of our especial grace, certain knowledge and meer motion, hath thought fit to constitute and appoint, and by these presents do constitute and appoint you the said Lord Cornbury, to be our Captain General and Governor in Chief in and over the aforesaid country of Nova Casaria, or New Jersey, viz. the Division of East and West New Jersey, in America, which we have thought fit to reunite into one Province, and settle under one entire government: And we do hereby require and command you to do and execute all things in due manner that shall belong unto your said command, and the trust we have

reposed in you, according to several powers and directions granted or appointed you by this present commission, and the instructions and authorities herewith given you, or by such further powers, instructions or authorities as shall at any time hereafter be granted, or appointed you under our signet and sign manual, or by our order in our privy Council, and according to such reasonable laws and statutes as shall be made and agreed upon by you, with the advice and consent of the Council and Assembly of our said Province, under your government, in such manner and form as is hereafter expressed. And our will and pleasure is, that you the said Lord Cornbury, having after the proclamation of these our Letters Patents, first taken the oaths appointed by act of Parliament to be taken instead of the oath of allegiance and supremacy, and the oath mentioned in an act, entitled, An act to declare the alteration in the oath appointed to be taken, by the act, entitled, an act for the further security of his Majesty's person, and the succession of the crown in the Protestant line, and for the extinguishing the hopes of the pretended Prince of Wales, and all other pretenders and their open and secret abettors, and for the declaring the association to be determined. As also the test mentioned in the act of Parliament made in the twenty fifth year of the reign of King CHARLES the Second, entitled, An act for preventing dangers which may happen from Popish rescuants, together with the oath for the due execution of the office and trust of our Captain General and Governor in Chief, in and over our said Province of Nova Cæsaria, or New Jersey, as well with regard to the equal and impartial administration of justice, in all causes that shall come before you, as otherwise, and likewise the oath required to be taken by Governors of plantations, to do the utmost that the laws relating to the plantations be observed ; all which our Council in our said Province, or any three of the members thereof, have hereby full power and authority, and are required to administer unto you, and in your absence our Lieutenant Governor, if there be any upon the place, you shall administer unto each of the members of our said Council, as also to our Lieutenant Governor, if there be any upon the place, as well the oath appointed by the act of Parliament to be taken

instead of the oath of allegiance and supremacy, and the oath mentioned in the said act, entitled, An act to declare the alteration in the oath appointed to be taken by an act, entitled, an act for the further security of his Majesty's person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined; as the forementioned test, and the oath for the due execution of their places and trusts. And we do hereby give and grant unto you, full power and authority to suspend any of the members of our said Council from sitting, voting, and assisting therein, if you shall see just cause for so doing: And if it shall at any time happen that by the death, departure out of our said Province, or suspension of any of our said Councillors, or otherwise, there shall be wanting in our said Council, any three whereof we do appoint to be a quorum, our will and pleasure is, that you signify the same unto us, by the first opportunity, that we may under our signet and sign manual constitute and appoint others in their stead; but that our affairs may not suffer at that instant, for want of a due number of Councillors, if ever it should happen that there should be less than seven of them residing in our said Province, we do hereby give and grant unto you the said Lord Cornbury, full power and authority to chuse as many persons out of the principal freeholders, inhabitants thereof, as will make up the full number of our said Council to be seven, and no more, which persons so chosen and appointed by you, shall be to all intents and purposes Councillors in our said Province, until either they shall be confirmed by us, or that by the nomination of others by us, under our sign manual and signet, our said Council shall have seven or more persons in it. And we do hereby give and grant unto you full power and authority, with the advice and consent of our said Council from time to time, as need shall require, to summon and call general assemblies of the freeholders and planters within your government, in manner and form as shall be directed in our instructions which shall be given you, together with this our commission. Our will and pleasure is, that the persons thereupon duly elected, by the major part of the free-

holders of the respective counties and places so returned, and having before sitting, taken the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, An act to declare the alteration in the oath appointed to be taken by the act, entitled, an act for the further security of his Majesty's person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined; as also the aforementioned test: Which oath you shall commissionate fit persons under our seal of Nova Cæsaria, or New Jersey, to administer unto them, and without taking of which oaths and subscribing the said tests, none shall be capable of setting though elected, shall be called and held the General Assembly of that our Province, and that you the said Lord Cornbury, by and with the advice and consent of our Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute and ordain laws, statutes and ordinances, for the publick peace, welfare and good government of our said Province, and of the people and inhabitants thereof, and such others as shall report thereto, and for the benefit of us, our heirs and successors, which said laws, statutes, and ordinances are not to be repugnant, but as near as may be agreeable unto the laws and statutes of this our kingdom of England. Provided that all such laws, statutes and ordinances of what nature or duration soever, be within three months or sooner, after the making thereof, transmitted to us, under our seal of Nova Cæsaria, or New Jersey, for our approbation or disallowance of them, as also duplicates thereof by the next conveyance, or in case any or all of them being not before confirmed by us, shall at any time be disallowed and not approved, and so signified by us, our heirs or successors, under our or their sign manual and signet, or by order of our or their privy Council, unto you the said Lord Cornbury, or to the commander in chief of our said Province for the time being, than such and so many of them as shall be disallowed and not approved shall from thenceforth cease, determine, and become utterly void

and of none effect, any thing to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by our said Council or Assembly, to the prejudice of our heirs and successors, we will and ordain, that you the said Lord Cornbury, shall have and enjoy a negative power in the making and passing of all laws, statutes and ordinance as aforesaid. And that you shall and may likewise from time to time, as you shall judge it necessary, adjourn, prorogue and dissolve, all general Assembly's. Our will and pleasure is, that you shall and may use and keep the publick seal of our Province of Nova Cæsaria, or New Jersey, for sealing all things whatsoever that pass the great seal of our said Province under your government. And we do further give and grant unto you the said Lord Cornbury, full power and authority, from time to time, and at all times hereafter, by your self, or by any other to be authorized by you, in that behalf to administer and give the oaths appointed by act of Parliament, instead of the oath of allegiance and supremacy, to all and every such person and persons as you shall think fit, who shall at any time or times pass into our said Province, or shall be resident or abiding there. And do further give and grant unto you, full power and authority, with the advice and consent of our said Council, to erect, constitute and establish such and so many courts of judicature and publick justice within our said Province under your government, as you and they shall think fit and necessary, for the hearing and determining of all causes as well criminal as civil, according to law and equity, and for awarding execution thereupon with all reasonable and necessary powers, authorities, fees and priviledges belonging unto them; and also to appoint and commissionate fit persons in the several parts of your government, to administer the oaths appointed by act of Parliament to be taken instead of the oath of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, an act to declare the alteration in the oath to be taken by the act, entitled, An act for the further security of his Majesty's person, and the succession of the crown in the Protestant line, and for the extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and

for declaring the association to be determined ; as also the test, unto such persons as shall be obliged to take the same. And we do hereby authorize and impower you to constitute and appoint judges, and in cases requisite commissioners of Oyer and Terminer, justices of the peace, and other necessary officers and magistrates in our said Province, for the better administration of justice, and putting the laws in execution ; and to administer, or cause to be administred unto them, such oath or oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes. And we do hereby give and grant unto you, full power and authority where you shall see cause, or judge any offender or offenders in criminal matters, or any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders and to remit all such offences, fines and forfeitures, treasons and wilful murder only excepted, in which case you shall likewise have power upon extraordinary occasions, to grant reprises to the offenders, until and to the intent our royal pleasure may be known therein. And we do by these presents authorize and impower you to collate any person or persons to any churches, chapples or other ecclesiastical benefices within our said Province, as often as any of them shall happen to be void. And we do hereby give and grant unto you the said Lord Cornbury, by your self, and by your captains and commanders, by you to be authorized, full power and authority to levy, arm, muster, command and employ all persons whatsoever residing within our said Province of Nova Caesaria, or New Jersey, and as occasion shall serve them, to transport from one place to another for the resisting and withstanding of all enemies, pirates, and rebels, both at sea and land, and to transport such forces to any of our plantations in America, if necessity shall require, for the defence of the same against the invasion and attempts of any of our enemies, pirates and rebels, if there shall be occasion to pursue and prosecute in or out of the limits of our said Province and plantations, or any of them ; and if it shall please God them to vanquish, apprehend and take, and being taken either according to law, to put to death, or keep and preserve alive at your discretion, and to execute martial law,

