The Colonial History of New Jersey

“History of Nova Caesarea”

by Samuel Smith

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Samuel Smith

CONTENTS

PREFACES 8

SKETCH OF THE AUTHOR 11

CHAPTER I 13
A brief view of the discovery of America, and of the present prevailing opinion respecting the manner it originally became peopled.

CHAPTER II 25
An account of the country on Delaware and the North-River, while the first was in possession of the Dutch and Swedes.

CHAPTER III 38
The particulars of the English conquest, in 1664; and the transactions afterwards, respecting the inhabitants on Delaware; The arrival of Francis Lovelace, as governor; part of his administration, and description of the Hoarkills.

CHAPTER IV 55
King Charles the second, and duke of York’s grants, whence lord Berkeley and Sir George Carteret became seized of New-Jersey; The first constitution of government under them; The settlement of Bergen, Middletown, Shreusbury, and Elizabeth-Town: Philip Carteret appointed governor of Jersey; The Indian purchase of Elizabeth-Town, by the settlers; and the first general Indian purchase by the proprietors, &c.

CHAPTER V 68
Major Andross appointed governor of New-York; Takes possession at Delaware; Arrival of the first English settlers to West-Jersey, under the duke of York’s title; Lord Berkeley assigns his moiety of New-Jersey to Byllinge, and he in trust to others; Their letter and
first commission; New-Jersey divided into the provinces East and West Jersey; and the declaration of the West-Jersey proprietors.

CHAPTER VI
Arrival of more settlers to West-Jersey; Their difficulties; Their purchases from the Indians; They lay out a town; Some of their first sentiments of the country; and an account of the duke of York's two last grants, being for the provinces East and West New-Jersey separately.

CHAPTER VII
Letters from some of the settlers of West-Jersey; and arguments against the customs imposed at the Hoarkill by the governor of New-York.

CHAPTER VIII
The first form of government in West-Jersey under the proprietors; The first laws they made; The method of regulating land affairs; and a further account of the Indians found in the first settled parts of these provinces.

CHAPTER IX
Another ship arrives at West-Jersey; Proceedings of the general assembly of West-Jersey; Sir George Carteret's death; Conveyances to the twelve Eastern proprietors; Their proposals and regulations in several respects; particularly in disposing of lands and building a town at Ambo point; The twelve proprietors each take a partner, and thence are called the twenty-four; to whom the duke of York makes a third and last grant; The twenty-four establish the council of proprietors of East-Jersey, on the footing it now is; A general view of the improvements in East-Jersey in 1682; A compendium of some of the first laws passed at Elizabeth-Town; Doubts started whether the government of West-Jersey was granted with the soil; Jenings continued governor of West-Jersey; and laws now passed there.

CHAPTER X
Robert Barclay appointed governor of East-Jersey, and T. Rudyard deputy; Letters from Rudyard, S. Groome, Lawrie, and others,
concerned in that settlement.

CHAPTER XI

Manner of the West-Jersey government in 1684; Their unsettled state and succession of governors; Danger of suffering for want of food in 1687; The division line run by G. Keith; an agreement between the governors Coxe and Barclay; Alteration in the manner of locating lands in West Jersey, and the method now in use fixed; No person in West-Jersey to purchase from the Indians, without the consent of the council of proprietors; and instructions respecting deeds and warrants for taking up lands.

CHAPTER XII

A flood at Delaware falls; Death and character of Thomas Olive, Thomas Gardiner and John Woolston; Commotions in East and West Jersey; Surrender of the two governments to queen Anne; Her acceptance thereof; and her commission to Lord Cornbury.

CHAPTER XIII

Instructions from queen Anne to Lord Cornbury.

CHAPTER XIV

Observations on Lord Cornbury's instructions, and the privileges originally granted to the settlers; with abstracts of some of them.

CHAPTER XV

Lord Cornbury convenes the first general assembly after the surrender; His speech, their address, and other proceedings; Queen Anne’s proclamation for ascertaining the rates of coin; Cornbury dissolves the assembly, and meets a new one to his mind; Their proceedings and dissolution; A summary of the establishment and practice of the council of proprietors of West-Jersey; Another assembly called; who remonstrate the grievances of the province.

CHAPTER XVI

Lord Cornbury's answer to the assembly's remonstrance.
CHAPTER XVII 240
The assembly's reply to lord Cornbury's answer to their remonstrance.

CHAPTER XVIII 257
Memorial of the West-Jersey proprietors residing in England, to the lords commissioners for trade and plantations; The lieutenant governor, with some of the council, address the queen; The last meeting of assembly under Cornbury's administration; They continue their complaints; Samuel Jenings's death and character.

CHAPTER XIX 270
Lord Lovelace arrives governor; Convenes a new assembly; They apply to him for a hearing on the subject of the lieutenant governor and council's application to the queen; His death; is succeeded by the lieutenant governor Ingoldsby; The first paper currency; Arrival of governor Hunter; A short account of the first expedition to Canada; A new assembly chosen; Their first session.

CHAPTER XX 285
Representation of the general assembly to governor Hunter and his answer.

CHAPTER XXI 301
A session of general assembly; A second expedition to Canada; Meeting of a new assembly; They quarrel; Some members designedly absent themselves; Expell'd the house; Several of them again returnd, and refused seats; A fruitful session at Crosswicks; Last session in Hunter's time; An act passed for running the division line between East and West-Jersey; William Burnet arrives governor; An uncommon wet harvest; Governor Burnet meets a new assembly.

CHAPTER XXII 315
Occurrences since the year 1721.

CHAPTER XXIII 329
The present state of Indian affairs in New-Jersey.
CHAPTER XXIV

A short geographical description of the province; and additional view of its present state.

APPENDICES

NUMBER I

The concessions and agreements of the lords proprietors of the province of New Caesaria, or New-Jersey, to and with all and every of the adventurers, and all such as shall settle or plant there.

NUMBER II

The concessions and agreements of the proprietors, freeholders and inhabitants of the province of West New Jersey, in America.

NUMBER III

A brief account of the province of East-Jersey, in America, published by the present proprietors, for information of all such persons who are or may be inclined to settle themselves, families and servants, in that country.

NUMBER IV

Governor Coxe's narrative relating to the division line, directed to the council of proprietors of West-Jersey.

NUMBER V

The council of proprietors of West-Jersey to governor Burnet.

NUMBER VI

Reasons and proposals for an amendment of the quiptartite line, and the act made for the confirmation thereof.

NUMBER VII

Minute of the council of proprietors, held at the city of Perth Amboy, August 17, 1742.
| NUMBER VIII | 435 |
The remonstrance and humble petition of the inhabitants of East New-Jersey. |
| NUMBER IX | 438 |
The memorial of the proprietors of East New-Jersey. |
| NUMBER X | 441 |
Opinion and answer to the lord commissioners, &c. |
| NUMBER XI | 443 |
Memorial of the East Jersey proprietors to the lords of trade. |
| NUMBER XII | 445 |
The petition of the proprietors of East and West Jersey, to the lords justices. |
| NUMBER XIII | 447 |
Representation of the lords of trade to the lords justices. |
| NUMBER XIV | 452 |
The memorial of the proprietors of East and West Jersey. |
| NUMBER XIV | 455 |
John Tatham, New Jersey’s Missing Governor, by John D. McCormack (Appendix II of the 1890 edition) |
The Colonial History of New Jersey

Samuel Smith

PREFACE

Although among the following Papers there are some of consequence in point of interest to most concerned in the province of New-Jersey, several of them were not to be found on record in the publick offices, several were scattered in different provinces, others could not be easily obtained, some tho' in print formerly were in but few hands, some never made publick, and many in danger of being lost; on this account whatever success may attend this undertaking as to the general design, or disposition of the facts, 'tis some satisfaction, that the labour of collecting them cannot be altogether useless.

Whoever will be at the trouble of an enquiry into the general inexperience and methods of colonizing formerly, especially at the time the settlements here were first attempted under grants, will find but little reason to doubt, that views of permanent stability to religious and civil freedom, must have been the inducement to the original adventurers to think of such a voyage. The New-England governments had before been considerably settled from motives of a like kind; these, tho' near forty years later in their removal, were also protestant dissenters, and involved in the general insecurity, that such with reason apprehended in the reign of king Charles the second; and the actual sufferings of many, through the mistaken policy of that time, merely for a free exercise of their religious sentiments, with their own accounts of their removal, renters it as to them indisputable; and in this, as they do not appear to have been charg'd with any indirect violation of religious integrity, so no instance occurs of dissatisfaction among themselves, tho' many of them were remarkably tender on that head; with the motives above, some of them had without doubt, a distant prospect also of improving their estates; but this could not be the case so much at first as afterwards.

However smooth the passage may look now, it must be a reasonable supposition, that persons and families, who lived well (which was the circumstance of many of the settlers of this province) found it no inconsiderable trial, to unsettle and remove 3000 miles; besides parting with the usual connections of friendship and neighbourhood, it was in a great measure an unprov'd experiment; and then much out of the common course of things; the navigation also to this part of the continent, for want of experience, look'd difficult, and the wilderness formidable; but whatever were their motives, they successively encountered the hazards and hardships to which the enterprize was exposed; and, at their own expense, by the blessing of divine providence on their labour, frugality and
industry, laid the foundation for the present improvement of territory to the mother country; which, tho' not in many respects to be compared to colonies of greater extent and growth, is nevertheless a link in the chain of some considerable importance.

That a century should pass, and very little appear abroad of what the settlers here have been doing, is not so much to be wondered at, when their difficulties in procuring the conveniences of living are consider'd; but this will hardy be allow'd, when the too general negligence as to particular rights of individuals, and the reputation of civil policy comes in question: 'till very lately, a variety of matters of that kind, were as much secrets to most of the inhabitants, as they commonly are to strangers; and yet in many parts of the province, are justly made the subject of general complaint.

Whether the endeavours here used for bringing these into one historical view, will sufficiently answer the purposes of a more general information, must now be submitted to experience; they were undertaken with hopes of service to the province, and if found but in a small degree contributing to that, the end is so far answered: With this view, they were several years since designed for the publick, and nearly prepared; but other occasions interfering, necessarily delayed their appearance much longer than was expected. Being sent to the press sometime in the last spring, no transaction that hath happened since, could be included, or is in any respect alluded to: On a continuation, these will of course follow in their places.

To a collection principally intended to consist of a plain state of facts, much need not be premised; this may with justice be said, that through the whole, the strictest impartiality has been attended to, and if in other respects executed according to intention, they are offered to the publick, with as few material omissions, as the present opportunities of collecting would allow; yet the diffidence attending an attempt from papers in great part not used before on the like occasion, would plead for some allowances as a few mistakes, especially in dates, and other minutiae among the smaller facts, may have escap'd, notwithstanding an assiduous care to avoid them; but these it is hoped will not be found so considerable, as to obstruct the service intended.

As nothing is aim'd at, more than a fair and candid representation; any friendly hints, or materials necessary either for correction or improvement, will be thankfully received, and the first opportunity embrac'd to apply them accordingly.

BURLINGTON,
5th October, 1765.
PREFACE
TO THE DIGITAL EDITION

A special effort has been made to present Samuel Smith’s “History of Nova Caesarea” in a fashion that will render it more useful and readable than either the original or the 1890 reprint. Only minor spelling corrections have been made, despite the great temptation to make colonial-era sources speak to us in 21st Century style. We have, however, printed primary source material in red, so that these sources stand out against the author’s and editors’ presentments. Our minor contributions are in green.

Contained herein is the foundation of the present State of New Jersey, recorded and presented by its first historian. To Smith, most of the material was generally common knowledge, as fresh in the minds of Jerseymen as the World Wars are to us today. The documents he transcribed for posterity were still in his neighbors’ desks and trunks; now they are priceless historical treasures in the vaults of the New Jersey State Museum and the New Jersey Historical Society.

It is to these New Jersey historians who have built upon Samuel Smith’s foundation, that this digital edition is dedicated:

William A. Whitehead
William Nelson
Cortlandt Parker
William H. Benedict
Richard Wayne Parker
Henry Charleton Beck
John Cunningham

MORRISTOWN,
March 2004
SKETCH OF THE AUTHOR

Samuel Smith, author of the "History of New Jersey," was eldest son of Richard Smith, esquire, of Burlington, member for twenty years of the Assembly of West Jersey, and a flourishing merchant in Burlington and Philadelphia.

Richard Smith was the only son of Samuel Smith the elder, of Bramham, West Riding of Yorkshire, England, who came to New Jersey in 1694, and was for several years a member of the Assembly. The father of the first Samuel Smith, Richard Smith of Bramham, Yorkshire, was one of the original proprietaries of West Jersey, and he and his two eldest sons, John and Daniel, brothers of the elder Samuel Smith, signed as proprietaries the "Concessions and Agreements of the Proprietors and People of West Jersey," the fundamental constitution of the province.

To the above-mentioned John Smith was allotted one of the ten original town lots of the "London Proprietors," in Burlington, with its annexed wood or forest lot.

Our author, who was born "12th mo., 13th, A.D. 1720," engaged, as a young man, in his father's business as a West India merchant, and, for a time, removed to Philadelphia. He finally settled at Burlington, where his town-house was the one since known as the "Coleman" house. The fine estate of "Hickory Grove," a little beyond the "London Bridge," was his country-seat or "plantation." He married in the "eleventh" month, 1741, Jane, daughter of Joseph Kirkbride, and by her had several children.

He was a man of most benevolent heart, and of a conscientious uprightness and exactness in the discharge of duty. His reading was extensive and accurate; the several historical works composed by him, showing the fruits of careful research, and a clear and agreeable style. He was the originator of the benevolent efforts which resulted in the colonization of the remnant of the New Jersey Indians at the "Brotherton" settlement; drew up, in 1757, the constitution of the "New Jersey Society for Helping the Indians," and signed its subscription list with pounds. In all the family relations, as son, brother, husband and father, Samuel Smith was most exemplary, and was besides a prominent and useful member of his religious community, "The Friends."

In 1765, Samuel Smith had the press of the "King's Printer" moved to Burlington for the purpose of printing his "History of New Jersey," as appears by the following extract:
"In 1764, James Parker, printer to the King for the Province of New Jersey, compiled and printed a *Conductor Generalis for Justices of the Peace*, he then holding that office in Middlesex county, and the following year moved his press from Woodbridge to Burlington for the accommodation of the author of the *History of New Jersey*, (Smith), but on the completion of the work it was returned to the former place." (Whitehead's *Contributions to East Jersey History*, p. 376.)

Samuel Smith filled some of the most important public offices in the Province of New Jersey. He was, for many years, a member and Secretary of the King's Council, Treasurer of the Province, &c., &c. He died in 1776. His brother Richard was a member of the Continental Congress.
CHAPTER I

A BRIEF VIEW OF THE DISCOVERY OF AMERICA,
AND OF THE PRESENT PREVAILING OPINION RESPECTING THE MANNER IT ORIGINALY BECAME PEOPLED

The first effectual discoverers of America among the moderns, were Christophoro Colon, or Colombo, and Americo Vespucci, or Vesputius; of these the former is supposed to have been a Genoese by birth, the other a native of Florence: From him the new world took its name, yet his history in other particulars is too intricate to afford much satisfaction. That of the first under the well-known name of Christopher Columbus, is readily traced; with him therefore we begin, as the person principally concerned in the discovery.

He had applied himself to the study of astronomy and geography, and very early appeared to have a more than common desire to understand the state of all countries upon the face of the globe, and to make new discoveries; which probably was his reason for settling at Lisbon, no nation having pushd their discoveries further than the Portuguese at that time; here he employed himself in drawing maps and charts, and preparing himself for future enterprizes. He married and settled in Lisbon, was of a good family, a grave and temperate man, of competent learning, studious in the mathematicks, and from his youth bred to navigation.

1 He made two voyages in 1497 and 1498, in the service of Spain: Another in 1501, in the service of Portugal: In the first he fell in among the Caribbee islands; and the last with three ships arrived to and discovered the eastern continent of America, in five degrees of south latitude.

America is a more common than fittig name, seeing Americus Vespucius the Florentine, from whom this name is derived, was not the first finder nor author of that discovery: Columbus will challenge that, and more justly, with whom and under whom Americus made his first voyage; howsoever after that he coasted a great part of the continent which Columbus had not seen, at the charges of the Castilian and Portugal kings; but so it might more rightly be termed Cabotia or Sebastiana, of Sebastian Cabot, a Venetian, which discovered more of the continent than they both, about the same time, first employed by king Henry the seventh of England. Columbus yet as the first discoverer deserves the name, both of the country for the first finding, and of modesty, for not naming it by himself, seeking rather effects than names of his exploits.

Purchas's Pilgrim, p. 792.

2 His son who wrote his history, says, he was moderately tall and long visaged, his complexion a good red and white, that he had light eyes, and cheeks somewhat full, but neither too fat nor too lean; that in his youth he had fair hair, which turned grey before he was thirty years of age; that he was moderate in eating and drinking, affected a plain modest garb or dress; that he was naturally grave, but affable to strangers, and pleasant frequently among his domestics, strict and devout in religious matters, and tho' a seaman, was never heard to swear or curse.
What the particular motives were that induced him to search after this new world, are not certainly known; some attribute it to informations he had received, others to his skill in the nature of the globe; that this made him conclude it probable there must be a great tract of land to the westward of Spain, that it was not to be imagined the sun when it set in that horizon gave light to nobody: Whatever gave rise to the project, a discovery he resolved to attempt, and being unable to do it at his own charge, he first offered his service to the Genoese, next to the king of Portugal; not meeting with encouragement from either, he sent his brother Bartholomew to England to offer his service to Henry the seventh: King Henry approved his proposals; but the brother on his return being taken by pirates, and Columbus receiving no answer, left Portugal and went to Spain: On his application to Ferdinand and Isabella, king and queen of Castile and Arragon, he succeeded so well, that in the year 1492, they provided him with money, and entrusted him with three small ships for the expedition; he also obtain'd a grant from them to be admiral of the western seas; all civil employments as well as governments in the continent or world to be discovered were to be wholly at his disposal; and besides the revenues of the posts of admiral and viceroy, he was to enjoy a tenth of all the profits arising by future conquests; his little squadron manned only with ninety men set sail from Palos for the Canaries the third of the month called August, 1492, and arriving at those islands the twelfth, saileth from thence the first of September, upon his grand design: He had not sailed a fortnight to the westward before his men began to murmur at the enterprize; they observed the wind constantly set from east to west, and apprehended there would be no possibility of returning if they missed the land they were made to expect; on the nineteenth observing birds to fly over their ships, and on the twenty-second weeds driving by them, they began to be better satisfied, concluding they were not far from land: they continued their course several days farther westward, and meeting with no land, the seamen mutinied to that degree, that they were almost ready to throw the admiral overboard, and return home, when happily for him they saw more birds, weeds, pieces of boards, canes, and a shrub with the berries upon it, swim by them, which made them conjecture there must be islands thereabouts: It was on the eleventh of October, about ten at night, that the admiral first discovered a light upon the island of Guanahani, or St. Salvador, as he named it, in consideration that the sight of it delivered him and his men from the fear of perishing: It is one of the Bahama islands, about fifteen leagues long, in the north latitude of 15 degrees.

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3 A bay or harbour of sea or water.

4 All that is commonly remembered of the sailor who first discovered land, is, that expecting some great reward from the king of Spain, and disappointed, he took it in his head in a rage to renounce Christianity, and turn'd Mahometan.
island; the natives crowded the shore, and beheld the ships of these newcomers with astonishment, taking them for living creatures. The admiral believing there was no great danger to be apprehended from them, went ashore in his boat, with the royal standard, as did the other two captains, with their colours flying, and took possession of the country in the name of the king and queen of Spain with great solemnity; the Indians meanwhile stood gazing at the Spaniards without attempting to oppose them. The admiral ordered strings of glass beads, caps and toys to be distributed among the natives, with which they seemed much pleased: The principal ornament about them was a thin gold plate in the form of a crescent, hanging from the nose over the upper lip; the admiral demanding by signs, whence they had their gold plates, they pointed to the south and south-west; he rowed in his boats about the island, to discover if there was anything worth his settling there, followed by the natives every where, who seems to admire him and his people as something more than human: From this island coasting southward 180 leagues, he arrived at another, which he called Hispaniola, where his own ship striking on a hidden rock was lost; he and his crew were taken on board one of the other vessels; landing here, the natives, instead of behaving as the others had done, fled from him; but taking one of their women, treating her kindly, and then letting her go back among them, she brought numbers to traffick, who seem'd very peaceably dispos'd; and by some means, or other finding there were gold mines in this island, Columbus, aided by the natives, built a fort, left thirty-nine men, with provisions for a year, seeds to sow, and trinkets to trade with the natives: After discovering a good part of the north and east coast of Hispaniola, trading with the Indians in diverse places, and near three months stay in the island, he bent his course homewards, and arrived at Palos, in Andalusia, early in the spring 1493; having perform'd the voyage in seven months and eleven days: Here the people received him with a solemn procession and thanksgiving for his return, most of his seamen belonging to that port; the king and queen of Spain being at Barcelona, when the admiral drew near the city, the court went out to meet him; he was receiv'd with the honors due to a sovereign prince: Having given an

5 One of the River Indians, in his speech at the treaty of Albany, 1754, relates the surprize of their forefathers at the sight of the first ship that came up the North river in the same manner; his speech so far as relates to this subject was as followeth:

FATHERS, we are greatly rejoiced to see you all here; it is by the will of heaven that we are met here, and we thank you for this opportunity of seeing you altogether, as it is a long while since we had such a one: FATHERS who sit present here, we will just give you a short relation of the long friendship which hath subsisted between the white people of this country and us: Our forefathers had a castle on this river; as one of them walked out he saw something on the river, but was at a loss to know what it was; he took it at first for a great fish; he ran into the castle, and gave notice to the other Indians; two of our forefathers went to see what it was, and found it a vessel with men in it; they immediately joined hands with the people in the vessel, and became friends.
account of his Voyage, he begged to be equipped according to the dignity of his character of admiral and viceroy, that he might plant colonies in the places he had thus discovered, which was readily granted; and he afterwards made diverse other voyages to America.\(^6\)

The fame of the discovery, and of the rich cargoes brought to Old Spain at several times from thence, being spread through other nations, gave rise to other adventurers. The next attempt was made by Sebastian Cabot, a Venetian by extraction, but born in England, and being much given to the study of navigation, and well skill'd in cosmography, he believed there might be a passage found by the north-west to the East Indies shorter than that lately discovered by the Cape of Goodhope; he made Interest with Henry the seventh of England, who fitted out two ships to make the discovery.

In 1497, Cabot sailed from Lisbon, in the beginning of summer, and steering his course north-west, came up with land about 60 degrees north latitude, supposed to have been Greenland;\(^7\) but perceiving the land still run north, he changed his course, in hopes of finding a passage in less latitude. About the 50th degree, he saw that which is now well known by the name of Newfoundland: Here he took three of the natives, and coasted southward to the latitude of 38 degrees; (about Maryland) his provisions growing scarce, and no supplies there to be expected, he return'd to England, where the natives he brought lived a considerable time.\(^8\) From this voyage and discovery made by Cabot, the English

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\(^6\) He died in the city of Validolid in Spain, in the spring 1506, and was buried in the cathedral of Seville, with this inscription on his tomb, that *Columbus had given a new world to Castile and Leon.*

\(^7\) This country is considered as part of the American continent, both by Hornius and Grotius. Grotius apud Horn. *de orig. Gent. American*, Lib. iii. c. 5, 6, pp. 149, 162. ut et ipse Horn. *Ibid.*

\(^8\) King Henry VII. commissioned John Cabot (5th of March, in the eleventh year of his reign) and his three sons, to sail in quest of unknown lands, and to annex them to the crown of England; with this clause, which before this time have been unknown to all christians. His first essay as related by Sir Humphry Gilbert, who was employed in the like service afterwards by queen Elizabeth, was to discover a north-west passage to Cathay or China; in which voyage he sailed very far eastward, with a quarter of the north, on the north side of Terra de Labrador; 'till he came into the north latitude of sixty seven degrees and a half in his next voyage, which was made with his son Sebastian, in the year 1497; he steered to the south side of Labrador, and fell in with the island of Baccalaois, which is Newfoundland, and took possession both of that island and all the coast of the north-east part of America, as far as Cape Florida; which he also by landing in several parts of it, claimed in the name of his master, the king of England.

In the memory of this discovery, and by way of evidence, there was a map or chart of the whole coast of North-America drawn by Sebastian Cabot himself; with his picture and this title, *Efigies Seb. Caboti Angli, Filii Jo. Caboti, Venetiani, Militia Aurati, &c.*, and with the following account of the discovery above mentioned: 'In the year of our Lord 1497, John Cabot, a Venetian, and his son
have claimed the country ever since, from the well known *Jus Gentium*, LAW OF NATIONS, that whatever waste or uncultivated country is discovered, it is the right of that prince who had been at the charge of the discovery. This from universal suffrage gives at least a right of preemption, and undoubtedly must be good against all but the Indian proprietors.

We have seen that in the discovery of North and South-America, inhabitants were found at the places touch'd at; in all probability they were as plentifully dispersed throughout the different countries of America; but how these people originally came there, is a question not easily solved; tho' it has for above two centuries, been the subject of much enquiry, it is not yet arrived at a decision. All therefore that can be done, is to give a short view of the most probable conjectures that have been hitherto offered.

It is not unlikely the new world was known to the Phoenicians, even a considerable time before the days of Plato; who in all likelihood found but few (if any) inhabitants there; that they contributed towards the planting of it, we have some reason to believe, as they are supposed to have made three voyages thither; however that colonies from other nations crossed the Atlantick, and landed in America, cannot be well denied; neither the Egyptians nor Carthaginians are supposed void of some traditional knowledge of America, since they are believed to have communicated such knowledge to other nations: which if we admit, it

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10 *Lex Mercat.* 156. *Molloy ut supra.*

11 "If we are not astonished (says Voltaire) that the discoverers found flies in America; it is absurd to wonder that they should meet with men." *Univ. Hist.* If European whites, and African negroes, are not descended from the same original stock; a supposition confessedly adopted by the celebrated historian, (it must be allow'd) easy to come to a decision in the present case.

12 Perizonius and Cellarius seem to have inferr'd from thence, that the new world was not entirely to the remoter ages of antiquity.
follows, that some of the ancient Egyptians and Carthaginians had been there, and contributed towards peopling the continent, as well as the Phenicians. The Author of the book de Mirabilibus Audis supposed to be Aristotle; expressly asserts the Carthaginians to have discovered an island beyond Hercules's pillars, abounding with all necessaries, to which they frequently sailed; and there several of them even fixed their habitations; but the senate, adds he, would not permit their subjects to go thither any more, lest it should prove the depopulation of their own country.  

13 Several of the original American nations we are told, rent their garments, the more effectually to express their grief on any melancholy occasion; the Hebrews, Persians, Greeks, Sabines, and Latins, according to various authors, did the same; from whence some may possibly imagine, that those Americans deduced their origin from one or more of those nations; but this is too slender a foundation for such belief.  

14 So that Menasseh Ben Israel, appears to have wrongly concluded from thence, that the Israelites were the progenitors of the Americans. Theophilus Spizelius seems to have refuted this opinion: Though the Phenicians, Egyptians and Carthaginians, might have planted some colonies, yet the bulk of the inhabitants must certainly have deduced their origin from another part of the world: Had the Phenicians and Egyptians peopled even a considerable part of America, it would scarcely have been taken so little notice of by the antients; even supposing those nations had industriously endeavoured to conceal their western discoveries; for in such case, there must have been a constant communication kept open between America, Egypt, and Phenicia, and a very extensive trade carried on: so that many particulars relating to the new world, must necessarily have transpired; nor could even the sailors themselves, who navigated the Phenician ships, have omitted divulging many accounts of what they observed on this continent; some of which would undoubtedly have been transmitted to us.

That therefore, the Americans in general, were descended from a people who inhabited a country not so far distant as Egypt and Phenicia, must be admitted: Now no country can be pitched upon so proper and convenient for this purpose, as the north-eastern part of Asia, particularly great Tartary, Siberia, and more especially the Peninsula of Kamtschatka; that probably was the tract through which many Tartarian colonies passed into America, and peopled the most considerable part of it. This however, seems the most prevailing opinion.


14 William Penn, in his letter to the committee of the free society of traders in London, in 1683; gives a short sketch of his opinion, touching the origin of the Indians here, whom he imagines to be of the stock of the Jews, that after the dispersion of the ten tribes emigrated through the eastermost parts of Asia, to the westernmost of America.
The Colonial History of New Jersey
Samuel Smith

There is great reason to believe, that some of the western provinces of North-America, must either be continuous to, or at no great distance from the northeastern part of Asia; which, we are not yet informed; but it is probable east of Kamtschatka, there is an immense tract approaching to North-America, and that to this day, there remains at least a kind of communication between them, by means of a chain of islands; it may also be supposed that Asia and America, were formerly connected by an isthmus, which might have been destroyed by an earthquake: such a supposition may be supported by the authority of those writers who have rendered parallel instances credible, such as the disjunction of Britain from Gaul, and Spain from the continent of Africa: A communication between Asia and America, seems agreeable to truth, not only from what has been advanced by Reland, but from the discoveries made by the Russians; an account of which we find in the publick prints of the year 1737, and since: According to these, some of the Czarina's subjects have touched at several islands, which lie at a distance in the eastern direction from Japan and Kamtschatka, and consequently between those countries and America. The people of these islands, in some points are said to resemble the Japanese, and to use pieces of money with characters not unlike those of Japan. Leonard Enler, professor of mathematicks, and member of the imperial society at Petersburgh, seems to imagine, that the north-eastern cape of Asia, discovered by Capt. Behring, is not thirty degrees off the last known head-land of California; but the ingenious Dobbs, governor of North-Carolina, places them at a much greater distance: Be that however as it may, that the sea between the most north-eastern coast of Asia, and the most western part of California, allowing such a sea to exist, is interspersed with many islands, at no great distance from each other, may be very naturally supposed; nay, if any credit may be given to the advices lately received from Petersburgh, the connection of Asia and America, or at least the communication between them, by means of such islands, is as good as discovered.

That part of America next to Asia, is said to be much more populous than the remoter eastern provinces or kingdoms; which is a manifest indication, that this was first planted, by colonies coming from the nearest parts of Asia, who settled here, and afterwards spread themselves gradually over the new world; from whence we may conclude, that the bulk of the Americans are descended from the Tartars, Siberians, and people of Kamtschatka.

The people inhabiting the extreme north-eastern part of Asia, entirely want horses, those animals not being able to live in so cold a region; it seems to be
agreed, that no horses were found in America, at the first discovery of it; for that in several places, the natives used reindeer and large mastiff dogs\(^\text{15}\) instead of them, as many of the posterity of the antient most northern Scythians or Tartars did. The Epicerini, a people of Canada, when the Europeans first came among them, asserted, that very far from them, in a western direction, there lived a nation, who affirmed that foreign merchants, without beards, in great ships, frequently visited their coasts: we are also told, that in Quivira, several ships have been found, whose sterns were adorned with silver and gold, which was a distinguishing characteristick of the Chinese and Japanese ships, according to some good authors: That some Chinese vessels of considerable force, were found wreck’d in the Mare del nord, above Florida, which might have been the same with those seen at Quivira, we learn from Ancosta. In Quatulia too, a tradition prevailed, intimating that foreign merchants after a long journey from the westward, arrived there, and that these merchants were cloathed in silk: From whence we may collect, that the Chinese visited America, and communicated some of their customs to the people of that country,\(^\text{16}\) especially as the Chinese manner of writing in Hieroglyphics,

\(^{15}\) Some of the back Indians beyond Detroit, now make use of dogs to draw wood and other matters on sleds.

\(^{16}\) The people (says M. de Guignes, in a memoir upon the ancient navigations of the Chinese to America) whom we have always believed to have been confin’d within the bounds of their own country, penetrated into America in the year 458 of the Christian aera. That they went thither by Japan and the countries of Ven-chin and Ta-han. By considering what the Chinese geographers say of the distance and productions of these remote regions, he proves that Ven-chin is Jesso or Yedzo, and that Ta-han is the most eastern part of the north of Asia. From thence the Chinese sailed towards the east, and fell in with the country of Fou-sang, which, according to the Chinese distances, should lie to the north of California. He gives us, from the annals of China, a short account of the manners of the inhabitants of Fou-sang; he informs us further, that several islands in the south sea were known to the Chinese; and also that coast which John de Sama discovered in his passage from China to Mexico. To give a more exact idea of these navigations, M. de Buache hath constrichtet a chart, on which he hath traced with a great deal of accuracy, the route of the Chinese, and noted the distances of the several countries. By this chart it appears, that the geography of these parts, taken from the ancient books of the Chinese, agrees very well with the late discoveries of the Russians. To this chart is added part of another ancient chart drawn by the Japonese, in which are laid down the north of Asia, and all the western coast of America, according to the knowledge they had of it. This continent there appears entirely terminated on the side of Asia, and we there see the isles which have been lately known to the Russians only; and this proves the truth of the former Japonese discoveries. This chart was brought from Japan by the celebrated Kempfer, and afterwards lodged in the cabinet of the deceased Sir Hans Sloane, president of the royal society of London, who sent a copy of it to M. de Guignes.

After having determined the situation of all the countries to the east of China, M. de Guignes remarks, that Chr. Columbus was not the first who attempted discoveries towards the west: Long before him, the Arabians, whilst they were masters of Spain and Portugal, enterpriz’d the same thing from Lisbon; but after having advanced far to the west, they were obliged to put back to the Canaries; there they learnt that formerly the inhabitants of these islands had sailed towards the west. Continued on next page...
sufficiently agrees with the American dialect. We learn from Hornius, the Hunns, or at least a branch of that people, placed in the farthest part of Asia, had the appellation of Cunadani, or Canadani, from Cunad, a place not far from the sea, where some of them had their situation; hence we find a city in the upper Hungary, built by their descendants, denominated Chonod, or Chunad, the inhabitants of which, and those of the neighbouring district, still retain the name of Chonadi, or Cunadi; from these Hornius believes the natives of Canada to have deduced both their origin and denomination.

No small accession of strength will be brought to the opinion before advanced, with respect to the peopling of America, by one particular incident, mentioned in a short narrative of the late discoveries of the Russians. They found peopled, as should seem, Captain Behring’s new land before mentioned, above fifty German miles to the east of Kamtschatka; for coming to the entrance of a great river, he sent his boats and men ashore, but they never returned, being probably either killed or detained by the natives; nay, the public prints in October, 1737, mention some particulars relating to the inhabitants of certain islands between Kamtschatka, Japan, and America, which seem to carry with them an air of

Continued from previous page...

for a month together, to discover new countries. Thus we see, that the most barbarous people, without the knowledge of the compass, were not afraid to expose themselves to the open sea in their slight small vessels, and that it was not so difficult for them to get over to America, as we imagine.

These researches, which of themselves gives us a great insight into the origin of the Americans, led M. de Guignes to determine the rout of the colonies sent to this continent. He thinks the greatest part of them passed thither by the most eastern extremities of Asia, where the two continents are only separated by a narrow streight, easy to cross. He reports instances of women, who from Canada and Florida, have travelled to Tartary without seeing the ocean.

The commerce of the Chinese would naturally open a way to America, augment the number of the inhabitants, and contribute to polish them. On this occasion M. de Guignes observes, that the most civilized nations of the American continent are situated on the coast which looks towards China, and that they come originally from the north of America, i.e. from the neighbourhood of countries where the Chinese landed, as Quivin and New Mexico, whence the Mexicans came to settle in Mexico, properly so called, after having expelled the ancient inhabitants.

M. de Guignes cites some authorities, which give us reason to believe, that the straights of Magellan were known to the Chinese, and that the Coreans had a settlement in Terra del Fuego.

These navigations of the Chinese, and of the most uncivilized nations, incline him to believe, that the people dispersed in the isles to the south of the Indies, after having multiplied, migrated from island to island, and by means of that chain of islands which reaches almost to America, insensibly approached that continent. The example of the inhabitants of the Canaries gives a probability to this conjecture. Gentleman’s Magazine, 1753, p. 607.

The new history of Kamtschatka, lately published in the Russian language, and translated into English by J. Grieve, M.D. gives a particular description of the customs and way of living of the

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authority. This will amount to a fair presumption, that the islands or continent between Kamtschatka, Japan, and California, still unknown to the Europeans, are likewise inhabited; and if so, that those inhabitants must have advanced gradually, from Tartary, Japan, and Kamtschatka to the places wherein they are fixed: From whence we may infer, that even the natives of California, and the adjacent parts of America, took originally the same route; for that Tartary, and Japan, must have been, peopled before America, as lying nearer to the land of Shinar, where the whole race of mankind was assembled before the dispersion, will admit of no dispute; and that America should have received many colonies from such neighbouring countries as Tartary, Japan, and Kamtschatka, whether they are continuous or contiguous to it, or connected with it, by some intermediate continent, chain of islands, &c. is very natural to suppose.\(^\text{18}\) So that from the tract lately discovered to the east of Japan and Kamtschatka, and the people settled there, we may infer the probability of America's being planted in part by colonies drawn from the north-eastern regions of Asia; for by such discovery, a nearer approach is made from Japan and Kamtschatka, to the coast of California; and from this approach, a presumptive argument is drawn in favour of the opinion here advanced.

But it is time now to proceed to other matters: Such as may incline to see the subject further discussed, are for brevity's sake, on a point not material enough to dwell long upon here, referred to the Univ. Hist.\(^\text{19}\) Whence many of the arguments on this head, are selected; and where the inquisitive reader, amidst much of the incredible, (with which it hath been usual to load the subject) will find convincing proofs in favour of what is here proposed.

Although the English had very early made the discovery of North-America, a considerable time elapsed before any advantages accrued: Sir Walter Raleigh, in 1584, was the first Englishman who attempted to plant a colony in it.\(^\text{20}\) In this

\(^{\text{18}}\)\textit{Vide} a memoir of M. La Page du Pratz, containing an account of the travels of Moncacht-ape; a civilized Indian of Louisiana,, to the north-west parts of America, \textit{Gent. Mag.} for Sept. 1753.


\(^{\text{20}}\)That is a regular colony under grants - "Sir Armigell Wadd, of Yorkshire, clerk of the council to
year he obtained a patent from Queen Elizabeth, for him and his heirs, to discover and possess for ever, under the crown of England, all such countries and lands as were not then possessed by any christian prince, or inhabited by christian people: Encouraged by this grant, Raleigh and other partners, at divers times, fitted out ships, and settled a colony at Roanok, in Virginia; but notwithstanding various attempts, they met with such discouragements, that no great improvements were made until some time afterwards.

In the year 1606, King James, without any regard to Raleigh’s right, granted a new patent of Virginia; in which was included New-England, New-York, New-Jersey, Pennsylvania, and Maryland; from queen Elizabeth’s time to the time of this patent, the whole country bearing that name, which was given it by Raleigh, in honour of his virgin mistress, as some say; others have it that it took its rise from the country’s not being settled before. The patentees were Sir Thomas Gates, Sir George Summers, Richard Hackluyt, clerk, Edward Maria Wingfield, Thomas Hanham, and Raleigh Gilbert, Esqrs. William Parker, George Popham, and others: The extent of the land granted, was from 34 to 45 degrees of north latitude, with all the islands lying within 100 miles of the coast. Two distinct colonies were to be planted by virtue of this patent, and the property ascertained in two different bodies of adventurers: The first to belong to Summers, Hackluyt, and Wingfield, under title of the London adventurers, or the London company; and was to reach from 34 degrees to 41, with all lands, woods, mines, minerals, &c. The other colony was to reach from the end of the first, to 45 degrees, granting the same privileges to Hanham, Gilbert, Parker, and Popham, under the name of the Plymouth company, with liberty to both colonies to take as many partners as they pleased; forbidding others to plant within those degrees, without their licence; only reserving the fifth part of all gold and silver mines, and the 15th part of copper, to the use of the crown. By virtue of this grant, the London company fitted out several ships with artificers of every kind, and all things requisite for a new settlement; which sailed for America, and planted a colony there; but in the

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21 Now Roanoke, in North-Carolina.


23 Continued from previous page...

Henry VIII. and Edward VI. and author of a book of travels, was the first Englishman that made discoveries in America.” H. Walpole’s Anecdotes of Painting, vol ii. Catalogue of engravers, pp. 18, 19. A note.
year 1623, there were so many complaints made of bad management, that on enquiry a Quo warranto was issued against the patent; and after a trial had in the king’s bench, it was declared forfeited, since which time Virginia has been under the immediate direction of the crown.

In the same year the patent was granted, the Plymouth company also attempted to make a settlement; but with no great success, until about the year 1620, when they sent a fresh recruit from England, under the command of Capt. Standish, who arrived at Cape Cod in the latitude of 42 degrees, and having turned the cape, found a commodious harbour opposite the point, at the mouth of the bay, at the entry of which were two islands well stocked with wood: Here they built a town, which they called Plymouth. About this time the colonies in New-England were much augmented; multitudes of dissenters thinking this a good opportunity of enjoying liberty of conscience, offered their service to the Plymouth company; and the grand patent being delivered up to the king, particular patents were granted to the Lord Musgrave, the duke of Richmond, the earl of Carlisle, the lord Edward Georges, and new colonies were planted in diverse places.

23 Other accounts say, the patent was dissolved by the king's proclamation, in 1624; and that tho' a quo warranto was issued against it, no determination followed in the courts of justice.
From what has been said, it is evident that the colonies New-York, New-Jersey, Pennsylvania, and Maryland, were included in the great patent, last mentioned; but that becoming void, the crown was at liberty to regrant the same to others; but it does not appear that any part of those provinces was settled by virtue thereof; nor indeed was any distinct discovery of them made, until many years afterwards. New-Jersey, Pennsylvania, and other lands adjacent, notwithstanding the antient right of the crown of England, deduced as aforesaid, had two pretenders to them; the Dutch and the Swedes: The claim the former set up, was under colour of a discovery made in the year 1609, by Henry Hudson, an Englishman, commander of a ship called the Half-Moon, fitted out from Holland by the East-India company, to discover by a north-west passage, a nearer way to China: In this voyage he sailed up to the place now New-York, and up the river, from him called Hudson's river; and returning sometime after to Amsterdam, the Dutch pretended to have purchased the chart he made of the American coast; and having obtained a patent from the states, in the year 1614, to trade to New-England, they settled in New-York, which they called New-Netherland; and kept possession until Sir Samuel Argole, governor of Virginia, disputed their title; alledging that the country having been discovered by an Englishman, in right of his master, he could not suffer it to be alienated from the crown, without the king's consent: He therefore compelled the Dutch colony to submit to him, and to hold it under the English: But sometime after a new governor coming from Amsterdam, they not only neglected to pay their usual acknowledgement to the governor of Virginia, but in the year 1623, fortified their colony, by building several forts: One on the Delaware, (by them called South River) near Gloucester, in New-Jersey, which they named Nassau; a second on Hudsons, (the North River) in the province of New-York, which they named Fort Orange; and a third on Connecticut river, (by them called the Fresh-River) which they named the Hirse of Good Hope. Hudson's River lying near the sea, and the navigation esteemed less difficult than the other, their settlements were chiefly on both sides of that river; at the entrance of which, the town by them also called New Amsterdam, was built; so that by the time the Swedes came into America, which was a few years after, they had wholly quitted the land adjacent to the river Delaware.
The Colonial History of New Jersey

Samuel Smith

The proceedings of the Dutch in building the forts, and in a manner taking possession of the country, having been represented to king Charles the first, his ambassadors at the Hague made such pressing instances to the states, that they disowned having given any commission for what the Dutch had done, and laid the blame on their East-India company. Upon this king Charles gave a commission to Sir George Calvert, lately made lord Baltimore; to possess and plant that part of America, now called Maryland; and to Sir Edmona Loeyden, or Ploydne, to plant the northern parts, towards New-England. The Dutch afraid of the power of the English, were willing to compound matters a second time; offering to leave their plantations, in consideration of £2,500 to be paid them for the charges they had been at: But soon after, king Charles being involved in his troubles, was hindered from supporting his colonies; they therefore not only fell from their first proposals, but as was reported, furnished the natives with arms, and taught them the use of them, that by their assistance they might dispossess the English all around them.

Matters thus circumstanced, we shall leave them, in order to trace their neighbours, the Swedes into America; the first settlement of whom, according to their own account, was thus occasioned. In the reign of Gustaphus Adolphus, and in the year 1626, an eminent merchant named William Useling, gave a great character of this country, applauding it for fruitful fertile land, abounding with all necessaries of life; and used many arguments to persuade the Swedes to settle a colony here: These were so prevalent, that Gustavus issued a proclamation at Stockholm, exhorting his subjects to contribute to a company associated to the purpose aforesaid, which was called the West-India company, confirmed by that prince: In a general assembly the year following, sums of money were raised to carry on the intended settlement, to which the king, the lords of the council, the chief of his barons, knights, coronets, principal officers in his militia, bishops, clergy, and diverse of the common people of Swedeland, Finnland and Liflland, contributed; and responsible persons were chosen to see what was propos’d put in

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24 About the year 1620, while George Calvert, afterwards lord Baltimore, was secretary of state to James 1st; he obtained a patent for him and his heirs, to be absolute lord and proprietor (with the royalties of a count Palatine) of the province of Avalon, in Newfoundland, which was so named by him, from Avalon, in Somersetshire; wherein Glastonbury stands the first fruits of christianity in Britain; as the other was in that part of America, there he built a fine house, in Ferryland, and spent £25,000 in advancing this new plantation: after the death of king James, he went twice in person to Newfoundland - finding his plantation very much exposed to the insults of the French, he was at last forced to abandon it: whereupon he went over to Virginia, and after having viewed those parts, came to England, and obtained from king Charles (who had as great a regard and affection for him as king James) a patent to him and his heirs, for Maryland - that king naming it in honour of his beloved queen Henrietta Maria.


25 Hist. of Swedeland in America, by Thomas Companius Holm, printed at Stockholm anno 1702.
execution, consisting of an admiral, a vice-admiral, merchants, factors, commissaries, &c. and it was concluded to get as many as they thought fit, of those who would voluntarily ship themselves to America, to settle and cultivate a colony.

In 1627, the Swedes and Finns accordingly came over hither: Their first landing was at Cape Inlopen; the sight created a pleasure, and they named it Paradise Point: Some time after they purchased of some Indians (but whether of such as had the proper right to convey is not said) the land from Cape Inlopen to the Falls of Delaware, on both sides the river, which they called New-Swedeland Stream; and made presents to the Indian chiefs, to obtain peaceable possession of the land so purchas'd: But the Dutch continuing their pretensions, in 1630 one David Pietersz de vries, their countryman, built a fort within the capes of Delaware, on the west, about two leagues from Cape Cornelius, at the place now Lewis-Town, then and at present often called by the name of Hoarkill.

In 1631, the Swedes also built a fort on the west of Delaware, to which they gave the name the ruins of it yet bears, Christeen.26 Here a small town was laid out by Peter Lindstrom, their engineer, and here they first settled; but this settlement was afterwards demolished by the Dutch.

On an island called Tennecum, sixteen miles above this town, the Swedes erected another fort, which they named New Gottemburgh; and John Printz, their governor, built a fine house, and other suitable accommodations; planted an orchard, and called his settlement Printz's Hall: The principal freemen had also their plantations on this island.

About this time the Swedes also built forts at Chester, and other places. In the same year Chancellor Oxestiern, ambassador from Sweden, made application to king Charles the first, to have the right the English claimed by their being the first discoverers yielded up: it was, (as they say,) the proof an uncertainty given up accordingly: They also said they had purchased the pretence the Dutch claim'd by virtue of the prior settlement, and buildings here; most of which were destroy'd before their arrival.

If this be true, the Dutch it seems did not think proper long to abide by their contract; but gave the Swedes disturbances, by encroaching on their new settlement; and both of them join'd to dispossess the English, who also attempted to settle the eastern side of Delaware; one Kieft, a director under the states of Holland, assisted by the Swedes, drove the English away, and hired the Swedes to keep them out: The Dutch complained, that the Swedish governor judging this a fair opportunity; built fort Elsinburgh on the place from whence the English had

26 Near Wilmington, it gives name to a noted creek there.
been driven, and from thence used great freedom with their vessels, and all others bound up the river, making them strike to the fort; from which they also sent men on board to know whence the vessels came: This the Dutch deem’d exercising an authority in a country not their own. But the Musketoies were so numerous, the Swedes were unable to live here, and therefore removing, named the place Musketoeburgh.

The Dutch seem to have had a very great opinion of the land near the Delaware, and were under great apprehensions of being dispossessed by the English, who they complained had diverse times attempted to settle about that river and judged if they once got footing, they would soon secure every part, so that neither Hollander nor Swede would have any thing to say here; in particular they mention Sir Edmond Ploeyden, as claiming property in the country, under a grant from king James the first, who they alledge declined any dispute with them, but threatened to give the Swedes a visit, in order to dispossess them.

John Printz continued governor of the Swedes from his arrival until about the year 1654, when he returned to Sweden, having first deputed his son-in-law, John Papegoia, governor in his stead, who also sometime after returned to his native country, and left the government to John Rysing: He renewed the league of friendship with the English and Dutch in the neighbourhood, and formally with the Indians; for this purpose a meeting was held with the Sachems or Indian chiefs, at Printz’s Hall, on Tenecum island where a speech was made to them in behalf of the queen of Sweden, expressing the desires the Swedes had to renew their friendship: The Indians had before made complaint, that the Swedes had introduced much evil amongst them; because many of the Indians since their coming were dead; but the Swedes now making them considerable presents, these received and divided amongst them, one of their chiefs, whose name was Noaman, made a speech rebuking the rest for having spoken evil of the Swedes, and done them harm; telling them they should do no more, that the Swedes were a good people, and thanking them for the presents, promised for the future, that a more strict friendship should be observed betwixt them: That as formerly they had been but one body and one heart, they should be henceforward, as one head, as a token of which he waived both his hands as if tying a strong knot, promising also that if they heard of any mischief plotting against the Swedes, although it were midnight, they would give them notice, and desired the like notice from the Swedes, if they understood harm was intended them; the Swedes then desiring the

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27 The account here is from a manuscript copy, said to be printed in Holland, anno 1662, the original in the late Sir Hans Sloane’s collection, entitled, A brief account of New Netherland. - In 1683 the Dutch had a meeting-place for religious worship at New-Castle; and the Swedes three, one at Christeen, one at Tenecum, and one at Wicoco.