in time of invasion, insurrection or war, and to do and execute all and every other thing and things, which to any Captain General and Governor in Chief, doth or ought of right to belong. And we do hereby give and grant unto you full power and authority, by and with the advice and consent of our said Council, to erect, raise and build in our said Province of Nova Cæsaria, or New Jersey, such and so many forts, platforms, castles, cities, boroughs, towns, and fortifications, as you by the advice aforesaid, shall judge necessary, and the same, or any of them, to fortify and furnish with ordinance, ammunition, and all sorts of arms fit and necessary for the security and defence of our said Province; and by the advice aforesaid, the same or any of them again to demolish or dismantle as may be most convenient. And forasmuch as many mutinies and disorders may happen, by persons shipped and employed at sea, during the time of war, to the end that such as shall be shipped and employed at sea during the time of war, may be better governed and ordered, we do hereby give and grant unto you the said Lord Cornbury, full power and authority to constitute and appoint captains, lieutenants, masters of ships, and other commanders and officers, and to grant unto such captains, lieutenants, masters of ships, and other commanders, and officers, commissioners, to execute the law martial during the time of war, and to use such proceedings, authorities, corrections, executions, upon any offender or offenders who shall be mutinous, seditious, disorderly, or any ways unruly at sea, or during the time of their abode or residence in any of the ports, harbours, or quays of our said Province, as the cause shall be found to require according to martial law, during the time of war as aforesaid. Provided, that nothing herein contained, shall be construed to the enabling you, or any by your authority, to hold plea or have any jurisdiction of any offence, cause, matter or thing committed or done upon the high sea, or within any of the harbours, rivers or creeks of our said Province under your government, by any captain, commander, lieutenant, master, officer, sea man, soldier, or other person whatsoever, who shall be in actual service and pay, in or a board any of our ships of war, or the vessels acting by immediate commission,

or warrant from our high admiral of England, uuder the seal of our admiralty, or from the commissioners for executing the office of our high admiral of England for the time being, but that such captain, commander, lieutenant, master, officers, sea men, soldiers, and other persons offending, shall be let to be proceeded against as the merit of their offences shall require, either by commission under our great seal of England, as the statute of the twenty eighth of King HENRY the Eighth directs, or by commission from our high admiral of England, or from our commissioners for executing the office of our high admiral of England, for the time being, according to the act of Parliament passed in the thirteenth year King CHARLES the Second, entitled An act for establishing articles and orders, for the regulating and better government of his Majesty's navy, ships of war, and forces by sea, and not otherwise. *Provided nevertheless* that all disorders and misdemeanors committed on shore by any captain, commander, lieutenant, master, officer, seaman, soldier, or any other person whatsoever, belonging to any of our ships of war, or other vessels acting by immediate commission, or warrant from our high admiral of England, under the seal of our admiralty, or from our commissioners for executing the office of high admiral of England, for the time being, may be tryed and punished according to the laws and place where any such disorder, offences and misdemeanours, shall be committed on shore, notwithstanding such offender be in our actual service and in our pay on board any such our ships of war or other vessels, acting by immediate commission or warrant from our high admiral, or from our commissioners for executing the office of high admiral for the time being as aforesaid, so as he shall not receive any protection for the delaying of justice, for such offences committed on shore, from any pretence of his being employed in our service at sea. Our will and pleasure is, that all publick money raised, or shall be raised by any act hereafter to be made within our said Province, and issued out by warrant from you, by and with the advice and consent of our Council, and disposed of by you for the support of the government, and otherwise, we do hereby give you the said Lord

Cornbury, full power and authority to order and appoint fairs, marts, and markets, as also such and so many ports, harbours, cays, havens, and other places for the conveniency and security of shipping, and for the loading and unloading of goods and merchandize, as by you, with the advice and consent of our said Council, shall be thought fit and necessary. And we do hereby require and command all officers and magistrates, civil and military, and all other the inhabitants of our said Province, to be obedient, aiding and assisting unto you the said Lord Cornbury, in the execution of this our commission, and of the powers and authorities herein contained ; and in case of your death or absence out of our said Province, to be obedient, aiding and assisting to such person as shall be appointed by us, to be our lieutenant governor or commander in chief of the said Province, to who we do therefore by these presents, give and grant all and singular the privileges and authorities aforesaid, to be by him executed and enjoyed during our pleasure, or until your arrival within our said Province : And if upon your death or absence out of our said Province there be no person upon the place commissioned or appointed by us to be our lieutenant governor, or commander in chief of the said Province, our will and pleasure is, that the then present Council of our said Province, do take upon them the administration of the government, and execute this commission, and the several powers and authorities herein contained, and that such councillor who shall be at the time of your death or absence, residing within our said Province, and nominated by our instructions to you, before any other at that time residing there, do preside in our said Council, with such privileges and preeminences as may be necessary in those circumstances, for the due and orderly carrying on the publick service in the administration of the government as aforesaid, untill our pleasure be further known, or untill your return. Lastly we do hereby declare, ordain and appoint, that you the said Lord Cornbury, shall and may hold, execute and enjoy the office and place of Captain General and governor in chief, in and over our Province of Nova Cæsaria, or New Jersey, together with all and singular the powers and authorities hereby granted unto you, for and during our will and pleasure from and after the publica-

656 Lord Cornbury's Commission.

tion of this our commission. In witness whereof we have caused these our letters to be made pattens. Witness our self at Westminster, the fifth day of December, in the first year of our reign.

Per bre probate, Sigillo. WRIGHTE.

The foregoing is a true copy taken from and compared with the record in the secretary's office at Burlington, in Lib. A. A. A. of commissions, folio 1st.

Examined per

SAMUEL PEART, D. Secretary.

To the Right Honourable the
Lords Commissioners for
Trade and Plantations.

The humble Memorial of the Proprietors
of the Western Division, of the Prov-
ince of New Jersey, in America.

WE humbly acknowledge your Lordships great justice in making the terms of our surrender of government, part of the Lord Cornbury's instructions relating to the said Province, and heartily wish his Excellency had given us occasion of acknowledging his due observation of the instructions, instead of troubling your lordships with a complaint of his breach of them, which we are credibly informed his Excellency has made in the following instances, but endeavours to palliate them, by frequently and publickly asserting, that your lordships consented to no terms upon our surrender.

It is one of the terms consented to by your Lordships, and one of his Excellency's instructions from your Lordships, that the General Assembly shall consist of four and twenty representatives, two to be chosen by the inhabitants, householders of the city or town of Perth Amboy, two by the inhabitants householders of the city or town of Burlington, and ten to be chosen by the freeholders of the Eastern, and ten by the freeholders of the Western Division; in which elections every elector is to have one hundred acres of freehold lands in his own right within the division for which he shall give his vote, and every person elected is to have one thousand acres of freehold lands in his own right within the division for which he shall be chosen.

This instruction, which we looked upon to be the

chief security of our estates in the Province, his Excellency has violated in two several instances.

After the election of the last Assembly, Mr. Revell, and Mr. Leeds, (two of the Governor's Council) at their first meeting objected against three of the persons returned as not having each one thousand acres of land; though these men had such estates in land, and were generally known to have so, and offer'd to make oath of it, and many other elected members petitioned to have them admitted to their right, yet his Excellency would not suffer the house, who are the only proper judges of their own members, to examine and determine this matter; but upon the bare suggestion of the two members of the Council, who ought not to intermeddle with elections, refused to swear those three persons with the rest of the representatives, and yet did not order others to be chosen in their places; whereby the Province lost the service of three members during that sessions. This we conceive to be such an invasion of the rights of the Assembly, as tends to overthrow the constitution of it, and is an assuming a negative vote to the freeholders election of their representatives.

His Excellency has encouraged and passed an act of Assembly for altering the qualifications of the electors and elected, wherein a sum of money is made an equivalent qualification with land, which he endeavours to justify by alledging, that trading men, who were very well qualified to serve, could not be elected, because they had not one thousand acres of land, tho' they had twice that value in money, and others who had so much land and had no money were elected.

We conceive his Excellency has no authority nor colour from his instruction for passing this act, and the reasons he alledges are not sufficient to justify it; for though the instruction relating to elections of General Assembly's allow an alteration by act of Assembly of the number of the representatives, and of the manner of their being elected, yet it leaves no power to the General Assembly to alter the qualifications of the electors or elected, which was intended to be a standing and unaltera-

ble part of the constitution, as most agreeable to the constitution of England ; where the electors of knights of shires, must have a certain fixed freehold, and the elected are generally the principal landed men of their respective county's ; for certainly those persons are fittest to be trusted with choosing and being legislators, who have a fixed valuable and permanent interest in lands, and must stand and fall with their country ; but money is an uncertain interest, and if it be admitted a qualification equal to land, an Assembly may be packed of strangers and beggars, who will have little regard to the good of the country, from whence they can remove at pleasure, and may oppress the landed men with heavy taxes.

It is another term of our surrender, and an instruction to his lordship, that no act should be made to lay any tax upon lands that lie unprofitable.

But his Excellency has, notwithstanding, encouraged and assented to a bill for taxing all lands without distinction, (except the Proprietors lands) which will make the planters, whose subsistence depends wholly upon their labour in their cleared lands, desert the Province.

It is another term of our surrender, and an instruction to his Excellency, that the surveyors and other persons appointed by us for surveying and recording the surveys of lands granted and sold by us, shall be permitted to execute their respective trusts.

But his Excellency has taken upon him (even contrary to the advice of his Council) to appoint fees for patenting lands, which has created an opinion in the people, that the power of granting lands is in him, has lessened the credit of our title to the lands, and encourages the planters to dispute our right.