28 [See Note at the end of this chapter.]
Indians in general would give them some signal that they all assented to what was said; they gave a general shout of approbation, and in the conclusion were entertained by the Swedes with victuals and drink; it was observed the Indians kept this league faithfully: The Swedish ships sent to succour this new colony, being obstructed in their intended voyage, by the Spaniards; and the Swedes unable for want of money to keep their forts in repair; gave their more powerful neighbours the Dutch, opportunity with less danger to make encroachments upon them. Accordingly, in this year, the Dutch who inhabited near Virginia and New-Sweden, gave the Swedes disturbance, seeking to regain the forts they had formerly possessed: But this by means of the Swede governor, with Peter Stuyvesant, who commanded under the Dutch, at New-Amsterdam, was in appearance settled; yet in the year following, the Dutch fitted out seven vessels from New-Amsterdam, with six or seven hundred men; who in the summer, under the command of Stuyvesant, came up Delaware, and took their first quarters at Elsingburgh, where they made some Swedes prisoners: Next they sailed towards a fort called Holy Trinity; having landed their men at a point near the place, and intrenched themselves, they soon after went up to the fort, and demanded a surrender, threatening what they would do in case of refusal: After which, by treaty or otherwise, they gained possession, took down the Swedes flag, and hoisted their own, securing all places with their soldiers, and sending the Swedes they had taken prisoners, on board their vessels: - An acquisition deemed considerable, because this fort was looked upon as the key of New-Sweden.

On the second of September, they besieged Christiana fort and town; and destroyed New Gottemburgh, with such houses as were without the fort; plundering the inhabitants of what they had, and killing their cattle; the Swedes endeavoured to persuade the Dutch to desist from these acts of hostility, but to no purpose: After 14 days siege, they (in want of ammunition) were obliged to surrender upon terms: That all the great guns should be restored; to which purpose an inventory was taken; the Swedes had also the gratification to march out of the fort, with their arms, their colours flying, and drums beating. The officers and other principal inhabitants among the Swedes, were carried prisoners to New-Amsterdam, and thence to Holland; but the common people submitting to the Dutch, remained in the country.

From this time 'till the year 1664, New-Sweden, and New-Netherland, continued in possession, and under government of the Dutch; who, on the island called Manhattan, at the mouth of Hudson's river, had built the city, which they named New-Amsterdam (New York); and the river they sometimes called the Great River: About 150 miles up, they built a fort, and called it Orange, (Albany) from thence they drove a profitable trade with the Indians, who came overland as far as from Quebec, to deal with them. The first bounds of New-York, were
Maryland on the south, the main land as far as could be discovered westward, the river of Canada northward, and New-England eastward: But the limits of this province, by the grants afterwards, were reduced into a much narrower compass; that now called New-Jersey, in virtue of one of those grants, was probably so denominated, in compliment to Sir George Carteret, one of the proprietors, and a Jersey man.29

NOTE:

In 1648, a pamphlet was published, entitled, "A description of the province of New Albion, and a direction for adventurers with small stock to get two for one, and good land freely; and for gentlemen and all servants, labourers and artificers, to live plentifully; and a former description reprinted, of the healthiest, pleasantest and richest plantation of New Albion in North Virginia, proved by thirteen witnesses; together with a letter from master Robert Evelin, that lived there many years, shewing the particularities and excellence thereof; with a brief of the charge of victualling and necessaries, to transport and buy stock for each planter or labourer there, to get his master £.50 per annum, or more, in twelve trades, and at £.10, charges only a man."

From a few extracts of this pamphlet, the reader will see an account of the country in some respects more descriptive than is commonly to be found of that date; he will however, allow for a little more being said than was necessary in some places.

Now for the full and ample satisfaction of the reader, of his majesty's just title, and power to grant, enjoy, and possess these countries, as well against aliens as Indians, which this forty years hath not been by print declared, you may read at large master Hacruit's voyages and discoveries, master Purchas and captain Smiths: for when the Spaniard and Portugall discoverd and posset 140 years since the East Indies, Brasill, the south part of America, the Charibees and Antell isles, and seated Saint John de Porto Rico, Hispaniola, Jamaica and Cuba, and the fort and port of Havannah, against the gulf and current, Batuana isles, and point of Florida; then that most powerfull and richest king of Europe, king Henry the seventh of England, sent out an Englishman born at Bristol, called Cabot, granted under his greate seale to him all places and countrys by him to be discover'd and posset, who then beginning at Cape Florida discoverd, entered on, took possession, set up crosses, and procured attournment and acknowledgement of the Indian kings to his then majesty, as head, lord and emperour of the south-west America, all along that coast both in Florida from 20 degrees to 35, where old Virginia in 35 and 30 minutes, 65 years

29 It is said for some little time at first, to have bore the name New Canary.
The Colonial History of New Jersey
Samuel Smith

since was seated by 5 several colonies about Croatan cape, Haloraske, and Rawley's isle, by Sir Walter Rawley, who had from queen Elizabeth that place, and two hundred leagues from it in all places adjoyning; Sir Richard Greenfield, Sir Ralph Lane, and master White his partners seating and fortifying there; the said Cabot farther taking possession in 37, of that part called Virginia and Chisapeack Bay being now his majesty's demesne colony of Virginia, and of the next great bay in or near 39, called now by the Dutch Cape Henlopen, the south river, and by us Cape James and Delaware Bay, of the baron of Delawares name, being then governor of Virginia, who by Sir Thomas Dale, and Sir Samuel Argoll, 40 years since took possession and attornment of the Indian kings, and 60 years since Sir Walter Rawley seated and left 30 men, and four pieces of ordinance, and the creek near Cape James, by the Dutch called Horekill, by us Roymount, and by the Indians Cui Achomoca; and so the next river by us called Hudson's river, of the name of Hudson an Englishman, the discoverer thirty five year since, who sold his discovery, plots and cards to the Dutch; and so Cabot discovered several rivers and countries all along the coast North East, now called New-England, and divided in nine severall governments, and further discovered Port-Royall, and that part called New-Scotland, and set up crosses, where you may see in the French book called New-France, the French found an old crosse all moss, in an eminent place at the head of that bay and port, and discovered all that coast and Newfoundland, and that called Terra de Laborador, or New-Britain, as far as the frozen strait of Davis; shortly after one master Here in the reign of king Henry the 8th, reneued this actual possession, attornment of the Indian kings, brought home divers of the chief Indian kings to England, who gave their homage and oath of fidelity for these countries to king Henry the eight in person, setting on his throne in state in his palace hall at Westminster. Then Virginia being granted, settled, and all that part now called Maryland, New-Albion and New-Scotland, being part of Virginia, Sir Thomas Dale and Sir Samuel Argoll, captains and counsellors of Virginia, hearing of divers aliens and intruders, and traders without license, with a vessell and forty soldiers, landed at a place called Mount Desert, in Nova-Scotia, near St. John's River, or Twede, posset by the French, there killed some French, took away their guns, and dismantled the fort, and in their return landed at Manhatas-Isle in Hudson's river, where they found four houses built, and a pretended Dutch governor, under the West-India company of Amsterdam share or part; who kept trading boats, and trucking with the Indians; but the said knights told him, their commission was to expell him and all aliens, intruders on his majesty's dominions and territories; this being part of Virginia, and this river an English discovery of Hudson an Englishman, the Dutchman contented them for their charge and voyage, and by his letter sent to Virginia and recorded, submitted himself, company and plantation to his majesty, and to the governor and
government of Virginia; but the next pretended Dutch governor in maps of printed cards calling this part New-Netherland, failing in paying of customs at his return to Plymouth in England, was there with his bever, goods and person attached to his damage of £.1500, whereupon at the suit of the governor and councill of Virginia, his now majesty by his embassadour in Holland, complaining of the said aliens intrusion, on such his territories and dominions, the said lords, the states of Holland by their publique instrument declared, that they did not avow, nor would protect them, being a private party of the Amsterdam West-India company, but left them to his majesty's will and mercy: whereupon three severall orders from the councill table, and commissions have been granted for the expelling and removing them thence, of which they taking notice, and knowing their weakness and want of victuals have offered to sell the same for £.2500, and lastly taking advantage of our present, war and distractions, now ask £.7000, and have lately offered many affronts and damages to his majesties subjects in New-England: and in generall endanger all his majesty's adjoyning countries, most wickedly, feloniously, and traiterously, contrary to the marine and admiral laws of all christians, sell by wholesale guns powder shot and ammunition to the Indians, instructing them in the use of our fights and arms; insomuch as 2000 indians by them armed, Mohawks, Raritons, and some of Long-Isle with their own guns so sold them, fall into war with the Dutch, destroyed all their scattering farms and boors, enforcing them all to retire to their up fort, 40 leagues up that river and to Manhatas, for all or most retreating to Manhatas, it is now a pretty town of trade, having more English than Dutch: and it is very considerable that three years since Stuy their governor put out his declaration, confessing that the neighbour English might well be offended with their selling Indians arms and ammunition, but being but a few and so scattered, they could not live else there, or trade, the Indians refusing to trade or suffer the Dutch to plow without they would sell them guns. The like folly they committed and inconvenience to themselves, and all English, for eight years since, in their West-India fleet, battered by the Spanish Armado, they brought home forty Swedish poor soldiers; and hearing that capt. Young and master Evelin, had given over their fort begun at Eriwomeck within Delaware Bay, there half starved and totter'd they left them, who learning the Indian language, and finding much talk and trials of a gold mine there, though in truth fifty shillings charges produced of that light sand but nine shillings in gold, and therefore was of capt. Young that tried it slighted; yet one Bagot under the Swedes name and commission, there traded to crosse the Dutch of Manahatas, and to undersell them, and left and seated there, eighteen Swedes who proclaiming a gold mine drew more to them, and have gotten a great trade; and now this last summer fifteen Swedes and fifteen Dutch had a skirmish; the Swedes pulled down a Dutch trading house, and doe both undersell them
and spoiled much their and English trading with the Indians, both striving to please and side with the Indians, both entertaining and refusing to return all English fugitives and servants. The Swedes hiring out three of their soldiers to the Sasquehannocks, have taught them the use of our arms and fights, and marching with them into the king's own colony of Virginia, have carried thence the king of Pawtomeck prisoner, and expell'd his and eight other Indian nations in Maryland, civiliz'd and subject to the English crown. Now if a proclamation of open war be set out against the Dutch and Swedes for this their villainy, and all English forbid to trade, victuall or relieve them, they must both vanish, especially if those bad English that live, adhere and obey these aliens in these his majesty's countries, be warned of the statute of king James of famous memory, in these words: *That all subjects giving any obedience or acknowledgment to any forain prince, state, pope, or potentate, within his majesties territories and dominions in England or beyond the sea, is a traitor, and ought to suffer as a traitour.* And certainly all English, and chiefly those of New-England being ready in twenty four hours will joyn to expel them both to regain their own trade, to get their seats, and to be rid of the danger of armed gunning Indians.

Whereas that part of America, or North Virginia, lying about 39 degrees on Delaware Bay called the province of New Albion, is scituate in the best and same temper, as Italy, between too cold Germany, and too hot Barbary: so this lying just midway betweene New England 200 miles north, and Virginia 150 miles south, where now are settled 8000 English, and 140 ships in trade, is freed from the extream cold and barrennesse of the one, and heat and aguish marshes of the other, and is like Lumbardy, and a rich fat soil, plain, and having 34 rivers on the main land, 17 great Isles, and partaketh of the healthiest aire and most excellent commodities of Europe, and replenished with the goodliest woods of oaks and all timber for ships and masts, mulberries, sweet cypresse, cedars, pines and firres, 4 sorts of grapes for wine, and raisins, and with the greatest variety of choice fruits, fish and fowl, stored with all sorts of corn, yeelding 5, 7 and 10 quarters an acre: silkgras, salt, good mines & diers ware, 5 sorts of deer, buffes, and huge elks to plow and work, all bringing 3 young at once. The uplands covered many moneths with berries, roots, chestnuts, walnuts, beech and oak mast to feed them, hoggues and turkeys, 500 in a flock, and having near the colony of Manteses 400000 acres of plain mead land, and meer levell, to be flowed and fluddled by that river for corn, rice, rapes, flax and hemp. After 17 years trading and discovery there and triall made, is begun to be planted and stored by the governor and company of New Albion, consisting of forty four lords, baronets, knights and merchants, who for the true informing of themselves, their friends, adventurers and partners by residents and traders there four several years out of their journall books, namely, capitaine Browne, a ship-master, and master Stafford his mate, and by capitaine Claybourn 14 years there trading, and
Constantine his indian, there born and bred, and by master Robert Evylin, 4 years there, yet by eight of their hands subscribed and enrolled doe testifie this to be the true state of the country, of the land and Delaware Bay or Charles River, which is further witnessed by captain Smith and other Books of Virginia and by New Englands prospect, new Canaan, captain Powels map, and other descriptions of New England and Virginia.

Master EVELIN's Letter.

Good Madam:

Sir Edmund our noble governour and lord earl Palatine, persisting still in his noble purpose to go on with his plantation in Delaware or Charles river, just midway between New England and Virginia, where with my unckle Young I severall years resided, hath often informed himselfe both of me and master Stratton, as I perceive by the hands subscribed of Edward Monmouth, Tenis Palee, and as master Buckham, master White, and other shipmasters, and saylors, whose hands I know, and it to be true, that there lived and traded with me, and is sufficiently instructed of the state of the country, and people there, and I should very gladly according to his desire, have waited on you into Hamshire to have informed your honour in person, had I not next weeke been passing to Virginia. But neverthelesse to satisifie you of the truth, I thought good to write unto you my knowledge, and first to describe you from the north side of Delaware unto Hudsons river in Sir Edmunds patent, called New Albion, which lieth just between New England and Maryland, and that ocean sea, I take it to be about 160 miles, I finde some broken land, isles and inlets, and many small isles at Egbay: But going to Delaware Bay, by Cape May, which is 24 miles at most, and is as I understand very well set out, and printed in captain Powles map of New-England, done as is told mee by a draught I gave to M. Daniel, the plot-maker, which Sir Edmund saith you have at home, on that north side about five miles within a Port, or rode for any ships called the Nook, and within lieth the king of Kechemeches, having as I suppose about 50 men, and 12 leagues higher a little above the Bay and Bar is the river of Manteses, which hath 20 miles on Charles river, and 30 miles running up a fair navigable deep river all a flat level of rich and fat black marsh mould, which I think to be 300000 acres: In this Sir Edmund intendeth as he saith to settle, and there the king of Manteses hath about 100 bow-men; next above about 6 leagues higher is a fair deep river, 12 miles navigable, where is freestone, and there over against is the king of Sikoneses, and next is Asomoches river and king with an hundred men, and next is Eriwoneck a king of forty men where we sate down, and five miles above is the king of Ramcock with a hundred men, and four miles higher the King of Axion with two hundred men, and next to him tene leagues over land an inland king of Calcefar, with an hundred and fifty men, and then there is in the middle of Charles river two fair woody isles,
very pleasant and fit for parks, the one of a thousand acres, the other of fourteen hundred, or thereabout. And six leagues higher near a creek called Mosilian, the king having two hundred men. And then we come to the Falls, made by a rock of lime-stone, as I suppose it is, about sixty and five leagues from the sea, near to which is an isle fit for a city, all materials there to build; and above the river fair and navigable, as the Indians inform me, for I went but ten miles higher. I doe account all the Indians to be eight hundred, and are in several factions and war against the Sasquehannocks, and are all extrem fearfull of a gun, naked and unarmed against our shot, swords, and pikes. I had some bickering with some of them, and they are of so little esteem, as I durst with fifteen men sit down, or trade in despight of them, and since my return eighteen Sweeds are settled there, and so sometime sixe Dutch doe in a boat trade without fear of them.

I saw there an infinite quantity of bustards, swans, geese, and fowl, covering the shoares as within the like multitude of pigeons, and store of turkies, of which I tried one to weigh forty and sixe pounds. There is much variety and plenty of delicate fresh and sea-fish, and shell-fish, and whales, or grampus: elks, deere that bring three young at a time & the woods bestrewed many moneths with chestnuts, wall-nuts, and mast of several sorts to feed them, and hogs, that would increase exceedingly. There the barren grounds have four kindes of grapes and many mulberries with ash, elms, and the tallest and greatest pines and pitch trees, that I have seen. There are cedars, cypresse and sassafras, with wilde fruits, pears, wilde cherries, pine-apples, and the dainty parsemenas. And there is no question but almonds, and other fruits of Spain will prosper, as in Virginia. And (which is a good comfort) in four and twenty houres you may send or goe by sea to New England or Virginia, with a fair winde, you may have cattle, and from the Indians two thousand barrels of corn, at twelve pence a bushel in truck, so as victuals are there cheaper and better, than to be transported: Neither do I conceive any great need of a fort or charge, where there is no enemy.

If my lord Palatine, will bring with him three hundred men or more, there is no doubt but that he may doe very well and grow rich, for it is a most pure healthfull air, and such pure wholesome springs, rivers and waters, as are delightfull, of a desert, as can be seen, with so many varieties of several flowers, trees and forrests for swine. So many fair risings and prospects, all green and verdant: and Maryland a good friend and neighbour, in four and twenty houres ready to comfort and supply.

And truly I beleive, my lord of Baltimore will be glad of my lord Palatines plantation and assistance against any enemy or bad neighbour. And if my lord Palatine employ some men to sow flaxe, hemp and rapes in those rich marishes, or build ships and make pipe staves, and load some ships with these wares, or fish from the northward, he may have any
money, ware, or company brought him by his own ships, or the ships of Virginia or New England all the year.

And because your honour is of the noble house of the Pawlets, and as I am informed, desire to lead many of your friends and kindred thither, whom as I honour, I desire to serve, I shall intreat you to believe mee as a gentleman and christian, I write you nothing but the truth, and hope there to take opportunity in due season to visit you, and doe all the good offices in Virginia, my place or friends can serve you in. And thus tendering my service, I rest, Madam

Your honours most humble faithfull servant.

ROBERT EVELIN.

Now since master Elmes letter and seven years discoveries of the lord governor in person, and by honest traders with the Indians we finde beside the Indian kings by him known and printed, in this province there is in all twenty three Indian kings or chief commanders, and besides the number of 800 by him named, there is at least 1200 under the two Raritan kings on the north side next to HUDSONS river, and those come down to the ocean about little Egbay and Sandy Barnegate, and about the South cape two small kings of forty men a piece, called Tirans and Tiascons, and a third reduced to fourteen men at Roymont, the Sasquehannocks are not now of the naturals left above 110, tho’ with their forced auxiliaries the Ihon a Does, and Wicomeses they can make 250: these together are counted valiant and terrible to other cowardly dul Indians, which they beat with the sight of guns only.

The eight seat is Kildorpy, neer the falls of Charles river, neer 200 miles up from the ocean, it hath clear fields to plant and sow and neer it is sweet large meads of clover or hony suckle, no where else in America to be seen, unlesse transported from Europe, a ship of 140 tuns may come up to these falls which is the best seat for health, and a trading house to be built on the rocks, and ten leagues higher are lead mines in stony hills.

The ninth is called mount Ployden, the seat of the Rariton king on the north side of this province twenty miles from Sandhay sea, and ninety from the ocean, next to Amara hill, the retired paradise of the children of the Ethiopian emperour, a wonder, for it is a square rock, two miles compasse, 150 foot high, a wall-like precipice, a strait entrance, easily made invincible, where he keeps two hundred for his guard, and under it is a flat valley, all

The Sasquehannocks new town is also a rare, healthy and rich place, with it a crystal broad river, but some falls below hinder navigation, and the hooke hill on the ocean with its clear fields neer HUDSONS river on one side, and a ten leagues flowing river on the south side is much commended for health and fish, were it not so northerly.

The bounds is a thousand miles compass, of this most temperate rich
province, for our south bound is Maryland north bounds, and beginneth at
Aquats or the southermost or first cape of Delaware Bay, in thirty eight
and forty minutes, and so runneth by, or through, or inciting Kent Isle,
through Chisapeake Bay to Piscataway; including the falls of Pawtomecke
river to the head or northernmost branch of that river, being three
hundred miles due west, and thence northward to the head of Hudson's
river fifty leagues, and so down Hudson's river to the ocean sixty leagues;
and thence to the ocean and isles across Delaware Bay, to the South cape
fifty leagues; in all seven hundred and eighty miles. Then all Hudson's
river, isles, Long Isle, or Pamunke, and all isles within ten leagues of the
said province being; and note, Long isle alone is twenty broad, and one
hundred and eighty miles long, so that alone is four hundred miles
compass. Now I have examined all former patents, some being
surrender'd, and some adjudg'd void, as gotten on false suggestions, as that
at the councell table was at master Gorges suit, of Mantachusets, and as
capt. Clayborn, heretofore secretary and now treasurer of Virginia, in
dispute with master Leonard Calvert alledged; that of Maryland is
likewise void in part as gotten on false suggestions; for as capt. Clayborn,
sheweth the Maryland patent in the first part declareth the king's intention
to be to grant a land thereafter described, altogether dishabited and
unplanted, though posses with Indians. Now Kent isle was with many
households of English by c. Clayborn before seated, and because his majesty
by his privy signet shortly after declared it was not his intention to grant
any lands before seated and habited: and for that it lieth by the Maryland
printed card, clean northward within Albion, and not in Maryland, and
not onely late sea-men, but old depositions in Claybornes hand, shew it to
be out of Maryland, and for that Albions privy signet is elder, and before
Maryland patent, Clayborn by force entered, and thrust out master Calvert
out of Kent; next Maryland patent coming to the ocean, saith "along the
ocean upon Delaware Bay; that is the first cape of the two most plain in
view, and express all late English and Dutch cards; and note unto
Delaware Bay is not into the Bay, nor farther then that cape heading the
Bay, being in thirty eight and forty, or at most by seven observations I
have seen, thirty eight and fifty minutes: So as undoubtedly, that is the
true intended and ground bound, and line, and no farther, for the words
following are not words of grant, but words of declaration; that is, Which
Delaware Bay lieth in forty degrees where New-England ends; these are both
untrue, and so being declarative is a false suggestion; is void, for no part of
Delaware Bay lieth in forty. Now if there were but the least doubt of this
true bounds, I should wish by consent or commission, a perambulation and
boundary, not but there is land enough for all, and I hold Kent isle having
lately but twenty men in it, and the mill and fort pulled down, and in war
with all the indians neer it, not worth the keeping.
CHAPTER III

THE PARTICULARS OF THE ENGLISH CONQUEST IN 1664, AND THE TRANSACTIONS AFTERWARDS RESPECTING THE INHABITANTS ON DELAWARE; THE ARRIVAL OF FRANCIS LOVELACE, AS GOVERNOR, PART OF HIS ADMINISTRATION, AND DESCRIPTION OF THE HOARKILLS

King Charles the second, considering of what ill consequence a Dutch colony must be in the heart of his dominions, and determining to dispossess them, gave a patent to his brother the duke of York, for a great part of North-America, in which were included the provinces New-York, New-Jersey, and all other lands thereunto appertaining, with powers of government: And though his reign was not enterprising, the Duke's concern in this property, and the aversion of both to the Dutch, made the reduction of this country the first military stroke. Before there was any formal declaration of war with Holland, Sir Robert Carre, was sent to America, with a small fleet and some land forces, to put the Duke in possession of the country; this appears by the date of the commission given on this occasion, which was the 26th of April 1664, and the war with Holland was not declared 'till some months after.

Thus the Dutch here, being unprovided for defence against a royal squadron and land forces, rendered the expedition safe and easy, Carre had joined with him in commission, Col. Richard Nicolls, George Cartwright, and Samuel Meverike. They arrived at Hudson's River the latter end of 1664, at which time the Dutch could have but very little notice of the designed rupture: The land forces consisting of three hundred men, were under the command of Col. Nicolls. The Dutch governor, an approved soldier, who had lost a leg in the service of the states, being unprepared for this attack, and knowing perhaps the defects of the Dutch title, at least their present incapacity of defence, was after some time prevailed on to surrender quietly. The papers and messages that passed between him and the English on this occasion, will give the reader a full insight into the manner and terms of this surrender.

When the English arrived at New-Amsterdam, a proclamation was made and spread through the country of the design of their coming, conceived in the terms


31 The first notice they had was from Thomas Willet, an Englishman, about 6 weeks before their arrival.
By his Majesty's command.

Forasmuch as his majesty hath sent us by commission, under his great seal of England, amongst other things, to expel or to reduce to his majesty's obedience, all such foreigners as have without his majesty's leave and consent, seated themselves amongst any of his dominions in America, to the prejudice of his majesty's subjects and the diminution of his royal dignity: We his majesty's commissioners do declare and promise, that whosoever of what nation soever, will upon knowledge of this proclamation, acknowledge and testify themselves to submit to his majesty's government, as his good subjects ought to do, shall be protected by his majesty's laws and justice, and peaceably enjoy whatsoever God's blessing and their own honest industry have furnished them with; and all other privileges with his majesty's English subjects: We have caused this to be published, that we might prevent all inconveniencies to others if it were possible, however, to clear ourselves from the charge of all those miseries that anyway may befall such as live here, and will not acknowledge his majesty for their sovereign: Whom God preserve.

The Dutch governor Stuyvesant, upon notice of the arrival of the English in the Bay, dispatched the following letter,

Right honourable Sirs,

Whereas we have received intelligence, that about three days since, there arrived an English man of war, or frigate in the Bay of the North River, belonging to the New Netherlands, and since that three more are arrived, by what order or pretence is yet unknown to us; and having received various reports concerning their arrival upon this coast, and not being apt to entertain any prejudice intended against us, have by order of the commander in chief of the New Netherlands, thought it convenient and requisite, to send the worshipful the bearer hereof, that is to say, the worshipful John Declyer, one of the chief council, the reverend John Megapolensis, minister, Paul Leendelvandergrift, mayor of this town, and have joined with them Mr. Samuel Megapolensis, doctor in physick, whom by these presents I have appointed and ordered, that with the utmost respect and civility, they do desire and entreat of the commander in chief of the aforesaid men of war or frigates, the intent and meaning of their approach, and continuing in the harbour of Naijacly, without giving any notice to us, or first acquainting us with their design, which action hath caused much admiration in us, having not received timely knowledge of the same, which in respect to the government of the place, they ought, and were obliged to have done; wherefore upon the considerations aforesaid, it is desired and entreated from the general of the aforesaid men of war or
The Colonial History of New Jersey

Samuel Smith

frigates, as also from our before deputed agents, whom we desire your honours civilly to treat, and to give and render unto them, the occasion of your arrival here upon this coast, and you will give an opportunity (that after our hearty salutes and wellwishes of your health,) to pray, that you may be blessed in eternity, and always remain, right honourable sirs, your honours affectionate friend and servant,

P. STUYVESANT.

By order and appointment of the governor and commander in chief of the council of New Netherlands, the 19-29 of August, 1664.

CORNELIUS RUYVEN, Secretary.

To this letter Col. Nicolls sent the answer following.

To the honourable the governor and chief council at the Manhatans,

Right worthy Sirs,

I received a letter by some worthy persons entrusted by you, bearing date the 19-29th of August, desiring to know the intent of the approach of the English frigates, in return of which I think fit to let you know, that his majesty of Great-Britain, whose right and title to these parts of America is unquestionable, well knowing how much it derogates from his crown and dignity, to suffer any foreigners how near soever they be allied, to usurp a dominion, and without his majesty's royal consent, to inhabit in these or any other his majesty's territories; hath commanded me in his name, to require a surrender of all such forts, towns or places of strength, which are now possessed by the Dutch under your commands; and in his majesty's name I do demand the town situate upon the island commonly known by the name of Manhatoes, with all the forts thereunto belonging, to be rendered unto his majestys obedience and protection unto my hands: I am further commanded to assure you, and every respective inhabitant of the Dutch nation, that his majesty being tender of the effusion of christian blood, doth by these presents, confirm and secure to every man, his estate, life and liberty, who shall readily submit to his government; and all those who shall oppose his majesty's gracious intentions, must expect all the miseries of a war which they bring upon themselves. I shall expect your answer by those gentlemen, Colonel George Cartwright, one of his majesty's commissioners in America, Captain Robert Needham, Capt. Edward Groves, and Mr. Thomas Delavall, whom you will entertain and treat with such civility as is due to them and yourselves, and you shall receive the same from, worthy sirs, your very humble servant,

RICHARD NICOLLS

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32 The Indian name, by which New-York island was formerly called.
The Colonial History of New Jersey

Samuel Smith

Dated on board his majesty’s ship the Guinea, riding before Naïjack, the 20-30 of August 1664.

Stuyvesant now fully informed of the English general’s business from himself, returned in answer:

That they were so confident of the discretion and equity of his majesty of Great-Britain, that were his majesty truly informed of their right, he would not have given such an order: That the Dutch came not into these provinces by any violence, but by virtue of a commission from the states general in 1614, when they settled the North River, near fort Orange, and to avoid the invasions and massacres commonly committed by the savages; they built a little fort there: That afterwards in the year 1662, and at the present time, by virtue of a commission and grant to the governor of the West-India company, and another in the year 1656 of the South River, to the burgomasters of Amsterdam, they had peaceably governed and enjoyed these provinces: That they were the first discoverers, had purchased the land of the natives, princes of the country; and had continued in the uninterrupted possession thereof: That they made no doubt that if his majesty of Great-Britain, were truly informed of these passages, he was too judicious to give any order that the places and fortresses in their hands should be given up, especially at a time when so strict a friendship subsisted between his majesty and the states general: That the offering any act of hostility and violence against them, would be an infraction of the treaty, which subsisted between his majesty of Great-Britain and the states general: That as to the threats in the conclusion of general Nicoll’s letter, he had nothing to answer, only that they feared nothing but what God should lay upon them.

Col. Nicolls, receiving this answer, found nothing was to be done by delay; and being resolved to assert his master’s right in the best manner he could, directed an order to Capt. Hide to this effect:

Whereas the governor and council of the Dutch plantation upon the Manhatoes, in Hudson's River, have in answer to a summons returned their resolutions to maintain the right and title of the states general and West-India company of Holland, to their forts, towns and plantations in these parts of America: I do therefore in prosecution of his majesty's service, recommend to Captain Hugh Hide, commander in chief of the squadron, to prosecute with the advice of the captains under his command, his majesty’s claim and interest, by all ways and means as they shall think most expedient, for the speedy reducing the Dutch under his majesty’s obedience, and for so doing this shall be their warrant. Given under my hand the 24th of August 1664, on board his majesty’s ship the Guinea.
The Colonial History of New Jersey

Samuel Smith

RICHARD NICOLLS

It appearing by this order, and preparations in consequence of it, that the English were not come for amusement only; Stuyvesant thought it best before matters were carried too far, to propose one expedient more; this he did by letter to Col. Nicolls, the 4th September.

My Lord,

Upon our letter the day before yesterday, and upon the communication by word of mouth, of our deputies, touching the just right and possession; without dispute of my lords, the states general of the united provinces, as also of our discovery of the news from Holland; which makes us not to doubt but that the king of Great-Britain, and my lords the said states, are at this hour agreed upon their limits: this had given us hope my lord to avoid all dispute; that you would have desisted from your design, or at least have given time that we might have heard from our masters; from which expectation we have been frustrated by the report of our said deputies, who have assured us by word of mouth, that you persist on your summons and letter, of 20-30 August, upon which we have no other thing to answer, but that following the order of my lords the states general, we are obliged to defend our place; however that in regard that we make no doubt, that upon your assault and our defence, there will be a great deal of blood spilt; and besides it is to be feared greater difficulty may arise hereafter; we have thought fit to send unto you, Mr. John de Decker, counsellor of state; Cornelius Van Riven, secretary and receiver; Cornelius Steenwick, mayor; and James Coussea, sheriff; to the end of finding some means to hinder and prevent the spilling of innocent blood, which we esteem my lord not to be your intention; praying that you will please to appoint a place and hour, and send or cause your deputies to meet there, with full commission to treat and seek out the means of a good accommodation; and in the mean time to cause all hostility to cease: Upon which, after recommending you to the protection of God, we remain, my lord, your thrice affectionate friend and servant,

P. STUYVESANT

To this Col. Nicoll’s replyed, in a letter directed to the honourable the governor of the Manhatoes, as follows:

Right worthy sir,

In answer to yours of the 4th of September, new stile, by the hands of John de Decker, counsellor of state, Cornelius Van Riven, secretary and receiver, Cornelius Steenwick, burgo master, and James Causseau, sheriff, I do think it once more agreeable to the kings intentions, and my duty to his strict commands, to propose and receive all ways and means of avoiding the effusion of christian blood; of which sincere intention, I suppose you
are already fully satisfied, and shall have no cause to doubt it for the future; as also that I do insist upon my first summons and message to you, for a speedy surrender of the towns and forts now under your command, into his majesty’s obedience and protection. You may easily believe that in respect of greater difficulties which are ready to attend you, I should willingly comply with your proposition to appoint deputies, place and time to treat of a good accommodation; but unless you had also given me to know, that by such a meeting you do intend to treat upon articles of surrender, I do not see just cause to defer the pursuance of his majesty’s commands, my first demand and my last answer, of reducing your towns and forts to his majesty’s obedience; which, why you call acts of hostility, I see no reason: However, since you have given yourself and messengers this new trouble. I shall also take this fresh occasion, to assure you that I heartily with health, peace and prosperity, to every inhabitant of your plantations, and particularly to yourself, as being your affectionate humble servant,

RICHARD NICOLLS

Gravesend, 25th August 1664.

The Dutch governor finding Nicolls grew more resolute in his enterprize, and the country in general for him, after having tried, in vain, what other pacifick expedients he could, at last agreed to a surrender of the fort and province under his government, and commissioners were authorized to treat upon the articles; those on the part of the English were, Sir Robert Carre, knt., Colonel George Cartwright, John Winthrop, Esq., governor of Connecticut, and Samuel Willis, one of his 2 council, Capt. Thomas Clarke, and Capt. John Punctwon, commissioners from the general court of the Massachusetts, the persons named by governor Stuyvesant were, John de Decker, Nicholas Varlett, commissary, concerning matters of traffick, Samuel Megapolensis, Cornelius Steenwick, Stephen Courtland, and James Cousseia.

The articles of this treaty as they are signed and confirmed by Col. Nicolls and governor Stuyvesant, and subscribed by the commissioners, bear date the 27th of August 1664 old stile, and are as follows:

1. We consent that the states general, or the West India company, shall freely enjoy all farms and houses, except such as are in the forts, and that within six months they shall have free liberty to transport all such arms and ammunition, as now do belong to them, or else they shall be paid for them.

2. All publick houses shall continue for the uses which now they are for.

3. All people shall still continue free dennisens, and enjoy their lands,
houses, goods, ships wheresoever they are within the country, and dispose of them as they please.

4. If any inhabitant have a mind to remove himself, he shall have a year and six weeks from this day to remove himself, wife, children, servants, goods, and to dispose of his lands here.

5. If any officer of state or publick minister of state have a mind to go for England, they shall be transported freight free in his majesty's frigates, when those frigates return thither.

6. It is consented to that any people may freely come from the Netherlands, and plant in this country, and that Dutch vessels may freely come hither, and any of the Dutch may freely return home, or send any sort of merchandize home in vessels of their own country.

7. All ships from the Netherlands, or any other place and goods therein shall be received here and sent hence after the manner which they formerly were, before our coming hither for six months next ensuing.

8. The Dutch shall enjoy the liberty of their consciences, in divine worship and Dutch discipline.

9. No Dutchman here, or Dutch ship here, shall upon any occasion be pressed to serve in war against any Nation whatsoever.

10. That the townsmen of the Manhatoes shall not have any soldiers quartered upon them, without being satisfied and paid for them by the officers, and that at this present, if the fort be not capable of lodging all the soldiers, then the burgomaster by his officers, shall appoint some houses capable to receive them.

11. The Dutch here shall enjoy their own customs concerning their inheritances.

12. All publick writings and records, which concern the inheritances of any people, or the reglement of the church or poor or orphans, shall be carefully kept by those in whose hands now they are, and such writings as particularly concern the states general, may at any time be sent to them.

13. No judgment that hath passed any judicature here, shall be called in question, but if any conceive he hath not had justice done him, if he apply himself to the States General, the other party shall be obliged to answer for the supposed injury.

14. If any Dutch living here, shall at any time desire to travel or traffick into England, or any place or plantation in obedience to his majesty of England, or with the Indians, he shall have upon his request to the governor, a certificate that he is a free Denizen of this place, and liberty it
to do.

15. If it do appear that there is a publick engagement of debt, by the town of Manhattoes, and a way agreed on for the satisfying of that engagement, it is agreed that the same way proposed shall go on; and that the engagements shall be satisfied.

16. All inferior civil officers and magistrates, shall continue as they now are, if they please, 'till the customary time of new election, and then new ones to be chosen by themselves; provided that such new chosen magistrates, shall take the oath of allegiance to his majesty of England, before they enter upon their offices.

17. All differences of contracts and bargains made before this day, by any in this country, shall be determined according to the manner of the Dutch.

18. If it does appear that the West-India company, of Amsterdam, do really owe any sums of money to any persons here; it is agreed that recognition and other duties payable by ships going for the Netherland be continued for six months longer.

19. The officers military and soldiers, shall march out with their arms, drums beating, and colours flying, lighted matches; and, if any of them will plant they shall have fifty acres of land set out to them; if any of them will serve any as servants, they shall continue with all safety and become free Denizens afterwards.

20. If at any time hereafter the king of Great-Britain and the States of the Netherland, do agree that this place and country be redelivered into the hands of the said states, whenever his majesty will send his commands to redeliver it, it shall immediately be done.

21. That the town of Manhatans shall choose deputies, and those deputies shall have free voices in all publick affairs.

22. That those who have any property in any houses in the fort of Aurania, shall if they please, slight the fortifications there, and then enjoy all their houses as all people do where there is no fort.

23. If there be any soldiers that will go into Holland, and if the company of West India in Amsterdam, or any private persons here, will transport them into Holland, then they shall have a safe passport from Col. Richard Nicolls, deputy governor under his royal highness, and the other commissioners, to defend the ships that shall transport such soldiers and all the goods in them from any surprizal or act of hostility to be done by any of his majesty's ships or subjects.

24. That the copies of the king's grant to his royal highness, and the copy of his royal highness's commission to Col. Richard Nicolls, testified by two
The Colonial History of New Jersey
Samuel Smith

commissioners more and Mr. Winthrop, to be true copies, shall be delivered to the honourable Mr. Stuyvesant, the present governor, on Monday next by eight of the clock in the morning, at the old Milne, and these articles consented to and signed by Col. Richard Nicolls, deputy governor to his royal highness, and that within two hours after the fort and town called New Amsterdam, upon the island of Manhatoes, shall be delivered into the hands of the said Col. Richard Nicolls, by the service of such as shall be by him thereunto deputed by his hand and seal.

The articles agreed on, the fort and city of New-Amsterdam, were surrendered. Some of the houses were then built of brick and stone, and in part covered with red and black tile, and the land being high, it made an agreeable prospect to those that visited it from the sea; Most of the Dutch inhabitants remained, and took the oaths to the English government; and they and their posterity have been loyal subjects ever since.\textsuperscript{33}

Thirteen days after the surrender of New Amsterdam, Col. Nicolls, marched up the country to Orange fort, and having taken it without much resistance, he gave it the name of Albany, the duke of York’s Scotch title: But previous to the taking of this fort, the colonel and other commissioners sent Sir Robert Carre with the ships under his command, on an expedition into Delaware bay and river, to reduce the inhabitants there. To this end they granted him their commission:

Whereas we are informed that the Dutch have seated themselves at Delaware Bay, on his majesty of Great-Britain’s territories, without his knowledge and consent, and that they have fortified themselves there, and drawn a great trade thither, and being assured that if they be permitted to go on, the gaining of this place will be of small advantage to his majesty: We his majesty’s commissioners, by virtue of his majesty’s commission and instructions to us given, have advised and determined to endeavour to bring that place and all strangers there, in obedience to his majesty, and by these do order and appoint that his majesty’s frigates, the \textit{Guinea}, and the \textit{William and Nicholas}, and all the soldiery which are not in the fort, shall with what speed they conveniently can go thither, under the command of Sir Robert Carre, to reduce the same, willing and commanding all officers at sea and land and all soldiers to obey the said Sir Robert Carre during this expedition. Given under our hands and seals, at the fort in New-York, upon the isle of Manhatoes, the third day of September, 1664.

\textbf{RICHARD NICOLLS}  
\textbf{GEORGE CARTWRIGHT}

\textsuperscript{33} In the year 1751, as some workmen were digging down the bank of the North River, in New York, in order to build a still-house, a stone wall was discovered between four and five feet thick, near eight feet under ground, supposed to have been the breast work of a battery.
SAMUEL MAVERICK

With this commission, instructions were delivered [to] Carre, respecting the manner in which he was to conduct on his arrival in the bay of Delaware.

Instructions for Sir Robert Carre, for the reducing of Delaware bay, and settling the people there, under his majesty's obedience.

When you are come near unto the fort, which is possessed by the Dutch, you shall send your boat on shore, to summons the governor and inhabitants to yield obedience to his majesty, as the rightful sovereign of that tract of land; and let him and them know, that all the planters shall enjoy their farms, houses, land, goods and chattels, with the same privileges, and upon the same terms which they do now possess them; only that they change their masters, whether they be the West-India company, or the city of Amsterdam. To the Swedes you shall remonstrate their happy return under a monarchical government, and his majesty's good inclinations to that nation, and to all men, who shall comply with his majesty's rights and titles in Delaware, without force of arms.

That all cannon, arms and ammunition which belongs to the government, shall remain to his majesty.

That the acts of parliament shall be the rule for future trading.

That all people may enjoy liberty of conscience.

That for six months next ensuing, the same magistrates shall continue in their offices, only that they and all others in authority must take the oath of allegiance to his majesty, and all publick acts be made in his majesty's name.

If you find you cannot reduce the place by force, or upon these conditions, you may add such as you find necessary on the place; but if those, nor force, will prevail, then you are to dispatch a messenger to the governor of Maryland, with a letter to him; and request his assistance, and of all other English who live near the Dutch plantations.

Your first care (after reducing the place) is to protect the inhabitants from injuries, as well as violence of the soldiers; which will be easily effected, if you settle a course for weekly or daily provisions by agreement with the inhabitants; which shall be satisfied to them, either out of the proffits, customs or rents be longing to their present master, or in case of necessity from hence.

The laws for the present cannot be altered, as to the administration of Justice between the parties.

To my lord Baltimore's son you shall declare, and to all the English
concerned in Maryland, that his majesty hath, at his great expence, sent his ships and soldiers to reduce all foreigners in those parts to his majesty's obedience; and to that purpose only, you are employed: But the reduction of the place being at his majesty's expence, you have commands to keep possession thereof for his Majesty's own behoof and right; and that you are ready to joyn the governor of Maryland, upon his majesty's interest on all occasions; and that if Lord Baltimore doth pretend right thereto by his patent, (which is a doubtful case) you are to say, that you only keep possession 'till his majesty is informed and satisfied otherwise. In other things, I must leave you to your discretion, and the best advice you can get upon the place.

In pursuance of this commission, Carre soon set sail, with the ships under his command. On his arrival against New-Castle, (then called New-Amstel) the Dutch and Swedes, following the example of their capital, New-Amsterdam, capitulated and surrendered their fort. The articles were signed and sealed by the English commanding officer, and six of the principal inhabitants of the place, on behalf of themselves, and others.

Articles of agreement between the honourable Sir Robert Carre, knight, on the behalf of his majesty of Great-Britain, and the burgoo-masters, on behalf of themselves, and all the Dutch and Swedes, inhabiting on Delaware bay, and Delaware river.

1. That all the burgesses and planters will submit "themselves to his majesty, without any resistance.

2. That whoever, or what nation soever, doth submit to his majesty's authority, shall be protected in their estates, real and personal whatsoever, by his majesty's laws and justice.

3. That the present magistrates shall be continue in their offices, and jurisdiction to exercise their civil power as formerly.

4. That if any Dutchman or other person shall desire to depart from this river, it shall be lawful for him so to do with his goods, within six mouths after the date of these articles.

5. That the magistrates and all the inhabitants (who are included in these articles) shall take the oaths of allegiance to his majesty.

6. That all people shall enjoy the liberty of their consciences, in church discipline as formerly.

7. That whoever shall take the oaths, is from that time a free Denizen, and shall enjoy all the priviledges of trading into any of his majesty's dominions, as freely as any Englishman, and may require a certificate for
so doing.

8. That the schout, the burgomaster, sherif, and other inferior magistrates, shall use and exercise their customary power, in administration of justice within their precincts for six months, or until his majesty’s pleasure is further known.

Dated October 1st 1664.

New-Amsterdam, Orange Fort, and the inhabitants up Delaware, being reduced, the whole country was in a manner in possession of the English; and things being in a quiet posture about New-York, Nicolls was commissioned the 24th of October, 1664, by Cartwright and Mevericke, to repair to Delaware bay, for government of the place, by deputing such officers civil and military, and taking such other measures as he should think proper, until the kings pleasure was further known.\textsuperscript{34} Thus things rested ’till 1668; when Nicolls and his council at New-York, gave the following directions for a better settlement of the government on Delaware:

That it is necessary to hold up the name and countenance of a garrison in Delaware, with twenty men and one commission officer.

That the commission officers shall undertake to provide all sorts of provision for the whole garrison, at the rate of 5d. per day, \textit{viz.} wholesome bread beer, pork, pease or beef, that no just complaint be made of either: That the soldiers, (so far as conveniently they may,) be lodged in the fort, and keep the Stockadoes up in defence: that the civil government in the respective plantations be continued ’till further orders.

That to prevent all abuses or oppositions in civil magistrates, so often as complaint is made, the commission officer Capt. Carre, shall call the scout, with Hans Block, Israel Holme, Peter Rambo, Peter Cock, Peter Aldrick, or any two of them, as councellors to advise, hear, and determine by the major vote, what is just, equitable and necessary in the case and cases in question.

That the same persons also, or any two or more of them, be called to advise and direct what is best to be done in all cases of difficulty, which may arise from the Indians, and to give their councel and orders for the arming of the several plantations and planters who must obey and attend their summons upon such occasion.

That two thirds at least of the soldiers remain constantly in and about

\textsuperscript{34} In the beginning of the year 1665, there was a comet visible to the people on this continent: It had appeared in the November before, and continued four months: It rose constantly about one o’clock in the morning, in the south-east. It was seen likewise in, England and in most other parts of the world, at the same time.
New-Castle at all hours.

That the fines or preminures and light offences, be executed with moderation, though it is also necessary that ill men be punished in an exemplary manner.

That the commission officer Capt. Carre, in the determination of the chief civil affairs, whereunto the temporary beforementioned councellors are ordained shall have a casting voice where votes are equal.

That the new appointed councellors are to take the oath to his royal highness.

That the laws of the government, established by his royal highness, be shewed and frequently communicated to the said councellors and all others, to the end that being therewith acquainted, the practice of them may also in convenient time be established; which conduceth to the publick welfare and common Justice.

That no offensive war be made against any Indians, before you receive directions from the governor for your so doing.

That in all matters of difficulty and importance, you must have recourse by way of appeal, to the governor and council at New-York.

These instructions bore date the 21st of April, 1668; within two months afterwards, the government at New-York received advice, that some of the tribe of the Mantas Indians, nigh Delaware, had murdered the servants of one Tomm. Peter Aldricks and Peter Rambo, arriving soon after, confirm’d that news, and further inform’d the government, that the Indians in those parts desir’d, there should be an absolute prohibition upon the whole river, of selling strong liquor to the Indians generally; by which it seems the late murders had probably been the consequence of a drunken frolick; this is the more likely, as the whole body of the Indians in the first settled part of the lands on Delaware, afterwards through a long course of experience, manifested an open hospitable disposition to the English, and were in the general, far from any designs to their prejudice. The governor and colonel Lovelace wrote to Carre, authorizing him to convene those joined with him in commission for the management of civil affairs, and with their advice to make all necessary rules and give orders for the government of both christians and Indians; and because those murders, and the restraining the Indians from strong liquors, might be attended with difficulties, Carre was ordered, after consulting the Indians on the best method of proceeding, to send the state of the matter to the council at New-York.

Another disturbance that soon followed took up their attention for a while, and seemd likely to prove an affair of some consequence against the new-establishd
government, but was prevented by the vigilance of the persons in administration. A Swede at Delaware, who gave out that he was the son of Coningsmarke, the Swedish general, went up and down from one place to another, spreading rumours to the disturbance of civil peace and the laws, intending thereby to make a party strong enough to raise an insurrection, and if possible, throw off the English allegiance; to him was associated Henry Coleman, one of the Finns, and an inhabitant at Delaware: The last left a good habitation, cattle and corn, and was well versed in the Indian language; as they both kept very much among the Indians their designs were the more suspected. The government however, ordered a proclamation, that if Coleman did not surrender himself, to answer what should be objected against him in fifteen days, his estate should be secured to the king's use; whether he came in appears not, but the other being a vagrant, more effectual measures were used, so that he was soon in custody; all the rest who had a hand in the plot, were by the government at York, bound to give security to answer for their conduct, and an account of their estates ordered to be taken: The governor in the mean time tells Carre in his letter upon this occasion:

That as for the poor deluded sort, I think the advice of their own countrymen is not to be despised, who knowing their temper well, prescribed a method for keeping them in order, which is severity, and laying such taxes on them as may not give them liberty to entertain any other thoughts but how to discharge them. - I perceive the little Domine hath played the trumpeter to this disorder; I refer the quality of his punishment to your direction.