His Excellency has demanded all publick books, papers and records, and detains some, which were delivered at his request for his perusal only. This order if put in full execution, will deprive the Proprietors of all means to justify their past administration, of their

evidences of their grants of lands to the present possessors of them, (all the surveys and patents being recorded in those books) and will destroy the office of our register, or at least will disable him to execute his duty in some cases, which by acts of General Assembly he is obliged to perform.

It is a further term of our surrender, and instruction to his Excellency, that all officers be appointed by advice of the Council.

But his Excellency has constituted several officers without such advice, and particularly a sheriff of Burlington, who was therefore suspended by order of Council, and yet continued to act under his lordships appointment.

We are further informed, that his Excellency hath put several mean and contemptible persons into the commission of the peace, particularly one Salter, whom he knew to be under prosecution for felony, and has given commissions in the militia to others, who have no estate in the Province, and therefore are not like to be zealous in the defence of it.

These are the only complaints we shall trouble your lordships with, till we have a further and fuller accounts from America, and we humbly hope and pray, that your lordships will reinforce your instructions by fresh orders, and relieve us from those violations already made, and as a further security of our estates there, your lordships will direct, that no person be admitted of the Governor's Council, or be in the commission of the peace, or of the militia, who have not estates in land within the Province suitable to those stations.

I do hereby certify that this is a true copy taken from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 23d, 1752.

Monmouth Patent, &c.

TO all to whom these presents shall come. I Richard Nicolls, Esq; Governor under his Royal Highness the Duke of York, of all his territories in America, send greeting. Whereas there is a certain tract or parcel of land within this government, lying and being near Sandy Point, upon the main; which said parcel of land hath been with my consent and approbation bought by some of the inhabitants of Gravesend, upon Long Island, of the Sachems, (chief Proprietors thereof) who before me have acknowledged to have received satisfaction for the same, to the end the said land may be planted, manured, and inhabited, and for divers other good causes and considerations, I have thought fit to give, confirm and grant, and by these presents do give, confirm and grant unto William Goulding, Samuel Spicer, Richard Gibbons, Richard Stout, James Grover, John Bown, John Tilton, Nathaniel Silvester, William Reape, Walter Clark, Nicholas Davis, Obadiah Holmes, patentees, and their associates, their heirs, successors, and assigns, all that tract and part of the main land, beginning at a certain place commonly called or known by the name of Sandy Point, and so running along the bay west north west, till it comes to the mouth of the Raritans river, from thence going along the said river to the westernmost part of the certain marsh land, which divides the river into two parts, and from that part to run in a direct south west line into the woods twelve miles, and then to turn away south east and by south, until it falls into the main ocean; together with all lands, soils, rivers, creeks, harbours, mines, minerals, (royal mines excepted) quarries, woods, meadows, pastures, marshes, waters, lakes, fishings, hawkings, huntings and fowling, and all other profits, commodities, and hereditaments to the said lands and premises belonging and appertaining, with their and every of their appurtenances and of every part and parcel thereof, to have and to hold, all and singular the said lands, hereditaments, and premisses with their and every of their appurtenances hereby given and granted, or herein before mentioned to be given and granted

to the only proper use and behooff of the said patentees and their associates, their heirs, successors and assigns forever, upon such terms and conditions as hereafter are expressed, that is to say, that the said patentees, and their associates, their heirs or assigns shall within the space of three years, beginning from the day of the date hereof, manure and plant the aforesaid land and premisses, and settle there one hundred families at the least; in consideration whereof I do promise and grant that the said patentees and their associates, their heirs, successors and assigns, shall enjoy the said land and premisses, with their appurtenances, for the term of seven years next to come after the date of these presents, free from payment of any rents, customs, excise, tax or levy whatsoever: But after the expiration of the said term of seven years, the persons who shall be in the possession thereof, shall pay after the same rate, which others within this his Royal Highnesses territories shall be obliged unto. And the said patentees and their associates, their heirs successors and assigns shall have free leave and liberty to erect and build their towns and villages in such places, as they in their discretions shall think most convenient, provided that they associate themselves, and that the houses of their towns and villages, be not too far distant and scattering one from another; and also they make such fortifications for their defence against an enemy as may seem needful. And I do likewise grant unto the said patentees, and their associates, their heirs, successors and assigns, and unto any and all other persons, who shall plant and inhabit in any of the land aforesaid, that they shall have free liberty of conscience without any molestation or disturbance whatsoever in their way of worship. And I do further grant unto the aforesaid patentees, their heirs, successors and assigns, that they shall have liberty to elect by the vote of the major part of the inhabitants, five or seven other persons of the ablest and discretest of the said inhabitants or a greater number of them (if the patentees, their heirs, successors or assigns, shall see cause) to join with them, and they together, or the major part of them, shall have full power and authority to make such peculiar prudential laws and constitutions amongst the in-

habitants for the better and more orderly governing of them, as to them shall seem meet; provided they be not repugnant to the publick laws of the government; and they shall also have liberty to try all causes and actions of debt and trespass arising amongst themselves, to the value of ten pounds, without appeal, but that they remit the hearing of all criminal matters to the assizes of New York. And furthermore I do promise and grant unto the patentees, and their associates aforementioned, their heirs, successors and assigns, that they shall in all things have equal priveleges. freedom and immunities with any of his Majesty's subjects within this Government, these patentees and their associates, their heirs, successors and assigns rendering and paying such duties and acknowledgements as now are, or hereafter shall be constituted and established by the laws of this government, under the obedience of his Royal Highness, his heirs and successors, provided they do no way infringe the privileges above specified. Given under my hand and seal, at Fort James in New York, on Manhatans Island, the 8th day of April in the 17th year of the reign of our Sovereign Lord CHARLES the Second, by the grace of God, of England, Scotland, France and Ireland, King defender of the faith, &c. and in the year of our Lord God, 1665.

RICHARD NICOLLS.

Entered in the office of Record in New York, the day and year above written.

MATTHIAS NICOLLS, Secretary.

NEW JERSEY, May 28th, 1672.

Upon the address of James Grover, John Bowne, Richard Hartshorne, Jonathan Holmes, patentees, and James Ashon, and John Hanse, associates, impowered by the patentees and associates of the towns of Middletown and Shrewsbury, unto the Governor and Council for confirmation of certain privileges granted unto them by Col. Richard Nicolls, as by patent under his hand and seal bearing date the 8th day of April, Anno Domini, one thousand six hundred sixty five, the Governor and Council do confirm unto the said patentees and associates, these particulars following, being their rights, contained in the aforesaid patent, viz.

Imprimis. That the said patentees, and associates, have full power, licence and authority to dispose of the said lands expressed in the said patent, as to them shall seem meet.

II. That no ministerial power or clergyman shall be imposed on among the inhabitants of the said land, so as to inforce any that are contrary minded to contribute to their maintenance.

III. That all causes whatsoever, (criminals excepted) shall first have a hearing within their cognizance, and that no appeals unto higher courts where sentence have been passed amongst them under the value of ten pounds be admitted.

IV. That all criminals and appeals above the value of ten pounds, which are to be refered unto the aforesaid higher courts, shall receive their determination upon appeals to his Majesty, not to be hindered.

V. That for all commission officers both civil and military; the patentees, associates, and freeholders, have liberty to present two for each office to the Governor whom they shall think fit, one of which the Governor is to commissionate to execute the said office, and that they have liberty to make peculiar prudential laws and constitutions amongst themselves according to the tenor of the said patent.

PH. CARTERET.

John Kenny,
Lordue Andress,
Samuel Edsall,
John Pike,
John Bishop,

DIRECTIONS, instructions, and orders made by the late Lords Proprietors of the Province of East New Jersey, to be observed by the Governor, Council and inhabitants of the said Province, bearing date the 31st day of July, Anno Dom. 1674, amongst which there is as followeth, viz. as to the inhabitants of Nevysink, considering their faithfulness to the Lords Proprietors that

upon their petition, their township shall be surveyed, and shall be incorporated, and to have equal priviledges with other the inhabitants of the Province, and that such of them who were the pretended patentees and laid out money in purchasing land from the Indians, shall have in consideration thereof, five hundred acres of land to each of them, to be allotted by the Governor and Council, in such places that it may not be prejudicial to the rest of the inhabitants, and because there is much barren land, after survey taken, the Governor and Council may give them allowance.