At a council held at New-York, October 18, 1669 (PRESENT: The Governor, Thomas Delaval, Ralph Whitfield, Thomas Willet, secr'y.), this affair being taken into consideration, it was adjudged that Conningsmarke, commonly called the long Finne, deserv'd to die, yet in regard that many concern'd with him in the insurrection, might also be involv'd in the premunire, if the rigour of the law should be extended, and amongst them diverse simple and ignorant people, it was thought fit to order that the long Finne should be severely whipt, and stigmatized with the letter R, with inscription in great letters on his breast, that he received that punishment for rebellion, and after to be secured 'till sent to Barbadoes or some other remote plantation to be sold.

It was further ordered, that the chief of his accomplices should forfeit to the king, one half of their goods and chattels, and a smaller mulct laid on the rest to be left at discretion of commissioners, appointed to examine the matter.

In pursuance of this sentence, the long Finne was brought fettered from Delaware, and put prisoner in the state-house at York, the 20th December, and there continued a year, when a warrant was signed, and he, in pursuance of it,
transported for sale to Barbadoes.

At this council also came under consideration, the case of an Indian, who had committed a rape on a christian woman; the council ordered that he should be put to death if he could be found, and that application be made to the Sachems of his tribe, to deliver him up, that justice might be executed upon him. He had been once taken and condemned to death by the commissioners at Delaware, but broke gaol.

One Douglass at the Hoarkill, after this, gave the new settlers a considerable disturbance by seditious practices, but he was taken, sent to gaol, and afterwards from thence to York, where he had his trial, and was sent to the eastward, with a caution not to return into the government any more.

In the month call February 1669, Francis Lovelace being then governor, a commission and letters Lovelace of instruction were sent to the Hoarkill, authorizing Hermanus Fredericksen, to be schout, Slander Matson, Otto Wal gast, and William Cleason to be commissaries, who were to keep good orders there, and to try all matters of difference under £.10 amongst themselves; this seems to be intended to save them the trouble of going to New-Castle upon every trifling occasion; but for all matters above £.10 they were to apply themselves to New York, and so for all criminals.

Governor Lovelace gave also an order to captain Martin Preiger, to receive the customs for all European goods imported at the Hoarkill, and on the furrs and peltry exported from thence, viz. £.10 per cent.

Whereas I am given to understand, that all European goods imported at the Hoarkill in Delaware bay did heretofore pay custom at the rate of £.10 per cent. and all furrs and peltry exported from thence at the same rate, which turned to some advantage towards the support of the government upon mature advice and consideration had thereof, I have thought fit to renew the former custom, and do therefore hereby order and appoint captain Martin Preiger, who is a person well versed in the trade of those parts and very well known thereto both the christians and the Indians to be receiver and collector of the customs at the Hoarkill, where by himself or his deputy he is to receive 10 per cent. of all European goods imported there, whether coming from this place, New-Castle in Delaware, or any other part; and ten per cent. also for all furrs or peltry exported from thence, according to former custom and usage on that behalf; and all persons whatsoever trading thither, or from thence to any other place, are to take

55 He succeeded Nicolls in the government of New York in May 1667, and continued governor 'till the colony was given up to the Dutch in the summer, 1673. Nicolls had remained governor since the Dutch surrender 'till then, about two years and a half.
notice thereof, and to obey this my commission, under the penalty of confiscation of their goods if they shall presume to do otherwise, the said Capt. Prieger standing obliged, to be answerable here, for all such customs as shall be received by himself or deputy there, of which he is to render unto me a due and exact account.

It was very early to impose such an extraordinary clog upon trade as 10 per cent. and no doubt hard upon the young settlers to pay it, and the reason given for doing it (namely that it had been done before) seems not so well calculated to render the payment easy as might have been contrived; probably the chief cause was that hinted at in the governor's letter to Carre, to "keep them under by taxes, that they might not have liberty to entertain any other thoughts but how to discharge them." The daily exigencies of the government in those precarious times afforded a better present plea, tho' of no force for continuing it afterwards; but after all, the government then more military than civil, probably but little thought of a necessity to bestow colouring upon their proceedings, however extraordinary, to a people whom they could at any time compel to their measures; hard where that is the case of necessity, but more hard and arbitrary when continued without that necessity. These precedents introduced a similarity of taxation, which in time proved intolerable grievances. But be their reasons to themselves. - As the Hoarkills to the Swedes appeared a place of rather more consequence than it's thought since, their account may be worth observation:

Two leagues (says the manuscript in the British museum,) from cape Cornelius on the west side of the river near its mouth, there is a certain creek called the Hoeren Kill, which may well pass for a middling or small river, for it is navigable a great way upward, and its road is a fine road for ships of all burthens, there being none like it for safety and convenience in all the bay, the right channel for sailing up the bay passing near it.

A certain person who for several years together had been a soldier in the fort, informed us about the month of June, 1662, being then but lately come from thence, concerning the Hoern kill or Harlot's creek; that along the sea shore it was not above two leagues from the cape, and that near the Fort which is at the mouth of it, it is about 200 paces broad and navigable and very deep to about half a league upwards, the pilots say generally about six feet of water in, going in, but the canoes can go about two leagues higher: There are two small islands in it, the first very small the last about half a league in circumference, both overgrown with fine grass, especially the latter, and are at about half a league distance asunder, and the latter about a league from the channel's mouth: The two islands are surrounded with a muddy ground, in which there grows the best sort of oysters, which said ground begins near the first island, for the mouth of the channel has a sandy bottom, being also very deep, and therefore there are no oysters
there: Near the smaller island and higher up it is as broad again as at the
mouth, near the said fort the channel for a good way runs at an equal
distance from the sea, having the breadth of about two hundred paces of
high downy land lying between them, near the fort there is a glorious
spring of fresh water, a small rill rising in the south east part of the
country, and falling from a rising hill, runs through this downy land into
the mouth of the Hoern kill, or Harlot’s creek, is for its goodness and
fertility famed for the very best of New-Netherland. 36

The name of Hoernkill or Harlot’s creek, had as we are informed, its
rise from the liberality of the Indians, for lavishly prostituting, especially at
that place, their maidens and daughters to our Netherlanders: Otherwise it
is by David Pietersz de Uries, who about the year 1630 first endeavoured
to settle there, called Swanendal.

The above description however, in the general true at the time it was wrote,
leaves room for a doubt, at least as to the origin of the name. 37 The probability lies
that it arose from the creeks winding much in the shape of a horn; whence the
Dutch (and not the Swedes) first took occasion to call it the Hoernkill; this is the
tradition of the inhabitants there. Soon after English possession, it got the name
of Lewis-Town, by which it is mostly called: It is situate at the mouth of
Delaware bay, 38 and is the general resort for pilots, waiting to convoy vessels up
the river: Where the creek is described deep and sandy, is now a mowing marsh:
The channel also by the Hoarkill, then used for vessels to pass, is diminished to
about a hundred yards breadth at the mouth: The two islands, one very small, and
the other but half a league in circumference, are now the first supposed to be ten,
and the last thirty times as large as there described; and this alteration in about a
hundred years.

36 The whole country from New-York to Pennsylvania, being so called; 'tis observable, that this
author through the whole, gives the South river greatly the preference.

37 C. Colden in his history of the five nations p. 11, relates a custom of the same kind among them,
but there does not appear sufficient foundation to suppose these Indians originally justly
chargeable with such a practice, at least of the tribes generally; and the relation of the Swedes is
not in every instance to be depended on; bad as the Indians now appear, and have many of them
prov'd, they were formerly better; in a case doubtful 'tis perhaps best to err on the charitable
side.

38 The Delaware probably got its name from "the lord Delaware, who sailed in a ship of 250 ton; in
April 1618, with 200 people for Virginia, but died at sea." Prince's N.E. Chronology, p. 54.
CHAPTER IV

KING CHARLES THE SECOND, AND DUKE OF YORK'S GRANTS;
WHENCE LORD BERKELY AND SIR GEORGE CARTERET, BECAME SEIZED OF NEW-JERSEY;
THE FIRST CONSTITUTION OF GOVERNMENT UNDER THEM;
THE SETTLEMENT OF BERGEN, MIDDLETOWN, SHREWSBURY, AND ELIZABETH-TOWN;
PHILIP CARTERET APPOINTED GOVERNOR OF JERSEY;
HE INDIAN PURCHASE OF ELIZABETH-TOWN, BY THE SETTLERS;
AND THE FIRST GENERAL INDIAN PURCHASE BY THE PROPRIETOR, &C.

The right of the crown of England to these provinces, indisputably founded, as before deduced, King Charles the second, did by letters patent, bearing date the twentieth day of March, 1664, for the consideration therein mentioned, grant unto James, 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 St. Croix near adjoining to New Scotland in America, and from thence extending along the sea coast unto a certain place called Pemaquie or Pemaquid, and so up the river thereof, to the furthest head of the same, as it tendeth northward; and extending from thence to the river of Kimbequin, and so upwards by the shortest course, to the river Canada northwards; and also all that island or islands, commonly called by the several name or names of Matowacks or Long-Island, situate and being towards the west of Cape-Cod, and the narrow Higantesetts, abutting upon the 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 land from the west side of Connecticut river, to the east side of Delaware bay; and also several other islands and lands in the said letters patent mentioned; together with the rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawking, hunting and fowling, and all other royalties, profits, commodities and heriditaments to the said several islands, lands and premises, belonging or appertaining.

The duke of York being thus seized, did by his lease and deeds of lease and release, bearing date the 23d, and 24th days of June, 1664, in consideration of a "competent sum of money," grant and convey unto John lord Berkely, baron of
Stratton, one of the kings privy council; and Sir George Carteret, of Saltram, in the county of Devon, knight, and one of the privy council,\(^39\) and their heirs and assigns forever;

... all that tract of land adjacent to New-England, and lying, and being to the westward of Long-Island and Manhattas island; and bounded on the east part by the main sea, and part by Hudson's river; and hath upon the west, Delaware bay or river; and extendeth southward to the main ocean as far as Cape-May, at the month of Delaware bay; and to the northward as far as the northernmost branch of the said bay or river of Delaware; which is in 41 degrees and 40 minutes of latitude, and crosseth over thence in a straight line to Hudson's river, in 41 degrees of latitude; which said tract of land is hereafter to be called Nova-Caesaria or New-Jersey; and also all rivers, mines, minerals, woods, fishings, hawkings, huntungs, and fowlings, and all other royalties, profits, commodities, and hereditaments whatsoever to the said lands and premises, belonging or in any wise appeartaining, with their and every of their appurtenances in as full and ample manner as the same is granted unto the said duke of York, by the before recited letters patents.

The Lord Berkeley, and Sir George Carteret, in consequence of this conveyance, now sole proprietors of New-Jersey, for the better settlement thereof, agreed upon certain constitutions of government; which were so well relished, that the eastern parts of the province, were soon considerably peopled.\(^40\)

This was the first constitution of New-Jersey, and it continued entire, 'till the province became divided in 1676. Sir George Carteret, then the only proprietor of the eastern division, confirm'd and explained the concessions, with a few additions. The county of Bergen was the first settled place, a great many dutch being already there, when the province was surrendered, remained under the English government. A few Danes were probably concerned in the original settlement of this county, whence came Bergen, after the capital of Norway. The manner of originally settling is singular, but small lots where their dwelling houses are, and these contiguous in the town of Bergen: Their plantations which they occupy for a livelihood, are at some distance; the reason of fixing thus, is said to be through

\(^39\) Sir George Carteret was governor of Jersey, and held it for K. Charles II., in the troubles of 1649, expelled the house of commons, in 1669 for confused accounts, as chamberlain. Smollet. Treasurer of the navy, and vice-chamberlain of the king's household. Clarendon.

\(^40\) Vide. Appendix, Number I.
The Colonial History of New Jersey

Samuel Smith

fear of the numerous Indians in the early times of their settlement, about forty or fifty years before the surrender.\footnote{The date of the Dutch settlement, will be nearly ascertained by the following extract. - 

As some unknown country further southward, about Hudson’s river was in their view (meaning the Plymouth colony) when they engaged in this adventurous voyage, Mr. Morton who published his memorial in 1620 tells us, he had then lately sure intelligence that the Dutch intending to settle a colony there of their own, privately hired the master of the ship to contrive delays in England, then to steer them to these northern coasts, and there under plea of shoals and winter to discourage them from venturing farther. Agreeable to this, while the English Leydeners \textit{(i.e.,} the said Plymouth company) were preparing for their voyage, as Capt. Dormer returned from Virginia to New-England, he met certain Hollanders, sailing for Hudson’s river, where they had had a trade for several years. 

\textit{—} Prince’s \textit{N. E. Chronol.}, p. 83, 84.}

It was in 1664, that John Bailey, Daniel Denton, and Luke Watson, of Jamaica, on Long-Island, purchased of certain Indian chiefs, inhabitants of Staten-Island; a tract or tracts of land, on part of which the Town of Elizabeth now stands; and for which (on their petition) governor Richard Nicolls granted a deed or patent to John Baker of New-York, John Ogden, of Northampton, John Bailey, and Luke Watson, and their associates; dated at fort James, in New-York, the second of December.\footnote{This is what is commonly called the Elizabeth-Town grant.} This was before lord Berkely's and Sir George Carteret’s title was known; and by this means, this part of the province had some few very early settlements, whether Middletown and Shrewsbury had not Dutch and English inhabitants before, we are not authorized to say: About this time however, was a great resort of industrious reputable farmers; the English inhabitants from the west end of Long-Island, almost generally removed to settle hither; and most of them fixed about Middletown, from whence by degrees, they extended their settlements to Freehold and thereabouts.

To Shrewsbury there came many families from New-England: There were very soon four towns in the province, \textit{viz.} Elizabeth, Newark, Middletown, and Shrewsbury; and these with the country round, were in a few years plentifully inhabited, by the accession of the Scotch, of whom there came a great many, such settlers as came from England, those of the Dutch that remained, and those from the neighbouring colonies.

Lord Berkely and Sir George Carteret having agreed upon their concessions, appointed Philip Carteret governor of New-Jersey, and gave him power with the advice of the major part of the council, to grant lands to all such as by the
concessions were entitled thereto, and tho' there is no provision in the concessions for bargaining with the Indians, Governor Carteret on his arrival thought it prudent to purchase their rights: This was to be done for sums inconsiderable, in comparison with the damage a neglect might have occasioned. For though the Indians about the English settlements, were not at this time considerable as to numbers, they were strong in their alliances, and besides of themselves could easily annoy the out plantations; and there having been before several considerable skirmishes between the Dutch and them, in which some blood had been spilt, their friendship on this consideration it was thought stood but ticklish: Upon the whole, the governor so ordered it, that the comers were either to purchase of the Indians themselves, or if the lands were before purchased, they were to pay their proportions: The event answered his expectation, for as the Indians parted with the lands to their own satisfaction, they became of a jealous, shy people, serviceable good neighbours, and though frequent reports of their coming to kill the white people, sometimes disturbed their repose, no instance occurs of their hurting them, in those early settlements.

In the Dutch skirmishes with the Indians, it is said the English from Long-Island, together with such as were settled among the Dutch, used to join the latter in frequent excursions up the rivers to annoy or figure among the Indians: There is a tradition, that in one of those expeditions up a Jersey river, one of the company of more curiosity or boldness than the rest, went at some distance in the country to discover an Indian town, which at last he did, by coming upon it

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43 This in 1672 was supplied by particular instructions directing that the governor and council should purchase all lands from the Indians and be reimbursed by the settlers, as they made their purchases.

44 Richard Hartshorne, a considerable settler at Middletown, who came over in this year had like to have experienced some disadvantage from this neglect in the patentees of that town, "The Indian," says he, "came to my house, and laid their hands on the post and frame of the house and said that house was theirs they never had any thing for it and told me if I would not buy the land I must be gone. But I minded it not thinking it was Davis's land and they wanted to get something of me they at last told me they would kill my cattle and burn my hay if I would not buy the land nor be gone; then I went to the Patentees which were James Grover, Richard Stout, John Bound, and Richard Gibbons, they told me it was never bought, nor had the Indians any thing for it. Nicolls desired of them and the Indians also, only to have leave to set a trading house, and at that time they did not intend any one should have the land, but keep it for the use of the country, always giving leave for any man to trade with goods and not otherwise; but I told them I would not live on those terms, and not only so, but it was dangerous, for the Indians threatened to kill my cattle they told me no man had power to buy, but the patentees, and they would buy it; thus it continued some months. I considered the thing as well as I then was capable, and went to Gravesend and bought William Goulder out, and when I came back the Indians were at me and I did. James Grover, Richard Stout, Samuel Spicer were at Wake-cake, when I bought Wake-cake and paid for it, I being then a Patentee as well as the rest."

45 That is the English here spoken of.
before he was well aware of his situation; there were many seated quietly together; at the instant he saw them, they saw him, he was surprized, but quickly recollecting himself, took a paper out of his pocket, and with that boldly went up, telling them it was proposals from the government at York, and read at random such things as came into his head; by this stratagem he got off unmolested, and discovering at York what he had seen, told the government, if they would send a party against them he would be their pilot: A party was accordingly sent, coming upon the Indians in the night, some of them found means to get in to windward of their little town and setting fire to it, burnt the whole down; their wigwams were built close together, and made of flags, bushes, and other light combustible matter, covered with the bark of trees, so that the fire burnt with violence; the Indians notwithstanding their surprise, took to their bows and arrows, and used them with dexterity and courage, 'till being overpowered, several of them were destroyed.

That we may place traditional intelligence of this sort together, we will here venture at one more little occurrence of that kind; but with this remark, that we pretend to no greater certainty in either, than what arises from the probability of facts supported by established credit of persons relating them, and the known hostilities at times subsisting between the Dutch and Indians in their early settlement.

While New-York was in possession of the Dutch, about the time of the Indian war in New-England, a Dutch ship coming from Amsterdam, was stranded on Sandy Hook, but the passengers got on shore; among them was a young Dutchman who had been sick most of the voyage; he was taken so bad after landing, that he could not travel; and the other passengers being afraid of the Indians, would not stay 'till he recovered, but made what haste they could to New-Amsterdam; his wife however would not leave him, the rest promised to send as soon as they arrived: They had not been long gone, before a company of Indians coming down to the water side, discovered them on the beach, and hastening to the spot, soon killed the man, and cut and mangled the woman in such a manner that they left her for dead. She had strength enough to crawl up to some old logs not far distant, and getting into a hollow one, lived mostly in it for several days, subsisting in part by eating the excrescences that grew from it; the Indians had left some fire on the shore, which she kept together for warmth: having remained in this manner for some time, an old Indian and a young one coming down to the beach found her; they were soon in high words, which she afterwards understood was a dispute; the former being for keeping her alive, the other for dispatching: After they had debated the point a while, the first hastily

46 Other accounts say in Delaware, nigh Christeen, but this is most likely to be true.
took her up, and tossing her upon his shoulder, carried her to a place near where Middletown now stands, where he dressed her wounds and soon cured her: After some time the Dutch at New-Amsterdam hearing of a white woman among the Indians, concluded who it must be, and some of them came to her relief; the old man her preserver, gave her the choice either to go or stay; she chose the first: A while after marrying to one Stout, they lived together at Middletown among other Dutch inhabitants; the old Indian who saved her life, used frequently to visit her; at one of his visits she observed him to be more pensive than common, and setting down he gave three heavy sighs; after the last she thought herself at liberty to ask him what was the matter? He told her he had something to tell her in friendship, tho' at the risk of his own life, which was, that the Indians were that night to kill all the whites, and advised her to go off for New-Amsterdam; she asked him how she could get off? He told her he had provided a canoe at a place which he named: Being gone from her, she sent for her husband out of the field, and discovered the matter to him, who not believing it, she told him the old man never deceived her, and that she with her children would go; accordingly going to the place appointed, they found the canoe and paddled off. When they were gone, the husband began to consider the thing, and sending for five or six of his neighbours, they set upon their guard: About midnight they heard the dismal war-hoop; presently came up a company of Indians; they first expostulated, and then told them, if they persisted in their bloody design, they would sell their lives very dear. Their arguments prevailed, the Indians desisted and entered into a league of peace, which was kept without violation. From this woman, thus remarkably saved, with her scars visible, through a long life is descended a numerous posterity of the name of Stout now inhabiting New-Jersey: At that time there were supposed to be about fifty families of white people and five hundred Indians inhabiting those parts.

Governor Carteret did not arrive to his government of New-Jersey, 'till the latter end of the summer 1665; 'till which time the province was under Nicoll's jurisdiction: On the arrival of the former he summoned a council, granted lands, and administered the government on the plan of the general concessions and took up his residence at Elizabeth-Town to which it is said he gave the name, after Elizabeth wife of Sir George Carteret: With him came about thirty people; some of them servants: They brought goods proper for the planting a new country, and the governor soon afterwards sent persons into New-England, and other places, to publish the proprietors concessions, and to invite people to settle there upon which many soon came from thence: Some settled at Elizabeth-Town, others at Woodbridge, Piscattaway and Newark: The ship that brought the governor, having remained about six months returned to England, and the year after made another voyage. Sundry other vessels were from time to time sent by the proprietors with people and goods, to encourage the planting and peopling their
lands: Thus the province of East-New Jersey increased settlement, and continued
to grow 'till the Dutch invasion in 1673, when they having got possession of the
country, some stop was put to the English government; but the treaty afterwards
between king Charles the second, and the States general at London 1673-4, put all
general difficulties of that kind out of dispute; the sixth article whereof is in these
words, "That whatever country, island, town, haven, castle, or fortress, hath been,
or shall be taken by either party from the other since the beginning of the late
unhappy war, whether in Europe or elsewhere, and before the expiration of the
times above limited for hostility, shall be restored to the former owner in the same
condition it shall be in at the time of publishing this peace."

Tho' the inhabitants were at variance among themselves, there was also pretty
constantly a resort of settlers between the years 1665 and 1673, and they increased
fast afterwards. But the Elizabeth-Town purchasers and others, setting up a right,
differing in some respects from that of the proprietors, and other incidents falling
out, which, though some of them inconsiderable, and others one would think
might then easily have been settled, yet nourished by a more vindictive spirit on
all sides than was immediately necessary, they occasioned much disturbance.  
Carteret going for England in the summer, 1672, left Capt. John Berry his deputy.
He returned in 1674, and found the inhabitants more disposed to union among
themselves, and bringing with him the king's proclamation, and a fresh
commission and instructions from Sir George Carteret, he summoned the people,
and had them all published; which for a while had a good effect towards restoring
proprietary authority, and the publick peace: He remained governor 'till his death
in 1682. In his time the general assemblies and supreme courts sat at
Elizabeth-Town, and the councils generally: Here the secretary's office, and most
other publick offices were held; here also most of the officers of the government
then resided.

In September 1671, an extraordinary council was held at New-York; present,
Governor Lovelace, the mayor and secretary of New-York, Major Steenwick,
governor Philip Carteret, and Captain James Carteret of New-Jersey: The
occasion was this, William Tomm and Peter Alricks, had just arrived from
Delaware, with the particulars of the Indian murders mentioned before, that two
christians (Dutch men) had, as there related, been murdered by some Indians at the island Matinicunk, on Delaware: Alricks being present at the council, informed them, the nation of whom these murderers were, consisted of about fifty or sixty persons, and that the mischiefs committed on Delaware this seven years, were said to be done by them: That the Indians their confederates (as it was supposed they would be if a war should follow) were about a thousand persons, besides women and children: That two of the saggamores of the nation of the murderers, promised their best assistance, to bring them in, or, procure them to be knocked in the head, if countenanced by the government; and that many other Indians he met upon the road, much disallow’d of the murder, and were very sorry for it, and offered their assistance against them. Alricks further related, that it was proposed by the sachems, as the best scheme to set upon this nation, to cause a kintecoy to be held; and that in the midst of their mirth, one should be hired to knock them in the head; adding, as his own opinion, that the best time to fall upon them was about the 25th October; because after that their usual manner was to go a hunting, and then they could not be easily found: But now the immediate danger was of their destroying the corn and cattle of the christians, and that the murders were owing to Tashiwycan, who having a sister dying, expressed great grief for it, and said the Mannetta hath killed my sister, and I will go kill the christans; and taking another with him, they together executed the barbarous facts.

This information considered, the council concluded, that Thomas Lewis, then bound with his sloop for New-Castle, should be stayed from his voyage, for three or four days when Alricks and Henry Courturier, would be ready to go with him; that in the mean time, general instructions should be drawn to take along with them: That the Governor of New-Jersey, and Capt. James Carteret, (then present) should expeditiously order a general assembly to be called in that government; (according to their custom upon all emergent occasions) to know the people's strength and readiness; and how far they were willing to contribute towards the prosecution of a war against the Indians. That a frequent correspondence be kept between the two governments, and that nothing be done in this Indian War, without mutual advice and consent of both the governors; unless upon extraordinary opportunity, where advantage against the enemy might suddenly be taken, before notice could be given.