GEORGE by the Grace of GOD, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. to all to whom these present letters shall come or may concern, greeting. Know ye that among the records of our Province of New York in America, remaining in our Secretary's office of our said Province, at our fort in New York, we have inspected the record of a certain commission there recorded, granted by our late royal predecessor King JAMES the Second, while Duke of York, and Albany, &c. to Richard Nicolls, Esq; which followeth in these words, (to wit) JAMES, Duke of York and Albany, Earl of Ulster, Lord High Admiral of England, and Ireland, &c. Constable of Dover Castle, Lord Warden, of the Cinque ports, and Governor of Portsmouth, &c. Whereas it hath pleased the King's most excellent Majesty, my Sovereign Lord and brother, by his Majesty's Letters Patents, bearing date at Westminster, the 12th day of March, in the sixteenth year of his Majesty's reign, to give and grant unto me and to my heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland, in America, and from thence extending along the sea-coast, unto a certain place called Petaquine, or Pemaquid, and so up the river thereof to the furthest head of the same, as it tendeth northwards, and extending from thence to the river of Kinebequi, and so upwards by the shortest course to the river Canada northwards; and also all that island or islands commonly called by several name or names of Matowacks

666 Governor Nicholls Commission.

or Long Island, situate, lying and being towards the west of Cape Cod and the Narrow-Higansets, abutting upon the main land, between the two rivers there, called or known by the several names of Connecticut and Hudsons river, together also with the said river called Hudson's river, and all the land from the west side of Connecticut river, to the east side of Delaware bay ; and also all those several islands called or known by the name of Martin's Vineyards, and Nantukes otherwise Nantucket, together with all the lands, islands, soiles, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishing, hawking hunting, and fowling, and all other royalties, profits, commodities, heriditaments, to the said several islands, lands and premisses belonging and appertaining, with their and every of their appurtenances, to hold tue same to my own proper use and behoof, with power to correct, punish, pardon, govern, and rule, the inhabitants thereof, by my self or such deputies, commissioners, or officers as I shall think fit to appoint, as by his Majesty's said Letters Pattents may more fully appear. And whereas I have conceived a good opinion of the integrity, prudence, ability and fitness of Richard Nicholls, Esq ; to be employed as my deputy there, I have therefore thought fit to constitute and appoint, and I do hereby constitute and appoint him the said Richard Nicholls, Esq ; to be my Deputy Governor, within the lands, islands and places aforesaid, to perform and execute all and every the powers which are by the said Letters Patents granted unto me, to be execute by my deputy, agent, or assign. *To have and to hold* the said place of Deputy Governor, unto the said Richard Nichols, Esq ; during my will and pleasure only, hereby willing and requiring all and every the inhabitants of the said lands, islands and places to give obedience to him the said Richard Nicholls, in all things according to the tenor of his Majesty's said Letters Patents, and the said Richard Nicholls, Esq ; to observe follow and execute such orders and instructions as he shall from time to time receive from my self. Given under my hand and seal at Whitehall, this second day of April, in the sixteen the year of the reign of our Sovereign Lord CHARLES the Se

Governor Nicholls Proclamation. 667

cond, by the grace of God, King of England, Scotland, France, and Ireland, &c. *Annoque Domini*, 1664.

JAMES,
By command of his Royal Highness
W. Coventry.

WHEREAS Richard Nicholls, Esq; formerly Governor, of this Province of New Jersey, and that of New York, by commission under James (then) Duke of York, and Albany, &c. and by virtue of the powers and authority vested in him by the same Duke of York, did on or about the year of our Lord, one thousand six hundred and sixty four, publish in print, certain terms to the inhabitants of the Provinces aforesaid, and others, by observing whereof they might acquire property in lands in either of the said Provinces, which terms so published follows in these words, viz.

The conditions for new planters in the territories of his Royal Highness the Duke of York.

The purchases are to be made from the Indian Sachems, and to be recorded before the Governor.

The purchasers are not to pay for their liberty of purchasing to the Governor.

The purchasers are to set out a town and inhabit together.

No purchaser shall at any time contract for himself, with any Sachem, without consent of his associates, or special warrant from the Governor.

The purchasers are free from all manner of assessments or rates for five years, after their town platt is set out; and when the five years are expired, they shall only be liable to the publick rates and payments, according to the custom of other inhabitants both English and Dutch.

All lands thus purchased and possessed, shall remain to the purchasers, and their heirs, as free lands to dispose of as they please.

668 Governor Nicholls Proclamation.

In all territories of his Royal Highness, liberty of conscience is allowed, provided such liberty is not converted to licentiousness, or the disturbance of others in the exercise of the Protestant religion.

The several townships have liberty to make their particular laws, and deciding all small causes within themselves.

The lands which I intend shall be first planted, are those upon the west side of Hudson's river, at or adjoining to the Sopes ; but if any number of men sufficient for two or three or more towns, shall desire to plant upon any other lands, they shall have all due encouragement proportionable to their quality and undertakings.

Every township is obliged to pay their minister according to such agreement as they shall make with them, and no man to refuse his proportion, the minister being elected by the major part of the householders, inhabitants of the town.

Every township hath the free choice of all their officers both civil and military, and all men who shall take the oath of allegiance, and are not servants, or day labourers, but are admitted to enjoy a town lot, are esteemed free men of the jurisdiction, and cannot forfeit the same without due process in law.

R. NICHOLLS.

To the Right Honourable Colonel Richard Nicholls, Esq ; Governor of New York, &c. The humble Petition of us subscribed, sheweth.

THAT several of us your petitioners, being intended formerly to have purchased and settled a plantation upon the river called after Cull river, before

your arrival into these parts, our intentions notwithstanding our making some way with the Indians, and charges and expences, about the premises, was obstructed by the then ruling Dutch, and some of us by reason of not having any accommodations here were put upon thoughts of removing into some other of his Majesty dominions, but now upon this your happy arrival and the decease of the Dutch interest we would gladly proceed in the design aforesaid: In order whereunto we make bold with all humility to petition to your honour, that you would grant us liberty to purchase and settle a parcel of land to improve our labour upon in the river before mentioned, and some of us being destitute of habitations where we are, we crave your answer with as much expedition as may be; we humbly take our leaves at present and subscribe your honours to command.

From Jamaica, commonly so called, September 26, 1664.

John Bailies,
Daniel Denton,
Thomas Benydick,
Nathaniel Denton,
John Foster,
Luke Watson,

UPON perusal of this petition I do consent unto the proposals, and shall give the undertakers all due encouragement in so good a work, given under my hand in Fort James, this 30th of September, 1664.

RICHARD NICHOLLS.

A true copy extracted out of Elizabeth Town book, of record, No. A, folio 11, this 24th of July, 1708.

per SAMUEL WHITEHEAD, Town Clerk.

WE have inspected also among the records aforesaid, remaining as aforesaid, the record of a certain Indian deed of purchase there recorded, heretofore made by John Baily, Daniel Denton, and Luke Watson, of certain lands lying near Rariton river (now in our Province of New Jersey) which followeth in these words (to wit.) THIS INDENTURE made the 28th

day of October, in the sixteenth year of the reign of our sovereign Lord CHARLES the Second, by the grace of God of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. between Mattano, Manamowaoue, and Cowescomen, of Staten Island, of the one part, and John Baily, Daniel Denton, and Luke Watson, of Jamaica, in Long Island, husbandmen, on the other part. *Witnesseth*, that the said Mattano, Manamowaoue, and Cowescomen, hath clearly bargained and sold unto the said John Baily, Daniel Denton, and Luke Watson, their associates, their heirs and executors, one parcel of land bounded on the south by a river commonly called the Raritons river, and on the east by the river which parts Staten Island and the main, and to run northward up after Cull Bay, till we come at the first river which sets westwards up after Cull Bay, aforesaid, and to run west into the country twice the length as it is broad from the north to the south of the aforementioned bounds; together with the lands, meadows, woods, waters, fields, fences, fishings, fowlings, with all and singular the appurtenances with all gains profits and advantages arising upon the said lands, and all other the premises and appurtenances to the said John Baily, Daniel Denton, and Luke Watson, with their associates, with their and every of their heirs, executors, administrators or assigns for ever, *To have and to hold* the said lands, with the appurtenances to the said John Baily, Daniel Denton, and Luke Watson, with their associates, their executors, assigns. And the said Mattano, Manamowaoue, covenant, promise, grant and agree to and with the said John Baily, Daniel Denton, and Luke Watson, and their associates, their heirs and executors, to keep them safe in the enjoyments of the said lands from all expulsion and incumbrances whatsoever, may arise of the said land, by any person or persons by reason of any title had or growing before the date of these presents: For which bargain and sale, covenants, grants and agreements on the behalf of the said Mattano, Manamowaoue, and Conescomen, to be performed observed and done the aforesaid parties are at their entry upon the said land, to pay to the said Mattano, Manamowaoue, and Conescomen, twenty fathom of trading cloth, two made coats, two guns, two kettles, ten barrs of lead, twenty handfuls of powder. And further the said John

Baily, Daniel Denton, and Luke Watson, do covenant, promise grant, and agree to and with the said Mattano, Manamowaoue, and Conescomen the aforesaid Indians, four hundred fathom of white wampum after a years expiration from the day of the said John Baily, Daniel Denton, and Luke Watson's entry upon the said lands. In witness whereof we have hereunto put our hands and seals the day and year aforesaid. The mark of } Mattano. The mark of N Sewakheronos, the mark of } Warinanco. Sign'd, seal'd, and deliver'd in the presence of us witnesses, Charles Horfly. The mark of Randle, R. Howett.

WE have inspected also among the records aforesaid, remaining as aforesaid, the record of a certain grant there recorded, made by the aforesaid Richard Nicolls, Esq; while Deputy Governor aforesaid, to Captain John Baker, John Ogden, John Baily, and Luke Watson, and their associates, their heirs, executors, administrators and assigns, of the beforementioned lands, lying near Rariton river aforesaid, which followeth in these words. To all to whom these presents shall come, I Richard Nicolls, Esq; Governor under his Royal Highness the Duke of York, of all his territories in America, send greeting. Whereas there is a parcel of land within my government which hath been purchased of Mattano, Manamowaoue, and Conescomon, of Staten Island, by John Baily, Daniel Denton, and Luke Watson, of Jamaica, in Long Island, for a consideration expressed in a certain deed of indenture, bearing date the twenty eighth day of October last, wherein the said parcel of land was made over unto the said John Baily, Daniel Denton, and Luke Watson, and their associates, their and every of their heirs, executors, administrators or assigns for ever, as in the said deed, relation being thereunto had, more fully and at large doth and may appear, now to the end the said lands may the sooner be planted, inhabited and manured, I have thought fit to give, confirm and grant and by these presents do give confirm and grant unto Captain John Baker, of New York, John Ogden, of North Hampton, John Baily, and Luke Watson, of Jamaica on Long Island, and their associates, their heirs, executors, administrators and assigns, the said parcel of

land bounded on the south, by a river commonly called the Rariton river, on the east by the sea which parts Staten Island and the main, to run northward up after Cull bay, till you come to the first river which sets westwards out of the said bay, and to run west into the country twice the length of the breadth thereof from the north to the south of the aforementioned bounds, together with all the lands, meadows, pastures, woods, waters, fields, fences, fishings, fowlings, with all and singular the appurtenances, with all gains, profits, and advantages, arising or that shall arise upon the said lands and premises. To have and to hold the said lands and appurtenances to the said Capt. John Baker, John Ogden, John Baily, and Luke Watson, and their associates, their heirs, executors, administrators and assigns for ever, rendering and paying yearly unto his Royal Highness the Duke of York, or his assigns, a certain rent according to the customary rate of the country for new plantations, and doing and performing such acts and things as shall be appointed by his said Royal Highness, or his deputy. And the said Capt. John Baker, John Ogden, John Baily and Luke Watson, and their associates, their heirs, executors, administrators and assigns, are to take care and charge of the said lands and premisses, that people be carried there with all convenient speed, for the settling of plantations thereon, and that none have liberty so to do, without the consent and approbation of the said Capt. John Baker, John Ogden, John Baily, and Luke Watson, and their associates, except they shall neglect their planting thereof, according to the true intent and meaning of these presents. And I do likewise promise and grant that the persons so inhabiting and planting the lands and premisses aforesaid, shall have equal freedom, immunities and privileges with any of his Majesty's subjects in any of his colonies of America. And the said Capt. John Baker, John Ogden, John Baily, and Luke Watson, and their associates have liberty to purchase of the natives, (or others who have the propriety thereof) as far as Snake Hill, to the end and purposes aforesaid. *In witness* whereof I have hereunto set my hand and seal this first day of December, in the sixteenth year of the reign of our Sovereign Lord CHARLES Second, by the grace of God King of England, Scotland, France, and Ireland, defen-

der of the faith, &c. At Fort James in New York, at the island of Manhatans. All which at the request of Joseph Woodruff, by the tenor of these presents, we have caused to be exemplied; in testimony whereof we have caused the seal of our Province of New York, to be hereunto affixed.

Witness our trusty and well beloved Robert Hunter, Esq; our Captain General and Governor in chief of our Province of New York, New Jersey, and territories depending thereon in America, and vice admiral of the same, &c. at our fort at New York, the fourth day of November, in the second year of our reign, *Annoque Domini*, 1715.

JAMES WILEMAN, D. Secretary, L. S.

SIR,

BEING advised of your actings without any legal authority to the great disturbance, &c. of his Majesty's subjects, I do herewith send you attested copies of the King's Letters Patents, and his Royal Highness commission, for lands and territories, as also further for authority and jurisdiction over all persons within those bounds, &c. as by his Majesty's said patent to his Royal Highness, in which being comprized, therefore in obedience to his Majesty's said authority, you are to forbear and not presume further to assume or exercise distinct or any jurisdiction over his Majesty's subjects, or any person within any of the bounds of that his Majesty's patent to his said Royal Highness without lawful power recorded (as it ought to be) in this place. I do acquaint you that it being necessary for the King's service, and welfare of his Majesty's subjects living or trading in these parts, that beacons for land, or sea-marks for shipping sailing in and out, and a fortification be erected at Sandy Point, I have resolved it accordingly, but having due regard to all rights or properties of land or soil, shall be ready to pay or give just satisfaction to Mr. Richard Harts-horn, or any assigned to, or interested in said Sandy Point, or place, and not doubting your observance of the above, remain,

Your affectionate friend and servant,

New York, March

E. ANDROSS.

the 8th, 1679-80.

To Governor Philip Carteret, at his house in Elizabeth Town.

SIR,

HAVING seriously considered your letter of the 8th instant, and advised upon the contents thereof, not only with the Council, but also with the most eminent, though not numerous, part of the country who have largely weighed the force of his Royal Highness grant, the commands of his Majesty to confirm to the Lords Proprietors government, the long and peaceable possession of this government during the time of all your English predecessors, and yourselves, return this answer, that as I have not plunged his Majesty's subjects into any disturbances, so I intreat you not to molest me, as his governor, nor the people under my charge; I not making any presumptive pretence beyond the bounds of my commission, nor the people yielding obedience but by their Sovereigns positive orders. As to what may be requisite to land, or sea marks, as they are considerable so they shall be considered of, without any other compulsion than the necessity of his Majesty's affairs requires. If you intend to set a fort at Sandy Hook, I shall be constrained to endeavour to prevent the same, until I shall know the Proprietors pleasure, he having reserved that for a fortification when the King shall command it: The people as well as myself and Council, hold ourselves obliged by his Majesty's express commands to yield obedience to the government established by Sir George Carteret, and are under oath so to do, and are resolved not to vary therefrom until the same be remanded by the King, who only can determine this matter; and shall be necessitated, if any force be used, to defend ourselves and families the best we can, which if any blood be shed it will be contrary to our desires, and the just and righteous God require it at your hands, who are the causes thereof—and therefore we intreat you to forbear your threats or any other acts of hostility toward us, until his Majesty decides this controversy, which we shall endeavour to have effected as soon as possible may be: The occasion that hinders this from being sent you sooner, is the foulness of the weather hindering the Councils meeting, as also an alarm we had yesterday of your being come with your sloops and a considerable

number of soldiers which constrained us to put ourselves in a posture of defence,

Elizabeth Town,
20th March 1679.

I am your humble servant
PH. CARTERET.

Compared with the original, James Bollin, Secretary.

SIR EDMUND ANDROSS, knight, lieutenant and Governor, general and vice admiral under his Royal Highness JAMES Duke of York, and Albany, &c. and of New York, and dependences, &c. in America.—Whereas upon information of the actings of Capt. Philip Carteret, assuming and authorizing others to exercise jurisdiction without any legal authority, to the great disturbance, &c. of his Majesty's subjects, within the bounds of his Majesty's Letters Patents, to his Royal Highness, I have sent to forwarn said Capt. Carteret, from such his illegal actings, &c. I do hereby by advice of my Council, by virtue of his Majesty's Letters Patents and authority derived unto me under his Royal Highness, in his Majesty's name, further require and command the said Captain Phillip Carteret, and all other pretended magistrates and officers, civil or military, authorized by him, to forbear, and not presume further to assume or exercise distinct or any jurisdiction over his Majesty's subjects, or any person within any the bounds of that his Majesty's Patent to his said Royal Highness; and also that no person or persons do any ways abet, assist or observe the same or any such illegal authorities—but they and all persons forthwith to submit as they ought to the Kings lawful authority, signified by his Majesty's Letters Patents to his Royal Highness here established, as they and every of them, will answer the contrary at their utmost perils; upon which I do admit all past acting on said account, and for the preservation of the peace and quiet of his Majesty's subjects in these parts, I do confirm all the present constables in their severall and respective towns and precincts, and shall be ready to take further order for the good and welfare of his Majesty's subjects, pursuant to his Majesty's said Letters Patents and his Royal Highness commission and authority to me, respecting the jurisdiction, &c. without intrenching upon any man's just right, property, freehold

or possession. Given under my hand and the seal of the Province in New York, the 13th day of March, in the thirty second year of his Majesty's reign, Anno Domini, 1679.

ANDROSS.

To Capt. Phillip Carteret,
Examined by me Mathias Nicholls, Secretary.