48 The upper island situate partly between Burlington and Bristol, afterwards taken up by a proprietary right, by Robert Stacy, and by him given to Burlington; and in 1682, confirm’d by a proprietary law, for the use of a free school forever. It is detach’d from the main by a little channel occasion’d by the waters of Essiscunk creek. When Gookin, a former governor of Pennsylvania, was about obtaining a grant of the islands in Delaware, it is said the lords of trade excepted this in their report to the king and council, as having been already occupied; and not on a footing with the other islands; it is inconsiderable as to value compared with many of the others, yet long possession and some improvements, have rendered it useful to Burlington.
These resolutions taken, the next step was to transmit instructions to William Tomm, (he was either one of the commissaries appointed by Carre, and the authority at New-Castle, or a kind of deputy under them, up Delaware) that he might forecast how a war might be prosecuted to the best advantage; and it requiring time to get things in order, all the frontier scattering plantations, were immediately to thresh out or remove their corn, and dispose their cattle, so as to receive the less damage by the effects of the war: Next he was to order, that none on pain of death, should presume to sell any powder, shot, or strong waters to the Indians; and that in the mean time, the inhabitants were to carry (if such a thing was practicable) a seeming complacency with the nation of whom were the murderers, either by treaty or traffick, to prevent suspicion of the designs on foot; but withall it was directed, that if they would either deliver up the murderers, or their heads; the English were at liberty to assure them of no disturbance. Lovelace also wrote to Carre upon this occasion, to be vigilant in making preparations for the war; and as directions could not be punctual, the whole was left to his prudent management, with advice of his commissaries. The next council held upon this occasion, was in November, at Elizabeth-Town; present, the governors Lovelace and Carteret, and divers others. Here the season was thought too far advanced, to begin the war; but the magistrates were authorized to treat with the neighbouring Sasquehanna Indians, or others, to join together against the murderers, and such as harboured them; and to promise a reward as they should think fit; provided caution was used so as to create no sudden jealousy: But this proved unnecessary; the Indians uneasy about the murder, were not averse to a full revenge, as the event proved. In December, a parcel of them meeting at Rambo’s, sent for Tomm and others, and promised within six days to bring in the murderers, dead or alive: Accordingly two Indians sent by the sachems, to take them, coming to Tashowycan’s wig-wam in the night; one of them his particular friend; him he asked if he intended to kill him; he answered no, but the sachem have ordered you to die: He demanded what his brother said; being told they also said he must die, he then holding his hands before his eyes, said kill me: Upon this the other Indian, not his intimate, shot him in the breast: They took his body to Wickaco, and afterwards hung it in chains at New-Castle: The English gave the sachems for this, five matchcoats. The other murderer hearing the shot, ran naked into the woods, and what came of him after, appears not. The Indians upon this death, summoned many of their young men, and before the English, told them, that now they saw a beginning of punishment, and all that did the like should be so served. Thus ended an affair, which while these Indians were a formidable body, looked discouraging.

The town of New-Castle, in the spring, 1672, was by the government at York, made a corporation, to be governed by a bailiff and six assistants; after the first
year the four old to go out, and four others to be chosen: The bailiff was president, with a double vote; the constable chosen by the bench; they had power to try causes as far as ten pounds, without appeal: The English laws were established in the town, and among the inhabitants on both sides Delaware: The office of Schout was converted into a sheriff, for the corporation and river, annually chosen; and they were to have free trade without being obliged to make entry at New-York, as heretofore had been the practice.

About this time happened a considerable disturbance at the Hoarkills: A party from Maryland, headed by one Jones, made an incursion, and binding the magistrates, and other inhabitants, carried off what plunder they could; being joined by Daniel Brown, a planter at the Hoarkills; he was sent to New-York, took his tryal and was convicted; but on promises of amendment, and a small security for future good behaviour dismissed. With respect to the Marylanders, Lovelace's letter to that governor, shows him to have had some spirit, tho' his character in general was rather that of an upright, but timid governor and good natured man: It is dated the 12th of August, 1672:

To Philip Calvert, Esq; governor of Maryland.

SIR,

I thought it had been impossible now in these portending boisterous times, wherein all true hearted Englishmen, are buckling on their armour to vindicate their honours, and to assert the imperial interest of his sacred majesty's rights and dominions; that now without any just grounds, either given or pretended, such horrid outrages should be committed on his majesty's liege subjects, under the protection of his royal highness's authority, as was exercised by one Jones, who with a party as dissolute as himself, took the pains to ride to the Hoarkills, where in derision and contempt of the duke's authority, bound the magistrates and inhabitants, dispitefully treated them, rifled and plundered them of their goods; and when it was demanded by what authority he acted, answered in no other language but a cock'd pistol to his breast; which if it had spoke had forever silenced him. I do not remember I have heard of a greater outrage and riot committed on his majesty's subjects in America, but once before in Maryland: You cannot but imagine his royal highness will not be satisfied with these violent proceedings, in which the indignity rebounds on him; neither can you but believe it is as easy an undertaking, for me to retaliate the same affront on Jones's head, and accomplices, as he did on those indefencible inhabitants: But I rather chuse to have first a more calm redress from you; to whom I now appeal, and from whom may in justice expect that right in the castigation of Jones cum sociis, that your nature and the law has provided for; otherwise I must apply myself to such other remedies as the exigence of this indignity shall persuade me to: Thus
The Colonial History of New Jersey

Samuel Smith

leaving it to your consideration, I shall remain your very humble servant,

FR. LOVELACE

Governor Lovelace also wrote to Capt. Carre upon this occasion:

SIR,

The letters you sent by the express over land came safe to my hands, with the inclosed relation and papers concerning the Hoarkill, and the Marylanders forcibly possessing themselves of the place, as also of the goods and estates of some of the inhabitants, of which we had some rumours before, but did not give much credit to it; supposing what was done before, to be the rash action of some private person; not thinking the authority of Maryland would invade his royal highness’s territories, which he hath been possess’d of for near eight years, without giving the least overture of it to me, who am his royal highness’s deputy: Their former violent action and force, upon those poor unarm’d people, together with the particulars of their plunders, I had immediate opportunity of transmitting to his royal highness by a ship then bound away for London, the which I made use of, and recommended their case; and I hope it hath long e’er this arrived to his hands; so that some directions about it may be expected in a short time; ’till when I think it best for the present to leave matters there as they are; but as to the cloud which likewise hangs over your heads at Delaware, which it is said they are making preparations to invade; my instructions and orders to you, and the officers in general, are, that you put yourselves in the best posture of defence possibly you can, by fitting up the fort in town, keeping your companies in arms, both there and up the river; who are to provide themselves with fitting ammunition; and that all soldiers be at an hour’s warning upon any alarm or order given; and that at the town especially, you make your guards as strong as you can, and keep a strict watch; and if any enemy comes to demand the place, that you first desire to know their authority and commission, and how it comes to pass those of Maryland should now make such an invasion, after so long quiet possession of those parts by his royal highness’s deputies, under his majesty’s obedience, and by other nations before that, several years before the date of the lord Baltimore’s patent, whom they never disturbed by arms, and whose right is now devolved upon the duke. Stand well upon your guard, and do not begin with them, but if they first break the peace by firing upon your guards, or any such hostile action, then use all possible means to defend yourselves and the place, and command all his majesty’s good subjects to be aiding and assisting to you; who I hope will not be wanting to their abilities: In all matters of concern, you are to take advice of the chief officers there.

This will come to you by your bailiff, Mr. Peter Alricks, who is hastening over land, to secure his affairs there, in this portending invasion,
The Colonial History of New Jersey

Samuel Smith

and to give his best help for the safeguard of the place, and his royal highness's interest upon all occasions: Fail not to send an express to me, by whom I shall give you such further directions and assistance as will be requisite; and if occasion should be, will come over myself in person; though the spring would be more suitable for me than a winter voyage; so recommending all things to your care and vigilance, of which I expect a good account: I conclude, being your very loving friend,

Francis Lovelace.

Fort James, in New-York, this 7th October 1672.

The inhabitants at New-Castle and the Hoarkills, also suffered considerable losses, by Dutch privateers plundering their effects. For reparation, they were permitted by the government to lay an imposition, and power given to the magistrates, to levy and receive upon each anchor of strong liquors spent or disposed of among them, the value of four guilders in wampum, but this to continue for one year only, as a tryal of its utility.

Wampum was the chief currency of the country; great quantities had been formerly brought in, but the Indians had earned so much away, it was now grown scarce; and this was thought to being its low value. To increase it, the governor and council at York issued a proclamation in 1673, that instead of eight white and four black, six white and three black wampums should pass in equal value as a stiver or penny; and three times so much the value in silver. This proclamation was published at Albany, Eusopus, Delaware, Long-Island, and parts adjacent.

Mention was made that Sir George Carteret by his instructions to governor Carteret, confirmed the original concessions with additions and explanations: These bore date the 13th of July 1674: Among other things they direct, that the governor and council should allow eighty acres per head, to settlers above ten miles from the sea, the Delaware, or other river, navigable with boats; and to those

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49 Eight white wampum or four black, passed at this time as a stiver, twenty stivers made what they called a guilder, which was about six pence present currency. The white wampum was worked out of the inside of the great conques into the form of a bead, and perforated to string on leather. The black or purple was worked out of the inside of the mussel or clam-shell, they were sometimes wove as broad as one's hand, and about two feet long; these the Indians call belts, and commonly give and receive at treaties, as seals of their friendship: For lesser matters a single string is given. Every bead is of a known value, and a belt of a less number is made to equal one of a greater, by so many as is wanting fastened to the belt by a string.
that settled nearer, sixty acres: That the land should be purchased from the Indians, as occasion required, by the governor and council, in the name of the proprietors, who were to be repaid by the settlers with charges.50 That all strays of beasts at land, and wrecks at sea, should belong to the proprietor; and that, all persons discovering any such thing, should have satisfaction for their pains and care, as the governor and council might think fit.

50 A paragraph of this sort, is also inserted in one of the letters of instruction from lord Berkely and Sir George Carteret, in conjunction, in 1672.
CHAPTER V

MAJOR ANDROS APPOINTED GOVERNOR AT NEW-YORK; TAKES POSSESSION AT DELAWARE;
ARRIVAL OF THE FIRST ENGLISH SETTLERS TO WEST-JERSEY, UNDER THE DUKE OF YORK'S TITLE;
LORD BERKELY ASSIGNS HIS MOIETY OF NEW-JERSEY TO BYLLINGE, AND HE IN TRUST TO OTHERS;
THEIR LETTER AND FIRST COMMISSION;
NEW-JERSEY DIVIDED INTO THE PROVINCES, EAST AND WEST-JERSEY;
AND THE DECLARATION OF THE WEST-JERSEY PROPRIETORS.

About the month of October 1674, Major Edmund Andros\(^5\) arrived governor, under the duke of York; he soon after authorized Captain Cantwell and William Tomm, to take possession of the fort and stores at New-Castle, for the king's use, pursuant to the late treaty of peace, and to take such other measures for their settlement and repose at New-Castle, the Hoar-kills, and other parts of Delaware, as they thought best; requiring them to comport themselves towards the neighbouring colonies in an amicable manner. This done, he published a proclamation in the words following:

Whereas it hath pleased his majesty and his royal highness, to send me with authority, to receive this place and government from the Dutch, and to continue in the command thereof under his royal highness, who hath not only taken care for our future safety and defence, but also given me his commands for securing the rights and properties of the inhabitants, and that I should endeavour by all fitting means, the good and welfare of this province, and dependencies under his government; that I may not be wanting in any thing that may conduce thereunto, and for the saving of the trouble and charge hither, for the satisfying themselves in such doubts as might arise concerning their rights and properties upon the change of government, and wholly to settle the minds of all in general, I have thought fit to publish and declare, that all former grants, privileges or concessions heretofore granted, and all estates legally possessed by any under his royal highness, before the late Dutch government, (as also all legal judicial proceedings during that government, to my arrival in these parts) are hereby confirm'd, and the possessor by virtue thereof, to remain in quiet possession of their rights: It is hereby further declared, that the known book of laws formerly established and in force under his royal highness's government, is now again confirmed by his royal highness; the which are to be observed and practised, together with the manner and time of holding courts therein mentioned as heretofore; and all magistrates and

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\(^5\) He was afterwards knighted; he bore the unfavourable character of an arbitrary governor, who made the will of his despotic master (James II.) and not the law, the chief rule of his conduct.
The Colonial History of New Jersey

Samuel Smith

civil officers belonging thereunto, to be chosen and established accordingly. Given under my hand in New-York, this 9th day of November, in the twenty-sixth year of his majesty's reign, annoque domini 1674.

Andros being now seated in his government, we shall leave him, and take a view of other matters: First respecting the arrival of a few passengers from England to West-Jersey: One moiety or half part of the province of New-Jersey, belonged to the lord Berkeley, and now about was sold to John Fenwick, in trust for Edward Byllinge and his assigns. Fenwick in 1675, set sail to visit the new purchase in a ship from London, called the Griffith; arriving after a good passage, he landed at a pleasant rich spot, situate near Delaware, by him called Salem, probably from the peaceable aspect it then bore. He brought with him two daughters, and many servants, two of which, Samuel Hedge and John Adams, afterwards married his daughters; other passengers were, Edward Champness, Edward Wade, Samuel Wade, John Smith and wife, Samuel Nichols, Richard Guy, Richard Noble, Richard Hancock, John Pledger, Hipolite Lufever, and John Matlock; these, and others with them, were masters of families. This was the first English ship that came to West-Jersey, and none followed for near two years, owing probably to a difference between Fenwick and Byllinge.

But this difference being settled to the satisfaction of both parties, by the good offices of William Penn, Byllinge agreed to present his interest in the province of New-Jersey, to his creditors, as all that he had left, towards their satisfaction, and desird Penn to join Gawen Lawrie and Nicholas Lucas (two of his creditors) and they together to be trustees: Penn at first unwilling, was by the importunity of some of the creditors, prevailed on; and with the others accepting the charge, they became trustees for one moiety or half part of the province; which tho' yet undivided, necessity pressing, they soon sold a considerable number of shares of their propriety to different purchasers, who thereupon became proprietors (according to their different shares) in common with them; and it being necessary that some scheme should be fallen upon, as well for the better distribution of rights to land, as to promote the settlement, and ascertain a form of government; concessions were drawn, mutually agreed on, and signed by some of the subscribers,\footnote{Appendix numb. ii.} (for they did not all sign at once). It was next the business of the proprietors, who held immediately under lord Berkely, to procure a division of the province, which after some time was effected; and then as an expedient for the present well ordering matters, they wrote the following letter:
The Colonial History of New Jersey

Samuel Smith

Richard Hartshorne.

London, 26th of the 6th month, 1676.

We have made use of thy name in a commission and instructions, which we have sent by James Wasse, who is gone in Samuel Groome's ship for Maryland; a copy of which is here inclosed, and also a copy of a letter we have sent to John Fenwick, to be read to him in presence of as many of the people that went with him as may be; and because we both expect, and also entreat, and desire thy assistance in the same we will a little shew things to thee, that thou may inform not only thyself; but friends there; which in short is as follows:

1st. We have divided with George Carteret, and have sealed deeds of partition, each to the other; and we have all that side on Delaware river from one end to the other; the line of partition is from the east side of little Egg Harbour, straight North, through the country, to the utmost branch of Delaware river; with all powers, privileges, and immunities whatsoever: ours is called New West-Jersey, his is called New East-Jersey.

2d. We have made concessions by ourselves, being such as friends here and there (we question not) will approve of; having sent a copy of them by James Wasse; there we lay a foundation for after ages to understand their liberty as men and christians, that they may not be brought in bondage, but by their own consent; for we put the power in the people, that is to say, they to meet and choose one honest man for each propriety, who hath subscribed to the concessions; all these men to meet as an assembly there, to make and repeal laws, to choose a governor, or a commissioner, and twelve assistants, to execute the laws during their pleasure; so every man is capable to choose or be chosen: No man to be arrested, condemned, imprisoned, or molested in his estate or liberty, but by twelve men of the neighbourhood: No man to lie in prison for debt, but that his estate satisfy as far as it will go, and be set at liberty to work: No person to be called in question or molested for his conscience, or for worshipping according to his conscience; with many more things mentioned in the said concessions.

3. We have sent over by James Wasse, a commission under our hands and seals, wherein we impower thyself; James Wasse and Richard Guy, or any two of you, to act and do according to the instructions, of which here is a copy; having also sent some goods, to buy and purchase some land of the natives.

4. We intend in the spring to send over some more commissioners, with the friends and people that cometh there, because James Wasse
is to return in Samuel Groom’s ship for England: for Richard Guy, we judge him to be an honest man, yet we are afraid that John Fenwick will hurt him, and get him to condescend to things that may not be for the good of the whole; so we hope thou wilt balleance him to what is just and fair; that John Fenwick betray him not, that things may go on easy without hurt or jar; which is the desire of all friends; and we hope West Jersey will be soon planted; it being in the minds of many friends to prepare for their going against the spring.

5. Having thus far given thee a sketch of things, we come now to desire thy assistance, and the assistance of other friends in your parts; and we hope it will be at length an advantage to you there, both upon truth’s account, and other ways; and in regard many families more may come over in the spring to Delaware side, to settle and plant, and will be assigned by us to take possession of their particular lots; we do entreat and desire, that thou, knowing the country, and how to deal with the natives; we say, that thee, and some other friends, would go over to Delaware side, as soon as this comes to your hands, or as soon as you can conveniently; and James Wasse is to come to a place called New-Castle, on the other side of Delaware river, to stay for thee, and any that will go with him; and you all to advise together, and find out a fit place to take up for a town, and agree with the natives for a tract of land; and then let it be surveyed and divided in one hundred parts; for that is the method we have agreed to take, and we cannot alter it; and if you set men to work to clear some of the ground, we would be at the charges; and we do intend to satisfy thee for any charge thou art at, and for thy pains: This we would not have neglected; for we know, and you that are there know, that if the land be not taken up before the spring, that many people come over there, the natives will insist on high demands, and so we shall suffer by buying at dear rates, and our friends that cometh over, be at great trouble and charges until a place be bought and divided; for we do not like the tract of land John Fenwick hath bought, so as to make it our first settlement; but we would have thee and friends there, to provide and take up a place on some creek or river, that may lie nearer you, and such a place as you may like; for may be it may come in your minds to come over to our side, when you see the hand of the Lord with us; and so we can say no more, but leave the thing with you, believing that friends there will have a regard to friends settling, that it may be done in that way and method, that may be for the good of the whole; rest thy friends,

GAWEN LAURIE
WILLIAM PENN
NICHOLAS LUCAS
The Colonial History of New Jersey
Samuel Smith

E. BYLLINGE
JOHN EDRIDGE
EDMOND WARNER

And

London, the 18th of 6th month called August, 1676.

We whose names are hereunder subscribed, do give full power, commission and authority, unto James Wasse, Richard Hartshorne and Richard Guy, or any two of them, to act and do for us according to the following instructions; and we do engage to ratify and confirm whatsoever they shall do in prosecution of the same.

1. We desire you to get a meeting with John Fenwick, and the people that went with him, (but we would not have you tell your business,) until you get them together; then show and read the deed of partition with George Carteret; also the transactions between William Penn, Nicholas Lucas, Gawen Lawrie, John Edridge and Edmond Warner, and then read our letter to John Fenwick and the rest, and shew John Fenwick he hath no power to sell any land there, without the consent of John Edridge and Edmond Warner.

2. Know of John Fenwick, if he will be willing peaceably to let the land he hath taken up of the natives be divided into one hundred parts, according to our and his agreement in England, casting lots for the same, we being willing that those who being settled and have cultivated ground now with him, shall enjoy the same, without being turned out, although they fall into our lots: Always provided, that we be reimbursed the like value and quantity in goodness out of John Fenwick's lots: And we are also content to pay our ninetieth parts of what is paid to the natives for the same, and for what James Wasse hath purchased of John Fenwick, and he setting out the same unto him, not being in a place to be allotted for a town upon a river, but at a distance, and the said John Fenwick allowing us the like value in goodness in some other of his lots; we are willing he shall possess the same from any claiming by or under us; and for the town lots we are willing he enjoy the same as freely as any purchaser buying of us.

3. Take informations from some that knows the soundings of the river and creeks, and that is acquainted in the country, and when James Wasse is in Maryland, he may enquire for one Augustin, who as we hear did found most part of Delaware river and the creeks: He is an able surveyor; see to agree with him to go with you up the river as far as over against New-Castle, or further if you can, so far as a vessel of a hundred tun can go; for we intend to have a way cut cross the country to Sandy-Hook; so the further up the way, the shorter: and
there, upon some creek or bay, in some healthy ground, find out a
place fit to make a settlement for a town; and then go to the Indians,
and agree with them for a tract of land about the said place, of
twenty or thirty miles long, more or less, as you see meet, and as
broad as you see meet. If it be to the middle, we care not; only
enquire if George Carteret, have not purchased some there already,
that so you may not buy it over again.

4. Then lay out four or five thousand acres for a town; and if Agustin
will undertake to do it reasonably, let him do it; for he is the fittest
man; and if he think he cannot survey so much, being in the winter
time, then let him lay out the less for a town at present, if it be but
two thousand acres, and let him divide it in a hundred parts; and
when it is done, let John Fenwick, if he please, be there; however, let
him have notice: But however, let some of you be there, to see the
lots cast fairly by one person that is not concerned, The lots are from
number one to a hundred, and put the same numbers of the lots on
the partition trees for distinction.

5. If John Fenwick, and those concerned with him, be willing to join
with you in those things as above, which is just and fair, then he or
any of them, may go along with you in your business; and let them
pay their proportion of what is paid to the natives, with other
charges: And so he and they may dispose of their lots with consent
of John Edridge and Edmund Warner; which lots are, 20, 21, 26, 27,
36, 47, 50, 57, 63, 72.

6. If John Fenwick and his people, refuse to let the land they have
taken up of the natives be divided, and refuse to join with you; you
may let the country know in what capacity John Fenwick stands,
that he hath no power over the persons or estates of any man or
woman more than any other person.

7. What land you take of the natives, let it be taken, *viz.* ninety parts
for the use of William Penn, Gawen Lawrie and Nicholas Lucas, and
ten parts for John Edridge and Edmond Warner.

8. After you have taken the land as above, and divided for a town or
settlement, and cast lots for the same as above; then if any have a
mind to buy one or more proprieties, sell them at two hundred
pound specie; they taking their lots as theirs do; paying to you in
hand the value of fifty pounds in part of a propriety, and the rest on
sealing their conveyance in London; and so they may presently settle.
When any of the lots fall to us, that is to say, he that buyeth a
propriety may settle on any one lot of ninety parts; which said
persons that buys, and what lots falls to them, there they may settle,
and acquaint us what numbers they are; and if any will take land to
them and their heirs forever, for every acre taken up in a place laid out for a town, according to the concessions, they are not to have above what shall fall by lot to a propriety in a town.

9. What charges James Wasse is at, by taking up the land of the natives, we do oblige to pay the same unto him again, with what profits is usual there upon English goods; and he may pitch upon two lots, one in each town; if they be taken up before he comes away, to his own proper use, for his trouble and pains: And we do also engage to allow and pay what charges any of our commissioners shall disburse in executing these our instructions, to them or their assigns.

10. Let us be advised by the first ship that cometh for England, of all proceedings hereupon, and write to the friends at Sandy-Hook, letting them know how things are, and that we have divided with George Carteret, and that our division is all along on Delaware river; and that we have made concessions by ourselves, which we hope will satisfy friends there. If John Fenwick, or any of the people with him, desire a copy of the deed of partition, let them have it.

11. We desire that our original deed may be kept in your own custody, that it may be ready to shew unto the rest of the commissioners, which we intend to send over in the spring, with full power for settling things, and to lay out land, and dispose upon it, and for the settling some method of government according to the concessions.

12. If you cannot get Augustin to go with you or that he be unreasonable in his demands; then send a man to Thomas Bushroods, at Essex lodge, in York river, for William Elliot, who writes to Gawin Lawrie this year, and offered himself to be surveyor, and tell him you had orders from said Lawrie to send for him, and take him with you. He will be willing to be there all winter, and will survey and do other things. He had a good character in Virginia, but was not able to keep it; he is a fair conditioned sober man: Let him stay there all winter, and order him something to live upon.

13. If the said Elliot go with you, give him directions what to do. If you cannot stay 'till a place for a town be surveyed, yet we think you may stay until you have not only pitched upon a place for a town, but also upon a place for a second town and settlement, and have marked out the place round about there, and let William Elliot divide both, which no doubt but he may do before the spring, that we send over more commissioners and people; and if John Fenwick be willing to go on jointly with you there, his surveyor may go along and help ours, and the charges shall be brought in for both proportionally on all. Mind this, and speak to Richard Guy, or Richard Hartshorne, and leave orders with them to let William Elliot have provisions for
himself ’till spring, and we shall order them satisfaction for the same; and if there be no house near the place you take up for the surveyors to lodge in, then let there be a cottage built for them on the place, and we will allow the charges.