SIR,

UPON consideration of his Majesty's commands which is only directed to his Governor and Council in this Province, I have thought fit to countermand any former orders of convening the General Assembly, which will be but a charge and trouble to the country, and in friendship think fit to let you know it, that you may not come or send in expectation to it; and finding the insinuations and indirect means you use for obtaining the government, and in a sinister way to subvert the minds of his Majesty's subjects here, therefore do hereby command that no more of your emissaries may be sent or appear here, under penalty of being proceeded against by imprisonment, tryal, condemnation and penalty, as his Majesty's laws direct to spies or disturbers of the publick peace, unless with particular message to me and so to return. It was by his Majesty's command that this government was established, and without the same command shall never be resigned but with our lives and fortunes, the people resolving to live and dye with the name of true subjects, and not traitors.

SIR,

SINCE the writing above yours arrived by Mr. West, for which please to take for answer, that whereas we are sufficiently satisfied of your unjust actings, endeavouring to subvert the minds of his Majesty's subjects here, from their obedience to his commands and fidelity to their Proprietor and government by him here established; we have thought fit and do hereby not only protest against your unlawful proceedings, but do make our appeal to our Sovereign Lord the King, which we shall forthwith send to be presented to his Majesty, who only can determine this matter, and that you may

not plead ignorance in not knowing of it, or of our intentions to prosecute the same, we do give you this notice thereof that you may if you please take order to answer our complaints; and in the mean time we require you, in his Majesty's name, to forbear to molest or disquiet us in our peaceable possession, or in the government here established by his Majesty's commands, or in any other way whatsoever at your peril.

Elizabeth Town, the
29th March, 1680.

Sir your friend and servant.

PHILLIP CARTERET.

RIGHT HONOURABLE SIR,

SINCE my last of the 8th April, 1680, the copies whereof I herewith send you, Sir Edmund Andross, came hither on Wednesday the 7th instant accompanied with several of his officers, councillors and merchants, to demand the government of this your honour's Province, supposing to have gained it either by threats or flattery; and having notice of it before hand I had gotten together a matter of 150 men in arms to receive him, doubting he would have brought some offensive forces along with him but did not, and having leave with his train to come a shore, he came up to my house where after the civilities past, he began to show by what authority he had to lay claim to the government; and first began publickly to read his Majesty's Letters Patents, under the great seal, directed to himself for the receiving of the whole country from the Dutch, which signified little to the purpose; than he brought out his Majesty's grant to his Royal Highness with the broad seal to it, which myself and Council had sufficiently examined before, which was likewise read publickly, as also his commission from his Royal Highness, that being done we drew into the house and came to the table, where we laid open those writings we had in your honours behalf from his Majesty and his Royal Highness, and had several arguments upon them, when coming to a conclusion, we maintained and made it appear that by the same authority he demanded the government, by the very same your honour doth hold yours of this part of the Province, as being the Dukes assignee; upon which his last answer was, that he had showed what authority he had and according to his duty did require it in behalf of his master, and if we would not obey him, let it rest at our perils, for that we answered him

we had sent away our appeal to his Majesty, should be ready to submit to what his Majesty should determine, and then we went to dinner, that done we accompanied him to his sloop and so parted.

Now your honour may be pleased to take notice, that we do not conclude that this business will end, but will depend upon your honour's diligence to have a final issue of all differences according to that which myself and Council have advised your honour, and to be sent us with all the speed that may be; no more at present but remain your honours most faithful and humble servant.

Elizabeth Town, New Jersey, July 9, 1680.

MR. COUSTIER, SIR.

SINCE the writing above, I cannot omit informing you of Sir Edmund Andross, his actions and proceedings to the government of the Province of New Jersey, where after many debates and disputes, we concluded to decide it rather by arguments than arms, but the rancor and malice of his heart was such, that on the 31st day of April last, he sent a party of soldiers to fetch me away dead or alive, so that in the dead time of the night broke open my doors and most barbarously and inhumanly and violently halled me out of my bed, that I have not words enough sufficiently to express the cruelty of it; and indeed I am so disabled by the bruises and hurts I then received, that I fear I shall hardly be a perfect man again. Capt. Bollen, will inform you more ample to whom I refer you, and desire you to be assistant to him in whatsoever you may, and you will infinitely oblige him that is Sir,

your humble Servant.

At a special Court of Assizes held in New York, the 27th and 28th of May, 1680.

CAPT. PHILIP CARTERET, of Elizabeth Town, in New Jersey, being presented for that he the 7th day of April last past, and divers times before and since, without any lawful right, power or authority, hath presumed to exercise jurisdiction and government over his Majesty's subjects within the bounds of his Ma-

jesty's Letters Patents to his Royal Highness, and though forwarned hath persisted and riotously and routously with force and arms, endeavoured to assert and maintain the same; &c. and upon tryal being by the jury brought in not guilty, is acquitted accordingly.

But the court declare their opinion and give judgment, that if he the said Capt. Carteret shall go to New Jersey, he should give security or engagement not to assume any authority or jurisdiction there, civil or military.

By order of the special Court of Assizes,
MATHIAS NICOLLS, Secretary.

A. B. who as well as &c. presenteth Capt. Philip Carteret, of Elizabeth Town in New Jersey, for that he the said Capt. Philip Carteret, the 7th day of April, last past, and divers times before and since, without any lawful right, power or authority with force and arms, riotously and routously with Capt. John Berry, Capt. William Sandford, and several other persons, hath presumed to exercise jurisdiction and Government over his Majesty's subjects, within the bounds of his Majesty's Letters Patents granted to his Royal Highness; and although by publick acts and declarations hath been forwarned so to do, he the said Capt. Philip Carteret, hath persisted therein, and riotously and routously with force and arms hath endeavoured to assert and maintain the same, all which actings of the said Capt. Philip Carteret, have tendered to the hinderance of the publick peace of the government, and in contempt of and contrary to the laws and liberty of the subject, and against the peace of our Sovereign Lord the King, therefore prays that this court will proceed against him the said Capt. Phillip Carteret, as the law in such cases directs.

Sir Edmund Andross, Knight Seigneur of Sausmarez, Lieutenant and Governor, General and Vice Admiral under his Royal Highness JAMES Duke of York and Albany, &c. of New York, and dependences in America.

Whereas Capt. Philip Carteret, of New Jersey, having presumed to assume and exercise authority and juris-

dition over the King's subjects to the great disturbance, &c. in those parts which the bounds of his Majesty's Letters Patents to his Royal Highness, and persisted therein without any legal authority, notwithstanding his being duly forwarned and commanded to the contrary, whereupon by advice of my Council, I have caused the person of the said Capt. Philip Carteret, to be apprehended and brought to this place in order to further proceedings according to law, these are in his Majesty's name to require you, to take into your charge and custody, the said Capt. Philip Carteret, and him safely to keep until further order, or his being discharged by due course of law, and for so doing this shall be your sufficient warrant. Given under my hand and seal, in New York, this first day of May, 1680.

EDMUND ANDROSS.

To Capt. John Collyer,
Mathias Nicolls, Secretary.

Philip Carteret, Esq; saith, that he did refuse the delivery of the government of New Jersey, for that he being commissioned Governor there, by power derived from his Majesty, and his command to the people, to be obedient to the government established by Sir George Carteret, dares not deliver the same without an especial command from the King, unto whom he hath addressed himself for determination; and whereas he the said Philip Carteret, Esq; hath been violently and riotously halled out of his house by night on the 30th day of April, 1680, by Sir Edmund Andross, his officers, and kept a prisoner ever since, doth demand his liberty upon his parole to appear when the King shall command it, and doth protest against the jurisdiction of this court, where his imprisoner and accuser is to be judge, and doth appeal to the determination of his Majesty who only is the proper decider of this matter.

SIR Edmund Andross, speaking to the Assembly at Elizabeth Town, in New Jersey, acquainted them, that they are met for the King and country service, and in order to it he hath brought the King's Letters Patents, under the great seal of England, to his Royal Highness and his commission, that this part of

the country, may by them their representatives see the authority, and his Majesty's and his Royal Highness care of them in every respect, as of the other parts of the colony; pursuant to which and law he hath endeavoured not to be wanting in his duty for the welfare of all, though by some mistakes and neglects, they have not been so unanimous and united as they ought and now are by the said great seal, which is their grand charter rule and joint safety; and things being now come so well to their right channel, he doth again by virtue of the above authority confirm the remitting all past actors assuming authority, and offer to their consideration how necessary it is an act be made to confirm all past judicial proceedings, and for the times and places of keeping their future courts and sessions.

And it being of general import, as by patent, to have peculiar known laws and method of proceedings, he hath also brought for their perusal, and offered them the law books composed and past into a law by the Assembly at Hamstead, and since confirmed and in force in all other parts of the government, in which if any small matter be wanting, liberty to make local prudential laws, and for greater matters, not expressed, the general court of assize to judge, not repugnant to the laws of England: And he is ready to hear them and to do his part further for the good and welfare of all his Majesty's subjects, pursuant to his Majesty's said Letters Patents and authority under his Royal Highness, respecting the jurisdiction, without entrenching upon any mans just rights, properties, freeholds, possession or liberty of conscience, or distinction of any place or person comporting themselves as they ought.