14. And whereas there is tackling there already, for fitting of a sloop, as we judge, in the custody of Richard Guy: We also give you power if you see meet, and that it be of necessary use and advantage for the whole concern, you may order these ship-carpenters to build a sloop suitable for these materials, and appoint them some provision for their food, and for the rest of their wages they shall either have it in a part of the sloop, or be otherwise satisfied in the spring of the year; the said sloop to be ordered and disposed upon by you until more commissioners come over with further instructions.

15. For the goods we have sent over with James Wasse are to be disposed of for purchasing land from the natives or otherwise as need is, giving us account thereof.

NICHOLAS LUCAS
WILLIAM PENN
EDMOND WARNER
GAWIN LAWRIE
E. BYLLINGE

The instrument for dividing the province being agreed on by Sir George Carteret on the one part, and the said E. Byllinge, William Penn, Gawen Lawrie, and Nicholas Lucas on the other, they together signed a Quintipartite deed, dated the first day of July 1676.53

The line of division being thus far settled, each took their own measures for further peopling and improving their different shares. Sir George Carteret had greatly the advantage respecting improvements, his part being (as we have seen) already considerably peopled: The western proprietors, soon published a description of their moiety; on which many removed thither: But lest any should not sufficiently weigh the importance of this undertaking, and for other reasons, the three principal proprietors published the following cautionary epistle:

Dear friends and brethren,

In the pure love and precious fellowship of our Lord Jesus Christ, we very dearly salute you: Forasmuch as there was a paper printed several months since, entitled, The description of New-West-Jersey, in the which our names were mentioned as trustees for one undivided moiety of the said province: And because it is alleged that some, partly on this account, and

The Colonial History of New Jersey

Samuel Smith

others apprehending, that the paper by the manner, of its expression came from the body of friends, as a religious society of people, and not from particulars, have through these mistakes, weakly concluded that the said description in matter and form might be writ, printed and recommended on purpose to prompt and allure people, to dis-settle and transplant themselves, as it’s also by some alleged: And because that we are informed, that several have on that account, taken encouragement and resolution to transplant themselves and families to the said province; and lest any of them (as is feared by some) should go out of a curious and unsettled mind, and others to shun the testimony of the blessed cross of Jesus, of which several weighty friends have a godly jealousy upon their spirits; lest an unwarrantable forwardness should act or hurry any beside or beyond the wisdom, and counsel of the lord, or the freedom of his light and spirit in their own hearts, and not upon good and weighty grounds: It truly laid hard upon us, to let friends know how the matter stands; which we shall endeavour to do with all clearness and fidelity.

1. That there is such a province as New-Jersey is certain.

2. That it is reputed of those who have lived and have travelled in that country, to be wholesome of air and fruitful of soil, and capable of sea trade, is also certain; and it is not right in any to despise or dispraise it, or dissuade those that find freedom from the Lord, and necessity put them on going.

3. That the duke of York sold it to those called lord Berkeley, baron of Stratton, and Sir George Carteret, equally to be divided between them, is also certain.

4. One moiety or half part of the said province, being the right of the said lord Berkeley, was sold by him to John Fenwick, in trust for Edward Byllinge, and his assigns.

5. Forasmuch as E. B. (after William Penn had ended the difference between the said Edward Byllinge and John Fenwick) was willing to present his interest in the said province to his creditors, as all that he had left him, towards their satisfaction, he desired William Penn (though every way unconcerned) and Gawen Lawrie and Nicholas Lucas, two of his creditors, to be trustees for performance of the same; and because several of his creditors, particularly and very importantly, pressed William Penn to accept of the trust for their sakes and security; we did all of us comply with those and the like requests, and accepted of the trust.

6. Upon this we became trustees for one moiety of the said province, yet undivided: And after no little labour, trouble and cost, a division was obtained between the said Sir George Carteret and us,
as trustees: The country is situated and bounded as is expressed in the printed description.

7. This now divided moiety is to be cast into one hundred parts, lots, or proprieties; ten of which upon the agreement made betwixt E. Byllinge and J. Fenwick, were settled and conveyed unto J. Fenwick, his executors and assigns, with a considerable sum of money, by way of satisfaction for what he became concerned in the purchase from the said lord Berkely, and by him afterwards conveyed to John Edridge and Edmond Warner, their heirs and assigns.

8. The ninety parts remaining are exposed to sale, on the behalf of the creditors of the said E. B. And forasmuch as several friends are concerned as creditors, as well as others, and the disposal of so great a part of this country being in our hands; we did in real tenderness and regard to friends, and especially to the poor and necessitous, make friends the first offer; that if any of them, though particularly those that being low in the world, and under trials about a comfortable livelihood for themselves and families, should be desirous of dealing for any part or parcel thereof, that they might have the refusal.

9. This was the real and honest intent of our hearts, and not to prompt or allure any out of their places, either by the credit our names might have with our people throughout the nation, or by representing the thing otherwise than it is in itself.

   As for the printed paper sometime since set forth by the creditors, as a description of that province; we say as to two passages in it, they are not so clearly and safely worded as ought to have been; particularly, in seeming to limit the winter season to so short a time; when on further information, we hear it is sometime longer and sometime shorter than therein expressed; and the last clause relating to liberty of conscience, we would not have any to think, that it is promised or intended to maintain the liberty of the exercise of religion by force and arms; though we shall never consent to any the least violence on conscience; yet it was never designed to encourage any to expect by force of arms to have liberty of conscience fenced against invaders thereof.

10. And be it known unto you all, in the name and fear of Almighty God, his glory and honour, power and wisdom, truth and kingdom, is dearer to us than all visible things; and as our eye has been single, and our heart sincere to the living God, in this as in other things; so we desire all whom it may concern, that all groundless jealousies may be judged down and watched against, and that all extremes may be avoided on all hands by the power of the Lord; that nothing
which hurts or grieves the holy life of truth in any that goes or stays, may be adhered to; nor any provocations given to break precious unity.

This am I, William Penn, moved of the Lord, to write unto you, lest any bring a temptation upon themselves or others; and in offending the Lord, slay their own peace: *Blessed are they that can see, and behold him their leader, their orderer, their conductor and preserver, in staying or going: Whose is the earth and the fullness thereof, and the cattle upon a thousand hills.* And as we formerly writ, we cannot but repeat our request unto you, that in whomsoever a desire is to be concerned in this intended plantation, such would weigh the thing before the Lord, and not headily or rashly conclude on any such remove; and that they do not offer violence to the tender love of their near kindred and relations; but soberly and conscientiously endeavour to obtain their good wills, the unity of friends where they live; that whether they go or stay, it may be of good favour before the Lord (and good people) from whom only can all heavenly and earthly blessings come. This we thought good to write for the preventing of all misunderstandings, and to declare the real truth of the matter; and so we commend you all to the Lord, who is the watchman of his Israel. We are your friends and brethren.

WILLIAM PENN
GAWEN LAWRIE
NICHOLAS LUCAS
CHAPTER VI

ARRIVAL OF MORE SETTLERS TO WEST-JERSEY; THEIR DIFFICULTIES;
THEIR PURCHASES FROM THE INDIANS; THEY LAY OUT A TOWN;
SOME OF THEIR FIRST SENTIMENTS OF THE COUNTRY;
AND AN ACCOUNT OF THE DUKE OF YORK’S TWO LAST GRANTS,
BEING FOR THE PROVINCE EAST AND WEST NEW-JERSEY, SEPARATELY.

Among other purchasers of the West-Jersey lands were two companies, one
made up of some friends in Yorkshire,\textsuperscript{54} (as hinted in the concessions) the other of
some friends in London; who each contracted for considerable shares, for which
they had patents. In 1677, commissioners (agreeable to expectation given) were
sent by the proprietors, with power to buy the lands of the natives; to inspect the
rights of such as claimed property, and to order the lands laid out; and in general
to administer the government, pursuant to the concessions: These commissioners
were Thomas Olive, Daniel Wills, John Kinsey, John Penford, Joseph Helmsley,
Robert Stacy, Benjamin Scott, Richard Guy and Thomas Foulke.\textsuperscript{55} They came in
the Kent, Gregory Marlow, master, being the second ship from London, to the
western parts: After a tedious passage they arrived at New-Castle, the 16th of the
6th month, O.S. King Charles the second, in his barge, pleasuring on the Thames,
came along side, seeing a great many passengers, and informed whence they were
bound, asked if they were all quakers, and gave them his blessing. They landed
their passengers, two hundred and thirty in number, about Rackoon creek, where
the Swedes had some scattering habitations; but they were too numerous to be all
provided for in houses; some were obliged to lay their beds and furniture in cow

\textsuperscript{54} Thomas Hutchinson, of Beverley in the county of York, yeoman; Thomas Pierson, of Bonwicke
in the said county, yeoman; Joseph Helmsly, of Great Kelke in the said county, yeoman; George
Hutchinson, of Sheffield in the said county, distiller, and Mahlon Stacy of Hansworth in the said
county, tanner, were all principal creditors to E. Byllinge, to whom several of the other creditors
made assignments of their debts, which together amounted to the sum of £2450 sterling, and
who took in satisfaction of the said sum seven, full equal and undivided ninetieth parts of ninety
equal and undivided hundred parts of West-Jersey; and the same was conveyed to them, their
hearing date the first of the month called March, 1676: And by another conveyance of the same
date, from and to the same persons, in satisfaction for other debts to the amount of £1050
sterling, three other full equal and undivided ninetieth parts of the aforesaid ninety equal and
undivided hundred parts of West-Jersey were also conveyed.

\textsuperscript{55} Richard Guy came in the first ship: John Kinsey, died at Shackamaxon soon after his landing; his
remains were interr’d at Burlington, in ground appropriated for a burying ground, but now a street.
The Colonial History of New Jersey

*Samuel Smith*

stalls, and appartments of that sort; among other inconveniences to which this exposed them, the snakes were now plenty enough to be frequently seen upon the hovels under which they shelter'd: Most of the passengers in this ship were of those called Quakers; some of good estates in England. The commissioners had before left them, and were by this time got to a place called Chygoes\(^56\) Island, (afterwards Burlington) their business being to treat with the Indians about the land there, and to regulate the settlements, having not only the proprietors but governor Andros's commission for that purpose; for in their passage hither, they had first dropped anchor at Sandy-Hook, while the commissioners went to New-York to acquaint him with their design; for tho' they concluded the powers they had from the proprietors, were sufficient to their purpose; they thought it a proper respect to the duke of York's commission, to wait on his governor upon the occasion; he treated them civilly, but asked them if they had anything from the duke, his master? They replied, nothing particularly; but that he had conveyed that part of his country to lord Berkeley, and he to Byllinge, &c. in which the government was as much conveyed, as the soil: The governor replied, _all that will not clear me; if I should surrender without the duke's order, it is as much as my head is worth; but if you had but a line or two from the duke, I should be as ready to surrender it to you, as you would be to ask it._ Upon which the commissioners, instead of excusing their imprudence in not bringing such an order, began to insist upon their right, and strenuously to assert their independency: But Andros clapping his hand on his sword, told them, that should defend the government from them, 'till he received orders from the duke, his master, to surrender it; he however softened, and told them, he would do what was in his power, to make them easy, 'till they could send home to get redress; and in order thereto, would commissionate the same persons mentioned in the commission they produced.\(^57\) This they accepted, and undertook to act as magistrates under him; 'till further orders came from England, and proceed in relation to their land affairs, according to the methods prescribed by the proprietors.

When arrived at their government, they applied to the Swedes for interpreters between them and the Indians: Israel Helmes, Peter Rambo, and Lacy Cock, were recommended: By their help they made a purchase from Timber Creek to Rankokas Creek, another from Oldman's Creek to Timber Creek: After this they

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\(^56\) From Chygoe, an Indian sachel, who lived there.

\(^57\) John Fenwick having neglected this precaution, as to the government of his tenth, was sent for a prisoner to New-York.
The Colonial History of New Jersey
Samuel Smith

got Henric Jacobson Falconbre, to be their interpreter, and purchased from Rankokas Creek to Assunpink: 58 But when they had agreed upon this last purchase, they had not Indian goods sufficient to pay the consideration, yet gave them what they had, to get the deed signed; they were however obliged to agree with the Indians not to settle 'till the remainder was paid: Having travelled through the country and viewed the land, the Yorkshire commissioners, Joseph Helmsley, William Emley and Robert Stacy, on behalf of the first purchasers, chose from the falls of Delaware down, which was hence called the first tenth; the London commissioners, John Penford, Thomas Olive, Daniel Wills, and Benjamin Scott, on behalf of the ten London proprietors, chose at Arwaumus, (in and about where the town of Gloucester now is) this was called the second tenth: To begin a settlement there, Olive sent up servants to cut hay for cattle he had bought: When the Yorkshire commissioners found the others were like to settle at such a distance, they told them, if they would agree to fix by them, they would join in settling a town, 59 and that they should have the largest share, in consideration that they (the Yorkshire commissioners) had the best land in the woods: Being few, and the Indians numerous, they agreed to it. The commissioners employed Noble, a surveyor, who came in the first ship, to divide the spot. After the main street was ascertained, he divided the land on each side into lots; the easternmost among the Yorkshire proprietors, the other among the Londoners: To begin a settlement, ten lots of nine acres each, bounding on the east, were laid out; that done, some passengers from Wickaco, chiefly those concerned in the Yorkshire tenth, arrived the latter end of October. The London commissioners also employed Noble, to divide the part of the island yet unsurveyed, between the ten London proprietors in the manner beforementioned: The town thus by mutual consent laid out, the commissioners gave it the name first of New-Beverley, then Bridlington, but soon changed it to Burlington. Some of the masters of families that came in the ship last mentioned, and settled in that neighbourhood, were Thomas Olive, Daniel Wills, William Peachy, William Clayton, John Crips, Thomas Eves, Thomas Harding, Thomas Nositer, Thomas Fairnsworth, Morgan Drewet, William Pennton, Henry Jenings, William Hibes, Samuel Lovett, John Woolston, William Woodmancy, Christopher Saunders, and Robert Powell: John Wilkinson and William Perkins, were likewise with their families passengers, but dying on the voyage, the latter were exposed to additional hardships, which were however moderated by the care of their fellow passengers: Perkins was early in life convinced of the principles of those called Quakers, and lived well in Leicestershire; but seeing an account of the country wrote by Richard Hartshorne, and forming views of advantage to his family, tho' in his 52d year, he, with his

58 [See the Note A at the end of this chapter for details on the 1677 purchases of lands between Rankokas creek and Timber creek.]

59 In pursuance of the charter brought with them from England.
wife, four children and some servants, embarked in this ship: Among the latter was one Marshall, a carpenter, particularly serviceable in fitting up habitations for the new comers; but it being late in the fall when they arrived, the winter was much spent before the work was begun; in the interim they lived in wigwams, built after the manner of the Indians. Indian corn and venison, supplied by the Indians, was their chief food: These people were not then much corrupted with strong liquors, but generally very friendly and helpful to the English; notwithstanding it was thought endeavours had been used to make them otherwise, by insinuations that the English sold them the small-pox in their matchcoats. This distemper was among them, and a company getting together to consult about it, one of their chiefs said, - "In my grandfather's time the small-pox came: In my father's time the small-pox came; and now in my time the small-pox is come." Then stretching his hands towards the skies, said, it came from thence. To this the rest assented.

Having traced this ship's company into winter quarters, the next in course is the Willing Mind, John Newcomb commander; she arrived from London, in November [1677], and dropt anchor at Elsingburgh; brought about sixty or seventy passengers: Some settled at Salem, others at Burlington; among the former were James Nevill, Henry Salter, and George Deacon, with their families. In this year also arrived the Flie-Boat Martha, of Burlington, (Yorkshire) sailed from Hull the latter end of summer, with one hundred and fourteen passengers, designed to settle the Yorkshire tenth: Some masters of families in this ship, were: Thomas Wright, William Goforth, John Lynam, Edward Season, William Black, Richard Dungworth, George Miles, William Wood, Thomas Schooley, Richard Harrison, Thomas Hooten, Samuel Taylor, Marmaduke Horsman, William Oxley, William Ley, and Nathaniel Luke; the families of Robert Stacy and Samuel Odas; and Thomas Ellis and John Batts, servants, sent by George Hutchinson, also came in this ship. Twenty of the passengers, perhaps more, were living 45 years afterwards.

In one of these ships, or about this time however, arrived John Kinsey, then a young man; his father one of the commissioners aforementioned, dying on his arrival, the care of his family fell to him; he was afterwards a man of distinguished services, in several public stations; and his son after him, of the same name, the late...

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60 [See the Note B at the end of this chapter for a detailed description of Thomas Budd's meeting with Indians at Burlington about 1680.]

61 Many that came servants, succeeded better than some that brought estates; the first inured to industry, and the ways of the country, became wealthy, while the others obliged to spend what they had in the difficulties of first improvements; and others living too much on their original stock, for want of sufficient care to improve their estates, have, in many instances, dwindled to indigency and want.
chief justice of Pennsylvania, must be long remembered by many in both provinces.

Having landed so many of the settlers, it may not be disagreeable to know some of their first sentiments of the country. John Crips in a letter to Henry Stacy, gives the following account of it:

From Burlington, in Delaware river, the 26th of the 8th month, 1677.
Dear Friend,

Through the mercy of God, we are safely arrived at New-Jersey; my wife and all mine are very well and we have our healths rather better here than we had in England; indeed the country is so good, that I do not see how it can reasonably be found fault with: As far as I perceive, all the things we heard of it in England, are very true; and I wish that many people (that are in straits) in England, were here.

Here is good land enough lies void, would serve many thousands of families; and we think if they cannot live here, they can hardly live in any place in the world; but we do not desire to persuade any to come, but such as are well satisfied in their own minds. A town lot is laid out for us in Burlington, which is a convenient place for trade; it is about one hundred and fifty miles up the river Delaware; the country and air seems to be very agreeable to our bodies, and we have very good stomachs to our victuals: Here is plenty of provision in the country; plenty of fish and fowl, and good venison very plentiful, and much better than ours in England; for it eats not so dry, but is full of gravy, like fat young beef. You that come after us need not fear the trouble that we have had, for now here is land ready divided against you come: The Indians are very loving to us, except here and there one, when they have gotten strong liquors in their heads, which they now greatly love: But for the country, in short, I like it very well; and I do believe, that this river of Delaware is as good a river as most in the world: It exceeds the river of Thames by many degrees.

Here is a town laid out for twenty properties, and a straight line drawn from the river side up the land, which is to be the main street, and a market place about the middle. The Yorkshire ten proprietors are to build on one side, and the London ten the other side; and they have ordered one street to be made along the river side, which is not divided with the rest, but in small lots by itself; and every one that hath any part in a propriety, is to have his share in it. The town lots for every propriety will be about ten or eleven acres, which is only for a house, orchard and gardens; and the corn and pasture ground is to be laid out in great quantities.

I am thy loving friend,
JOHN. CRIPS.

Thomas Hooten to his wife, dated 29th 8th month, 1677:
The Colonial History of New Jersey

Samuel Smith

My dear,

I am this present at the town called Burlington, where our land is; it is ordered to be a town for the ten Yorkshire and ten London proprietors. I like the place well; our lot is the second next the water side: It’s like to be a healthful place, and very pleasant to live in. I came hither yesterday, being the 28th of October, with some friends that were going to New-York. I am to be at Thomas Olive’s house, ‘till I can provide better for myself: I intend to build a house, and get some corn into the ground: And I know not how to write concerning thy coming, or not coming hither; the place I like very well, and I believe that we may live here very well: But if it be not made free, I mean as to the customs and government,\(^\text{62}\) then it will not be so well, and may hinder many that have desires to come: But if those two things be cleared, thou may take thy opportunity of coming this summer.

THOMAS HOOTON.

William Clark to the proprietors.

New-Jersey, 20th 2d month, 1678.

Dear Friends,

I doubt not but it will be great satisfaction to you, to hear of mine and the rest of friends passage to, and safe arrival in New-Jersey: We took ship the sixteenth of November, and made the land of New-Jersey in thirty-four days. Now friends, as to this country, there has been much said by several persons in commendation thereof, both as to the increase of all sorts of grain and fruits; as also of the plenty of fish, fowl, deer, swine, &c. that I shall not need to add any thing to it; but in short, this I have to say, that I do not know any one thing to fall short of what was reported of this province, but that more might truly have been said of its pleasant situation, wholesome air, and general and great increase of all things planted, and especially of Indian corn, which is a very good and serviceable grain many ways; the English wheat and barley primely good; but rice and pease much better than any I ever saw in England or Ireland. I doubt not but you have had an account of all other matters before this (by those who came to Jersey before me) comes to your hands: And I have no other end in this, than keeping you from the rash censures of people that know it not; as also for the good and prosperity of this good county, &c.

WILLIAM CLARK.

Directed for William Penn, Gawen Lawrie, or Edward Byllinge.

\(^{62}\) The customs were those imposed at New-Castle, upon all comers (of which we shall presently see a more particular account) the government was yet administered by virtue of governor Andros’s commission, both which were unexpected and disagreeable: but these objections were soon removed.
The Colonial History of New Jersey

Samuel Smith

John Crips to his brother and sister.

Burlington, in New-Jersey, upon the river Delaware, the 19th of 4th month, called June, 1678.

Dear and loving brother and sister.

I have received both your letters, wherein I understand your faith concerning this country, is much shaken, thro several false reports given thereof; which may be proved false under the hands of several good friends; I hope as worthy to be believed as that reporter; and such as have had more experience of this place than he had, or could have, in so short a time; besides he came among us shortly after our coming hither, when things were not settled in that order amongst us, as now they are; neither indeed did he find such entertainment from some, as he expected; which I suppose makes him speak the worst he can devise of this place: But I question not but this report will in a short time be wiped away, some of which in my knowledge, is grossly untrue, as well as contradictions to his own words; for I remember when I travelled with him through part of New-Jersey, he confessed that much of this land was as good or better than the land in Rhode-Island: And it's really my judgment, that those people that cannot be contented with such a country, and such land as this is they are not worthy to come here: And this I can truly tell you, if I were now in England with you (and which I should be very glad to see) yet if all I had in the world would but bring me hither, I would freely leave you and my native country, and come to New-Jersey again; which I have said many a time heretofore, but now write it under my hand, and it's really the truth, whether you will believe it or not; and farther, I can truly tell you, that I desire not, nor dare to write the least untruth, to draw you, nor any others to this place: But I am resolved, if I never see your faces more, to leave you to your own freedom. But I hope you are not insensible of my love and desires for you; tho' I am, I say, constrained to forbear persuading you, or any one else against their own freedoms; yet I think it my duty to let you, and all men know the truth of things as near as I can. Your letter saith, "it's reported the water is not so good as in England." I do not remember that ever I tasted better water in any part of England, than the springs of this place do yield; of which is made very good beer and ale; and here is also wine and cyder. And whereas your letter to me saith, "several have come back from this country to England." Two or three I suppose: there are lazy idle persons that have done so; but on the other hand, here are several persons, men of estates, that have been here, and have gone back to England, and sold their estates and returned with their whole families, hither again; which methinks should take many of these scruples out of the way, if nothing else were said or done in praise of this country: But I suppose there are many in England, that desire to hear ill of this place, because they would keep their friends there with them; and they think we
never write enough of the bad properties of the country, and vermin in it. Now this I may say, in short, that here are bears, wolves, foxes, rattle snakes, and several other creatures, (I do believe because I see the Indians have such skins to sell) but I have travelled several hundreds of miles, to and fro, and I never to my knowledge, saw one of those creatures, except two rattle snakes, and I killed them both: I suppose the fear of those creatures in England, is far worse to some there, than the hurt of them is here; and as for the musketto fly, we are not troubled with them in this place; our land for the most part, lying high and healthy, and they for the most part, are in a low boggy ground. Thomas Budd and his family are arrived; the ship lyeth before this town, that brought them: I wish you have not cause to repent that you came not along with them; they had a very good passage, and so had the London ship; they are both in the river at this time. I understand by Thomas Budd, that he did satisfy you as near as he could, of the truth of things here; and you had as much reason to believe him, as that other person, and more too; for Thomas had far more experience of this place, than he could have in the short time he was among us; so of these things I shall forbear to write any further at present.

JOHN CRIPS.

To the truth of the contents of these things, we subscribe our names; Daniel Wills, Thomas Olive, Thomas Harding, Thomas Budd, William Peachy.