MATTHIAS NICOLLS, Secretary.

IN answer to what Sir Edmund Andross delivered to the Assembly of Deputies, June 2, 1680, paying due respects to his Majesty's Letters Patents, &c.

I. As we are the representatives of the freeholders of this Province, we dare not grant his Majesty's Letters Patents, though under the great seal of England,

to be our rule or joint safety for the great charter of England, alias Magna Charta, as the only rule, priviledge and joint safety of every free born Englishman.

II. What we have formerly done, we did in obedience to the authority that was then established in this Province.

III. These things which has been done according to law, needs no confirmation, and we have not power to tye any man's hands up from obtaining his just rights and priviledges.

IV. In delivering and presenting our laws to be established, we suppose we are in a way of confirming and establishing of future courts and sessions, we thinking the said laws formerly made in this Province to be the most fitting and suitable to the constitutions and priviledges of the freeholders of this Province, and not contradictory to the laws of England.

June 11th, 1680.

ISAAC WHITEHAD, Clerk to the Deputies.

June 3d, 1680.

WE the Deputies or Representatives of this Province of New Jersey, do expect that all the priviledges belonging to the inhabitants and freeholders of the said Province, granted to them by the virtue of the Concessions made and granted by the Lord John Berkley, and Sir George Carteret, be to all intents and purposes allowed, confirmed and maintained to the aforesaid inhabitants and freeholders, without any infringement or limitation ; one particular and principal whereof is, as right belonging to every free born Englishman, that there be a General Assembly called once, a year, and to meet on the second Tuesday in October, according to our usual custom, for the making of all such peculiar laws as shall be necessary for the good of the Province.

ISAAC WHITEHEAD, Clerk to the Deputies.

BE IT ENACTED by this General Assembly, and authority thereof, that all former laws and acts of Assembly, that was made and confirmed by the General Assembly, sitting at Elizabeth, in the Province

of New Jersey, in November last, be confirmed for this present year.

ISAAC WHITEHEAD, Clerk to the Deputies.

June 4, 1680.

With this act we did also deliver in a copy of our laws.

Our proposals is, that we may have all those privileges confirmed to us, as they are granted to every freeholder in this Province in our concessions.

ITEM. The confirmation of our own laws, as we have already presented with our law-book to Sir Edmund Andross, and his Council.

These two proposals should have been annexed to the answer to what Sir Edmund Andross delivered in his paper, signed by Secretary Nicolls, and was the last paper that was delivered to Sir Edmund by the Deputies.

ELIZABETH TOWN, New Jersey, July 9th, 1680.

CAPT. BOLLEN, SIR,

YOURS from Farefield, dated the 18th May, which was directed to George Jewel, it was a month before it came to my hands; and your other two letters, by John Willson's wife of the 8th June, and 21st, being three weeks after, before I received them, which was by reason of the long passage of the vessel. I could gladly have wished that I could have written to you when you were in New England, but could not with safety in the time of my imprisonment, which was five weeks before they brought me to my tryal, and this being the first opportunity, with convenience, that I have had since your departure, which goeth by Mr. George Heathcott, for England, giving you an account of Sir Edmund Andross, proceedings. When I came to my tryal my intentions at first was not to have entered a plea, and to have protested against the jurisdiction of the court; but finding the court was to be over ruled by him, was forced to enter a plea, and pleaded not guilty of what he alledged against me in my presentment; and also was ready to make out and justify my actings as Governor of New Jersey, to be legal and by virtue of power derived from the King; to which purpose recommended to the view

of the court, my commission with other instructions to manifest the same, which was delivered with a charge to the jury, who after a perusal of the same by the jury, was to make a return of their verdict concerning it, with their verdict in matter of fact, which was thus brought in by the jury: The prisoner at the bar not guilty—upon which he asked them questions and demanded their reasons—which I pleaded was contrary to law for a jury to give reasons after their verdict given in; nevertheless he sent them twice or thrice out, giving them new charges, which I pleaded as at first to be contrary to law, notwithstanding the last verdict of the jury being according to the first brought in by them, *the prisoner at the bar not guilty*, upon which I was acquitted accordingly, as you will by a copy of my tryal which I here inclosed do send you, with the rest of Sir Edmund Andross proceedings against me—If you cannot find the book amongst Sir George Carteret, where all the proceedings of New Jersey are copied in, as deeds transports or the like from his Royal Highness to Sir George Carteret, you will find the said book in the hands of Mr. Holder, the Dukes auditor: Also to be mindful as there hath been a new dividend or alteration of the worst part of the Province where the Quakers do live from this, to take this opportunity for to have it renewed, that we may know the certain bounds and distinction of both; and do likewise advise you to address yourself to the commissioners of the custom-house, to whom I have also sent copies of Sir Edmund Andross transactions, and also desire their assistance to my Lady Carteret in this business; and likewise to make acquainted of the same, both Sir Edward Carteret's, Doctor Darvall, Mr. De Maresque, Capt. Meservie, and the rest of my friends and acquaintance there, to be assistants for our relief in this case; and if possible they can to endeavour their utmost means for the obtaining our powers again, and all things to be confirmed and run in their former channel with us as they did before. I have written to my Lady Carteret, about Amboy, and some other concerns of my own, for which I would pray you to use your utmost endeavours to have a grant of my request therein, and what lies in my power shall not be wanting for the supply of your children, and

mindfullness of your concerns here. By this opportunity of Mr. Heathcott, Capt. Dyre is intended for England, by which I thought good to advise you, to be observant in his motions, that he doth not sware and romance against us, as he did the time before, and by all opportunities that I may hear from you, and to be very diligent of our concerns in England, leaving no stone unturned that may be for our good, and as often as need doth require, shall not be wanting in doing my part in writing to you by all opportunities that doth present, the like I expect from you and so remain.

Your assured loving friend, P. C.

THIS to give notice to all to whom it shall concern, that I have received an order in a letter from the right honourable the Lady Elizabeth Carteret, bearing date month September 1680, (who is left sole executrix, and guardian to the heir of Sir George Carteret, Lord Proprietor of this Province) with an absolute command not to take notice of any commissions, warrants or orders from Sir Edmund Andross: And I am also further commanded to tell you, that you bring in your charges and damages, Sir Edmund Andross, hath put this Province to in the usurpation of the Government; for his Royal Highness being acquainted with his illegal actions, in usurping the government of New Jersey, doth deny that ever he had any such orders from him or done by his consent; but on the contrary the Lord Proprietors should have all right done him in the enjoyment of the Province and the government thereof; and that his Royal Highness would not in the least derogate from what he had granted to Sir George Carteret, and doth wholly disown and declare that Sir Edmund Andross had never any such order or authority from him for the doing thereof. And whereas I am informed that some officers of New York, do intend to persist and keep courts by virtue of Sir Edmund Andross illegal actions, which will tend to the great disturbance of the King's peace, and detriment to the Lord Proprietor's interest, and the publick welfare of the people here settled under him: These are therefore to will and require all persons not to obey, abett or assist or have any thing to do in such courts, for there shall be an Assembly forthwith convened and of-

fficers chosen in due time : therefore let none presume to act any further by Sir Edmund's orders or commissions or any deputed under him, as they will answer the contrary at their perils. Given under my hand and seal, at Elizabeth Town, in the Province of New Jersey, this second day of March, 1680.

St. James 6th November, 80.

SIR,

I PRESUME you will have heard already this his Royal Highness in obedience to his Majesty's commands is gone again into Scotland, but that before he went he was pleased upon such advice as he relied on, to confirm and release to the Proprietors of both moieties of New Jersey, all their and his right to any thing besides the rent reserved, which heretofore may have been doubtful whether as to government or to publick duty's in or from the places within their grants, and though I believe the deeds themselves respectively, when produced to you, will enough satisfy you in this matter ; yet I think it convenient herein to give you notice of them, to prevent as much as in me lies, the vallidity thereof, or their having been surreptitiously obtained, or any other inconvenience that may happen either to you or the Proprietors for want of such intimation.

Sir I am your very affectionate friend and humble servant.

JO. WERDEN.

New York, July, 26th, 1681.

CAPT. CARTERET,

I THIS day received several papers from you by Mr. Bullen, and Laprery, which have been shewn and read in Council, but find no power thereby for you to act in, or assume the government of New Jersey, and till you pursuant to our former orders and resolves in Council, and your parole to me, produce and shew a sufficient authority, you are and I do hereby require you to desist acting in any publick capacity, and remain

Your friend and servant,
ANTHONY BROCKHOLLS.

Elizabeth Town 28th July, 1681,

CAPT. BROCHHOLLS, SIR,

I have received yours of the 26th instant, by Mr. Bullen, and Mr. Laprery. I have a power sufficient to act as Governor of East New Jersey, and am no more bound to give you and your Council an account thereof, then you are obliged to give me an account of yours: When you do produce to me by what legal authority you are so confident to controul my proceedings, I will shew you mine to contradict it. In the mean time I will send your uncivil answer for England, where your late Governor and his Councils unjust proceedings, are already disowned by your master, and condemned to be illegal by all in general. I did send you a copy of his Royal Highness grant attested by the Secretary of this Province, of which you seem to take no notice of, nor of my demand of the surrender of Staten Island unto me, by which I conclude a denial, I remain

Your friend and servant,

PH. CARTERET.

MADAM,

YOUR honour will see by the inclosed letter of Capt. Brockholls, commander in chief of New York government, under his Royal Highness, the answer to mine and the Councils demand of Staten Island, which is as much your honour's due as any other part of this Province, with my reply unto it, by which your honour will understand the continuance of their obstinancy and unjust proceedings, which if not taken off by his Royal Highness and punished in Sir Edmund Andross, now you have him in England, we shall never be at quiet. The last week the Council and general Deputies of the Assembly did meet for the settlement of the country, at which time they all unanimously voted and concluded, that Sir Edmund Andross, and abettors, proceedings against this government was illegal; some other small things was done, which your honour shall have account in due time; and so adjourned to the month of October next. The ship is just a going to set sail, and have not time to add more, than that I am madam.

Your most humble and faithful servant.

To the King's most Excellent Majesty.

The humble Petition of the Freeholders
Inhabitants and Owners of the Land,
of and belonging to Elizabeth Town,
or Township, and other Lands thereto
adjacent, in the Province of East New
Jersey in America, in behalf of them-
selves and many others.

Sheweth,

THAT his late Majesty King CHARLES the Second, by his Letters Patents bearing date the 20th day of March, in the sixteenth year of his reign, did give and grant to JAMES then Duke of York, and his heirs, the Government and Dominion, as well as property of and in all those lands in America, lyeing Connecticut river, and Delaware bay, (whereof the Provinces of New York, and of East New Jersey, aforementioned, are part) with power to admit who he and his heirs pleased to inhabit and enjoy lands there, by virtue of which grant the said Duke of York, did in April 1664, grant a commission for the government of these places to Col. Richard Nicholls, whom he authorized to execute all powers which were granted to his Royal Highness by the Letters Patents.

That the said lands in the said Province of East New Jersey, were at the time of making these Letters Patents, some part in the actual possession of the Dutch, and other part in the actual possession of the native Indian's, and so continued until about the 27th of August, 1664, at which time part of them were surrendered by the Dutch, to the said Col. Nicholls, who in October 1664, granted leave to John Baily, and others, under whom your petitioners, or most of them claim their lands, to purchase lands of the native Indians, which they accordingly did, and the lands claimed by our petition-

ers in the said Province, part of these lands so purchased by this licence, all or most of which lands so purchased, were in December 1664, granted and confirmed to the said John Baily, and others, by the said Col. Nicholls.

That afterwards the Dutch conquered and regained possession of these Provinces, and upon the treaty of peace surrendered them again to his said late Majesty, who thereupon granted them again, to the said Duke—but the said purchasers, and those claiming under them, still continued in the possession of the lands by them purchased, and peaceably enjoyed the same, until about September, 1693, being near thirty years, and during that time, great labour and expence, built, planted and improved the same; and they humbly conceive they ought according to law, reason and justice, still to enjoy the same.

But certain persons to the number of about one hundred, or some other great number, calling themselves Proprietors of the said Province of East New Jersey, do pretend that they have a title to your petitioners lands, by several mesne conveyances, from and under the Lord Berkley, and Sir George Carteret, (to whom as they pretend the said Duke conveyed the same by indentures of lease and release, dated on or about the 23d and 24th days of June, 1664, before his Royal Highness or any other for him had ever been in possession of the said lands, or any part thereof) and that your petitioners have no right thereto, altho those under whom they claim, purchased of the Indians natives by the licence of the said Col. Nicholls, and for valuable considerations without notice of the said conveyance to the said Lord Berkley, and Sir George Carteret, (if that could be a legal conveyance, as your petitioners are advised it could not be of these lands) and the said pretended proprietors do now set up this old pretended title to your petitioners lands, after they have enjoyed the same quietly for many years, in hopes to reap the benefit of your petitioners said labour, expence and improvement, or to force them to pay some large quit-rent, or yearly payment for the same; and for that purpose have often urged your petitioners (who have as aforesaid purchased their lands, and peaceably

enjoyed the same so long) now to take leases or grants thereof from the said pretended Proprietors under yearly rents.

And the more effectually to accomplish their unjust designs, and gratify their ambitious inclinations, the said pretended proprietors have on pretence only of the said indentures of lease and release, and the mesne conveyances under the same, pretended to have been made to the said Proprietors, presumed to usurp and take upon them to exercise a dominion and government over your petitioners, and their lands, and to constitute a pretended Governor, a pretended court of justice, and contrary to the laws and statutes of your Majesty's realm of England, to appoint judges who presume without any commission or authority derived from your Majesty, to take upon them to try causes.

And in this pretended court, and before these pretended judges of their own making, the said pretended Proprietors did in the year 1693, bring an action of trespass and ejection against Jeffery Jones, for part of the said lands in Elizabeth Town, and the same came on to be tried, and altho upon a full evidence, the jury (who were chosen by the said Proprietors, or their creatures) were notwithstanding so just as to give a verdict for the said Jones; yet the said pretended judges being either of the number of the said Proprietors or by them appointed, were so partial and arbitrary, as contrary to law and justice, to give a judgment against the said Jones, and for the said pretended Proprietors; which unjust judgment, your Majesty upon appeal hath in your princely justice been pleased to reverse, altho the said pretended judges, in hopes to support their said judgment, did transmit a writing for a copy of the proceedings in the said cause, which was false, and not according to the truth of the proceedings had in the cause.

That your petitioners are now destitute of any lawful civil government over them, having no legal court of justice or judges, that they any legal commissions, and the said usurpers and their pretended judges being so partial as aforesaid, will by their unjust and arbitrary proceedings, deprive your petitioners of what they have justly paid

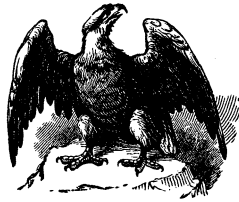
for, are legally intitled to, and with great pains, hazard and expence, have planted, and improved and quietly possessed for many years, unless assisted by your Majesty, and your petitioners doubt not but to make out the legality and justice of their titles to any impartial judges, in or near the country where the facts are best known, and where the witnesses are that can prove them.

Your petitioners groaning under these and other great oppressions of the said usurpers, and in the want of a legal and well established government, are humble suitors to your Majesty (the fountain of justice) that your Majesty would be graciously pleased to take them into your Majesty's royal protection and to let them enjoy (in this remote part of the world) the happy influences of your Majesty's just government. And for that purpose either to place them under the civil government of your Majesty's Province of New York, (from the Elizabeth Town aforesaid, is but about twenty miles distant, and great part of your petitioners lands are much nearer) and to grant to the court of justice at New York, a power to judge all causes in the said Province of East New Jersey, or to appoint indifferent judges to administer justice between your petitioners and the said pretended Proprietors, and to admonish the said usurpers that they presume no more to usurpe your Majesty's royal authority of constituting courts of justice, and commissionating judges, and the said pretended judges no more to presume to act as a court of justice, or otherwise to order for your poor oppressed petitioners relief, as to your Majesty in your princely wisdom and goodness shall seem meet.

And your petitioners as in duty bound shall ever pray,
&c.

John Lamb,	Ebenezer Lyon,	John Looker,
John Osborn,	Jonathan Ogden, jun.	Jeremiah Crane,
Abraham Hill,	Obadiah Sale,	Daniel Sayre,
Joseph Hallsy,	John Little,	George Ross, jun.
John Woodroof,	Joseph Woodroof,	Thomas Thompson,
Robert Wooley,	And. Hampton,	Joseph Lyon,
Joshuah Clarke,	John Thomas,	William Brown,
Henry Lyon,	Ephram Clarke,	John Meeker,

William Looker,	Joseph Williams,	John Thomson,
Jeremiah Osborne,	William Miller,	Daniel Price,
Cornelius Hatfield,	Samuel Whitehead,	John Harriman, jun.
Henry Norris,	Roger Lambert,	John Ross,
John Cory,	Benjamin Lyon,	Abraham Hatfield,
John Megie,	Joseph Meeker,	Isaac Whitehead,
Daniel Dehart,	Ephriam Price,	John Earsken,
Robert Marsh,	Samuel Carter,	Thomas Prite,
William Strayhearn,	Jonathan Ogden,	Benjamin Hatter,
Nathaniel Boinel,	Isaac Boinell,	John Clarke,
Samuel Clark,	Benjamin Ogdin,	John Miles,
John Willis,	Benjamin Wade, sen.	Jacob Mitchel,
Daniel Crane,	Benjamin Prit, jun.	Samuel Williams,
David Woodruff,	Benjamin Meeker,	



FINIS.