In the 10th month O.S. 1678, arrived the Shield, from Hull, Daniel Towes commander, one of the ships mentioned in the above letter, and dropped anchor before Burlington, being the first ship that came so far up Delaware: Against Coaquanock being a bold, shore, she went so near in turning, that part of the tackling struck the trees; some on board then remarked it was a fine spot for a town: A fresh gale brought her to Burlington: She moord to a tree, and the next morning the people came ashore on the ice, so hard had the river suddenly frozen. In her came William Emley, the second time, with his wife, two children, one born by the way, two men and two women servants; Mahlon Stacy, his wife, children and several servants, men and women; Thomas Lambert, his wife, children and several men and women servants; John Lambert and servant; Thomas Revell, his wife, children and servants; Godfrey Hancock, his wife, children and servants; Thomas Potts, his wife and children; John Wood and four children; Thomas Wood, his wife and children; Robert Murfin, his wife and two children; Robert Schooly, his wife and children; James Pharo, his wife and children; Susannah Fairnsworth, her children and two servants; Richard Tattersal, his wife and children; Godfrey Newbold, John Dewsbury, Richard Green, Peter Fretwell,

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63 The Indian name of the place where Philadelphia now stands.
The Colonial History of New Jersey

Samuel Smith

John Fretwell, John Newbold, one Barns, a merchant from Hull, Francis Barwick, George Parks, George Hill, John Heyres, and several more.

In this year also arrived a ship from London, which brought John Denn, Thomas Kent, John Hollinshead, with their families; William Hewlings, Abraham Hewlings, Jonathan Eldridge, John Petty, Thomas Kirby, with others: The first of these settled about Salem, the rest at Burlington. About this time, and a few years afterwards, arrived at Burlington, the following settlers from England, viz. John Butcher, Henry Grubb, William Butcher, William Brightwin, Thomas Gardner, John Budd, John Bourten, Seth Smith, Walter Pumphrey, Thomas Ellis, James Satterthwaite, Richard Arnold, John Woolman, John Stacy, Thomas Eves, Benjamin Duffield, John Payne, Samuel Cleft, William Cooper, John Shinn, William Biles, John Skein, John Warrel, Anthony Morris, Samuel Bunting, Charles Read, Francis Collins, Thomas Mathews, Christopher Wetherill, John Dewsbury, John Day, Richard Basnett; John Antrom, William Biddle, Samuel Furnace, John Ladd, Thomas Rape; Roger Huggins and Thomas Wood. 64

Some hint has been given respecting the Dutch conquest of New-York and New-Jersey, 65 and that in 1673, they were yielded to king Charles the second, by

64 Several of these have died within a few years past; whether any but Wood are yet living, cannot here be told.

65 The accounts of that affair, tho' sufficient to authenticate the facts, are defective: Sir George Carteret in a publick declaration to the inhabitants, dated July 31, 1674, asserts it positively. The ingenious author of the history of New-York, says, (p. 29, 30, 31.)

A few Dutch ships arrived the 30th of July 1673, under Staten-island, at the distance of a few miles from the city of New-York. John Manning a captain of an independent company, had at that time the command of the fort, and by a messenger sent down to the squadron, treacherously made his peace with the enemy. On that very day, the Dutch ships came up, moored under the fort, landed their men, and entered the garrison, without giving or receiving a shot. A council of war was afterwards held at the Stadt-House, at which were present, Cornelius Evertse, jun. and Jacob Benkes, commodores, and Anthony Colve, Nicholas Boes, Abraham Ferdi. Van Zyll, captains. All the magistrates and constables from East-Jersey, Long Island, Esopus and Albany, were immediately summoned to New-York; and the major part of them swore allegiance to the States General, and the prince of Orange. Col. Lovelace was ordered to depart the province, but afterwards obtained leave to return to England with commodore Renkes. It has often been insisted on, that this conquest did not extend to the whole province of New-Jersey; but upon what foundation I cannot discover: From the Dutch records it appears, that deputies were sent by the people inhabiting the country, even so far westward as Delaware river, who in the name of their principals, made a declaration of their submission; in return for which, certain privileges were granted to them, and three judicatories erected at Niewer Amstel, Upland, and Hoarkill. - The Dutch governor enjoyed his office but a very short season, for on the 9th of February 1674, the treaty of peace between England and the States General was signed at Westminster; the sixth article of which restored this country to the English.
the general article of the treaty of peace: It was to prevent any disputes that might arise upon a plea of the property being thus alienated from the first purchasers, that that king did, by his letters patent bearing date the 29th day of June, 1674, grant unto the duke of York, his heirs and assigns, the several tracts of land in America, which by the former letters patent had been granted to him; of which New-Jersey was part. In this year, upon the application of the assigns of lord Berkely, the duke made them a new grant of West New-Jersey; and in like manner by an instrument bearing date the 10th of October, granted the eastern moiety of New-Jersey, to the grandson of Sir George Carteret.
The Colonial History of New Jersey

Samuel Smith

NOTE A: The deed for the lands between Rankokas creek and Timber creek bears date the 10th of September, 1677; that for the lands from Oldman's creek to Timber creek the 27th of September, 1677, and that from Rankokus creek to Assunpink the 10th of October, 1677: By the consideration paid for the lands between Oldmans and Timber creek, a judgment may be formed of the rest. It consisted of 30 matchcoats, 20 guns, 30 kettles and one great one, 30 pair of hose, 20 fathom of duffelds, 30 petticoats, 30 narrow hoes, 30 bars of lead, 15 small barrels of powder, 70 knives, 30 indian axes, 70 combs, 60 pair or tobacco tongs, 60 scissors, 60 tinshaw looking-glasses, 120 awl-blades, 120 fish-hooks, 2 grasps of red paint, 120 needles, 60 tobacco boxes, 120 pipes, 200 bells, 100 Jewsharps, 6 anchors of rum. In the year 1703, another purchase was made by the council of proprietors of West-Jersey, of land lying above the falls of Delaware; another also about that time of lands at the head of Rankokas river, and several purchases afterwards included the whole of the lands worth taking up in West-Jersey, except a few plantations reserved to the Indians; one of these in particular ought to be noted in this place, to the honour of John Wills, sometime one of the council, by whose advice the indian sachem, called king Charles, laid an English right on a large plantation at Weekpink, containing a valuable tract of land, in the county of Burlington, which is so contrived as to remain unalienable from his posterity, who now enjoy the benefit of it.

The following are entries from the records of the council of proprietors relating to the purchases above:

At a meeting of the council of proprietors at Burlington, the second day of November, anno 1703. PRESENT: George Deacon, president, Samuel Jennings, Thomas Gardner, Christopher Wetherill, John Reading. ORDERED, That John Wills, William Biddle, jun. and John Reading, or any two of them, do go up to the Indians above the Falls, and particularly to Caponockous, in order to have the tract of land lately purchased of the Indians marked forth, and get them to sign a deed for the same; as also to receive the residue of the goods as yet unpaid, or so many of them that can be had, and to give him an obligation for the payment of the remaining part next spring. Ordered likewise, That the persons aforesaid, do go to Nimhammoe's wig-wam, in order to treat with him, to see the bounds of the land lately purchased of him, to mark the same if it may be, and to pay him what part of the goods is already procured in part towards the said purchase; and to do what else may be necessary towards perfecting purchases of the concerns with the said Indians, and compleating of the aforesaid; the said persons also taking with them Thomas Foulke, Andrew Heath, or some other proper person, to be an interpreter between them and the Indians.
At a meeting of the council of proprietors at Burlington, on the 27th day of June, anno dom. 1703. PRESENT: Mahlon Stacy, Thomas Gardner, John Wills, George Deacon, Christopher Wetherill, Samuel Jennings and John Reading. The persons appointed to treat with the indians, at the Falls, do make report, that they accordingly met with the Indians, and made a full agreement with them, that is to say, with Himhammoe, for one tract of land, adjoining to the division line, and lying on both sides of Rariton River, for the goods mentioned in a certain list for that purpose made; and also with Coponnockou, for another tract of land, lying between the purchase made by Adlord Boude, and the bounds of the land belonging to Nimhammoe, fronting upon Delaware river, for the goods mentioned in a particular list made to that end. Ordered, That publick notice be given to the proprietors within this province, that they meet together at Burlington, on the 19th day of July next, in order to inform them, that a purchase is made, upon what terms, and also that all such may deposit their proportions of the charge, that expect to receive benefit thereby; which paper of publication is in these words:

By the council of proprietors sitting in Burlington, the 28th day of June, anno dom. 1703. Whereas many of the proprietors of this province have at sundry times addressed the council of proprietors, that they might be allowed a third dividend or taking up of land, proportionable to their particular and respective rights in the said province: Now this may certify, that the said council having taken into their consideration the request of the said proprietors, and in order to answer the same, have lately made an Indian purchase of lands situate above the falls of Delaware; and therefore all proprietors who are concerned therein, or expect to receive benefit thereby, are hereby required to meet with the said council at Burlington, on the nineteenth day of July next, that they may be more particularly informed concerning the said purchase, and upon what terms and conditions it is made, and also to deposite their respective proportions of the said purchase, and all other charge accruing thereby. Given under my hand per order, and on the behalf of the said council, the day and year above said.

Upon the application of Mahamickwon, alias king Charles, an Indian sachem, unto the council of proprietors, concerning the bounds of two Indian purchases, formerly made from Rankokas creek to Timber creek, and from Rankokas to Assunpink, in which deeds is mentioned the bounds to be from the uppermost head of Rankokas to the uppermost head of Timber creek, and by a right line exteding from the uppermost head of Rankokas to the line of partition of Sir George Carteret, right against the uppermost head of Assunpink; which bounds were inserted through misunderstanding between the interpreters and the English, and in truth ought to be according to a line that was afterwards actually run by
agreement, made between the English and the Indians, and which comes lower upon the creek than the uppermost heads thereof; which said line the said king Charles desires may be allowed, entered and recorded, as the true and right bounds of said purchase and that the abovementioned bounds may be vacated and held utterly void for the future, to which the council assents: informing the sachem, that they always did and now do acknowledge and own the last mentioned line to be the true limits of those purchases, and order the same as actually run and marked by the English and Indians, to be approved and held only for the true line of the abovementioned purchases; and that the first mentioned and mistaken bounds be accounted null and void; and also that a record be accordingly made thereof.

At a meeting of the council of proprietors, the 19th of July, 1703. PRESENT: Samuel Jenings, Thomas Gardner, George Deacon, Christopher Wetherill, John Hugg, Isaac Sharp, and John Reading; the president absent. Memorandum, to inform the proprietors, First, That the council have made two Indian purchases, amounting to, according to our best computation, the number of 150,000 acres at the least, the cost whereof to the Indians, with other incidental charges, will amount to about the sum of £700. Secondly, That it is the design of the said council, to give publick notice to the proprietors in England and elsewhere, what purchase is already made, of the opportunity of purchasing more land, that may be sufficient to allow the number of 5000 acres for each dividend to a propriety, and of the cost thereof, which by as near an estimation as we can make, will be about 24l. propriety for each dividend; and that if the said proprietors will appoint their agents, and defray their proportionable part of the charges, on or before the 20th day of July, anno dom. 1704, that then they shall receive their respective rights, after the same method that the rest of the proprietors do, at any time after the 18th of October 8, 1704. Thirdly, But if the said absent proprietors shall neglect or refuse to pay their parts of the said charge, then that the said Indian purchase already made, shall be taken up by such proprietary residents in these parts, that shall deposite their respective parts of the said purchase; which at 5000 for the dividend to a propriety, will amount to about 30 proprieties, which we judge will nearly answer all the proprietors who are or have agents in these parts. Fourthly, It is expected, that all such proprietors who design to be interested for the Indian purchase, do in some short time, advance their particular parts of the said costs, in order to pay the Indians off according to agreement made with them.

Jeremiah Bass, attorney to the West-Jersey-Society, made a purchase on their behalf, in 1693, of the lands between Cohansick creek and Morris's river. [Vid. Revell's book, secretary's office, Burl. p. 325.] Many other Indian purchases were
before and afterwards, from time to time occasionally made, as the lands were wanted, in both East and West Jersey; they are too numerous to be all particularized; and one hereafter mentioned, compleated the whole that was left.
NOTE B: Thomas Budd, who own'd a share of propriety in West-Jersey, and ancestor to a large family there, who arrived at Burlington in 1768 [sic for 1678, as per John Crips’ letter - Ed. note], in a pamphlet describing the country, about nine or ten years afterwards, says:

The Indians told us, in a conference at Burlington, shortly after we came into the country, they were advised to make war on us, and cut us off while we were but few; for that we sold them the small pox, with the matchcoat they had bought of us; which caused our people to be in fears and jealousies concerning them; therefore we sent for the Indian kings to speak with them, who with many more Indians came to Burlington, where we had a conference with them about the matter; we told them we came amongst them by their own consent, and had bought the land of them, for which we had honestly paid them; and for what commodities we had bought at any time of them, we had paid them for, and had been just to them, and had been, from the time of our first coming, very kind and respectful to them; therefore we know no reason that they had to make war on us; to which one of them, in behalf of the rest, made this following speech in answer:

“Our young men may speak such words as we do not like nor approve of; and we cannot help that; and some of your young men may speak such words as you do not like, and you cannot help that: We are your brothers, and intend to live like brothers with you; we have no mind to have war; for when we have war, we are only skin and bones, the meat that we eat doth not do us good; we always are in fear, we have not the benefit of the sun to shine on us, we hide us in holes and corners; we are minded to live at peace. If we intend at any time to make war upon you, we will let you know of it, and the reasons why we make war with you; and if you make us satisfaction for the injury done us, for which the war was intended, then we will not make war on you; and if you intend at any time to make war on us, we would have you let us know of it, and the reason; and then if we do not make satisfaction for the injury done unto you, then you may make war on us, otherwise you ought not to do it; you are our brothers, and we are willing to live like brothers with you; we are willing to have a broad path for you and us to walk in, and if an Indian is asleep in this path, the Englishman shall pass by, and do him no harm; and if an Englishman is asleep in this path, the Indian shall pass him by, and say, "He is an Englishman, he is asleep; let him alone, he loves to sleep." It shall be a plain path; there must not be in this path a stump to hurt our feet. And as to the small pox, it was once in my grandfathers time, and it could not be the English that could send it to us then, there being
no English in the country: And it was once in my father’s time, they could not send it us then neither; and now it is in my time, I do not believe that they have sent it as now; I do believe it is the man above that hath sent it us.”

Some are apt to ask, how we can propose safely to live amongst such a heathen people, as the Indians, whose principles and practices leads them to war and bloodshed, and ours on the contrary to love enemies? I answer: That we settled by the Indians consent and good liking, and bought the land of them that we settle on; which they conveyed to us by deeds, under their hands and seals, and also submitted to several articles of agreement with us, viz. not to do us any injury: But if it should so happen that any of their people at any time should injure or do harm to any of us, then they to make us satisfaction for the injury done; therefore if they break these covenants and agreements, then in consequence of them, they may be proceeded against as other offenders, viz. to be kept in subjection to the magistrate’s power, in whose hand the sword of justice is committed, to be used by him for the punishment of evil doers, and praise of them that do well; therefore I do believe it to be both lawful and expedient to bring offenders to justice, by the power of the magistrate’s sword; which is not to be used in vain, but may be used against such as raise rebellions and insurrections against the government of the country, be they christians or Indians (now that these have so far agreed to abide by the laws of civil government) otherwise it is in vain for us to pretend to magistracy or government; it being that which we own to be lawful both in principle and practice. - The Indians have been very serviceable to us by selling us venison, Indian-corn, pease and beans, fish and fowl, buck-skins, beaver, otter, and other skins and furrs; the men hunt, fish and fowl, and the women plant the corn and carry burthens: There are many of them of a good understanding, considering their education, and in their publick meetings of business, they have excellent order, one speaking after another; and while one is speaking, all the rest keep silent, and do not so much as whisper one to the other; we had several meetings with them; one was in order to put down the sale of rum, brandy, and other strong liquors, to them, they being a people that have not government of themselves so as to drink in moderation; At which time there were eight kings and many other Indians. The kings sat on a form, and we on another over against them; they had prepared four belts of wampum, (so their current money is called, being black and white beads made of a fish-shell) to give us as seals of the covenant they made with us; one of the kings, by the consent and appointment of the rest, stood up and made this following speech:

“The strong liquor was first sold to us by the Dutch; and they were blind, they had no eyes, they did not see that it was for our

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66 One of them was Okanickon, a noted friend to the English; of whom more in the viiiith chapter.
hurt: The next people that came among us were the Swedes, who continued the sale of those strong liquors to us; they were also blind, they had no eyes, they did not see it to be hurtful to us to drink it, although we know it to be hurtful to us; but if people will sell it to us, we are so in love with it that we cannot forbear it; when we drink it, it makes us mad, we do not know what we do, we then abuse one another, we throw each other into the fire. Seven score of our people have been killed by reason of the drinking it, since the time it was first sold us: Those people that sell it are blind, they have no eyes; but now there is a people come to live amongst us, that have eyes, they see it to be for our hurt, and we know it to be for our hurt: They are willing to deny themselves the profit of it for our good: These people have eyes; we are glad such a people are come amongst us; we must put it down by mutual consent; the cask must be sealed up; it must be made fast, it must not leak by day nor by night, in the light nor in the dark; and we give you these four belts of wampum, which we would have you lay up safe, and keep by you, to be witnesses of this agreement that we make with you; and we would have you tell your children, that these four belts of wampum are given you to be witnesses betwixt us and you of this agreement.”
CHAPTER VII

LETTERS FROM SOME OF THE SETTLERS OF WEST-JERSEY;
AND ARGUMENTS AGAINST THE CUSTOMS IMPOSED AT THE HOAR-KILL 
BY THE GOVERNOR OF NEW-YORK.

Some letters from the first settlers of West-Jersey, with accounts of their 
situation and sentiments of the country, have already been introduced; more 
might be added, but the following may suffice in this place:

Abstract of Mahlon Stacy’s letter to his brother Revell, and some others, dated 
the 26th of the 4th month 1680.

But now a word or two of those strange reports you have of us and our 
country; I affirm they are not true, and fear they were spoke from a spirit 
of envy: It is a country that produceth all things for the support and 
sustenance of man, in a plentiful manner; if it were not so, I should be 
ashamed of what I have before written; but I can stand, having truth on my 
side, against and before the face of all gainsayers and evil spies: I have 
travelled through most of the places that are settled, and some that are not, 
and in every place I find the country very apt to answer the expectation of 
the diligent: I have seen orchards laden with fruit to admiration, their very 
limbs torn to pieces with the weight, and most delicious to the taste, and 
lovely to behold; I have seen an apple tree from a pippin kernel, yield a 
barrel of curious cyder; and peaches in such plenty, that, some people took 
their carts a peach-gathering; I could not but smile at the conceit of it: 
They are a very delicate fruit, and hang almost like our onions that are tied 
on ropes: I have seen and known this summer, forty bushels of bold wheat 
of one bushel sown; and many more such instances I could bring; which 
would be too tedious here to mention: We have from the time called May 
until Michaelmass, great store of very good wild fruits, as strawberries, 
cranberries and hurtleberries, which are like our bilberries in England, but 
far sweeter; they are very wholesome fruits. The cranberries much like 
cherries for colour and bigness, which may be kept ’till fruit come in again; 
an excellent sauce is made of them for venison, turkeys, and other great 
fowl, and they are better to make tarts than either goosberries or cherries; 
we have them brought to our houses by the Indians in great plenty. My 
brother Robert had as many cherries this year as would have loaded several 
carts: It is my judgment by what I have observed, that fruit trees in this 
country destroy themselves by the very weight of their fruit: As for 
venison and fowls, we have great plenty: We have brought home to our
The Colonial History of New Jersey

Samuel Smith

houses by the Indians, seven or eight fat bucks of a day; and some times put by as many; having no occasion for them; and fish in their season very plenteous: My cousin Revell and I, with some of my men, went last third month into the river to catch herrings; for at that time they came in great shoals into the shallows; we had neither rod nor net; but after the Indian fashion made a round pinfold, about two yards over, and a foot high, but left a gap for the fish to go in at, and made a bush to lay in the gap to keep the fish in; and when that was done, we took two long birches and tied their tops together, and went about a stone’s east above our said pinfold; then hawling these birche’s boughs down the stream, where we drove thousands before us, but so many got into our trap as it would hold, and then we began to hawl them on shore as fast as three or four of us could, by two or three at a time; and after this manner, in half an hour, we could have filled a three bushel sack of as good and large herrings as ever I saw; and as to beef and pork, here is great plenty of it, and cheap; and so good sheep: The common grass of this country feeds beef very fat: I have killed two this year, and therefore I have reason to know it; besides I have seen this fall, in Burlington, killed eight or nine fat oxen and cows on a market day, and all very fat: And though I speak of herrings only, lest any should think we have little other sorts, we have great plenty of most sorts of fish that ever I saw in England; besides several other sorts that are not known there; as rocks, cat-fish, shads, sheeps-heads, sturgeons; and fowls plenty; as ducks, geese, turkies, pheasants, partridges, and many other sorts that I cannot remember, and would be too tedious to mention. Indeed the country, take it as a wilderness, is a brave country; though no place will please all. But some will be ready to say, he writes of conveniencies, but not of inconveniencies: In answer to those, I honestly declare, there is some barren land, as (I suppose) there is in most places of the world, and more wood than some would have upon their lands; neither will the country produce, corn without labour, nor cattle be got without something to buy them, nor bread with idleness; else it would be a brave country indeed: And I question not, but all then would give it a good word; for my part I like it so well, I never had the least thought of returning to England, except on the account of trade.

MAHLON STACY.

In a letter to William Cook of Sheffield, and others, Stacy wrote thus:

This is a most brave place; whatever envy or evil spies may speak of it, I could wish you all here; Burlington will be a place of trade quickly; for here is way for trade: I, with eight more, last winter, bought a good ketch of fifty tons, freighted her out at our own charge, and sent her to Barbados, and so to sail to Saltertugas, to take in part of her lading in salt, and the rest in Barbados goods as she came back; which said voyage she hath
accomplished very well, and now rides before Burlington, discharging her lading, and so to go to the West-Indies again; and we intend to freight her out with our own corn. We have wanted nothing since we came hither, but the company of our good friends and acquaintance; all our people are very well, and in a hopeful way to live much better than ever they did; and not only so, but to provide well for their posterity: They improve their lands and have good crops; and if our friends and counymen come, they will find better reception than we had by far at first, before the country was settled as now it is. I know not one among the people, that desires to be in England again; I mean since settled: I wonder at our Yorkshire people, that they had rather live in servitude, and work hard all the year, and not be three pence the better at the years end, than stir out of the chimney corner and transport themselves to a place where, with the like pains, in two or three years, they might know better things.

I never repented my coming hither, nor yet remembred thy arguments and out-cry against New-Jersey with regret. I live as well to my content, and in as great plenty as ever I did, and in a far more likely way to get an estate. Tho' I hear some have thought I was too large in my former, I affirm it to be true; having seen more with mine eyes in this time since, than ever yet I wrote of.67

MAHLON STACY.

From the Falls of Delaware, in West-New-Jersey, the 26th of the 4th month, 1680.

Abstract of a letter from Daniel Wills to William Biddle, in Bishops-gate-Street, London.68

Dear friend,

Let every man write according to his judgment, and this is mine concerning this county; I do really believe it to be as good a country as any man need to dwell in; and it is much better than I expected every way for land I will assure thee; here is as good by the judgment of men, as any in England; and for my part I like the country so well, and it is so pleasant to me, that if I had a good estate in land in England, I should not come to live upon it; for through industry here will be all things produced that are necessary for a family as in England, and far more easy, I am satisfied: When I am walking alone, and the sense of the Lord's good dealings is

67 The inhabitants of West-Jersey, had hitherto either pounded their corn or ground it with hand mills; but about this time Olive had built his water mill on his plantation, nigh Rankokas creek; and in this year Stacy finished his mill at Trenton: This last having been rebuilt, continues good: These two were the only mills that ground for the country several of the first years after their arrival.

68 William and Sarah Biddle, with their family, removed for West-Jersey, in the summer, 1681
brought before me; I cannot but admire him for his mercies, and often in secret bless his name, that ever he turnd my face hitherward, and gave me confidence in himself; and boldness by faith, to oppose all gainsayers; though never so strong: Although them I could not say, it seemed so clear to leave the land of my nativity, yet now it is to me a certainty, that my removal was right, and in what I did, I had peace; and in all my exercises by sea and land, I never felt the least matter in me, as to desire I had not come forward, but rather rejoiced in the midst of all. Though my removal was not ordinary, because of the largeness of my family, yet blessed be God, all is well to our content; if thou heeds every objection, it will be work enough: My resolutions were, and my sayings to several opposers, that I would come; if God hindred me not, no man should. I have writ to John Mulliner and Edward Cooper largely, concerning the country, and refer to that letter. Now my near and ancient acquaintance, William and Sarah Biddle, my love you may feel beyond expression; and if you have clearness to come to New-Jersey, let nothing hinder; but if you have a stop within yourselves, let not any thing farther you until the way clears to your full satisfaction. In this advice I deny myself; if I might I would forward you to the utmost, but I dare not; if a man cannot live here, I believe he can hardly live in any place in the world; the place being, as I thought, set before me, by him who gives length of days; I will wait his good pleasure, and see what he will afford me in it. The last ship that came to New-York, brought several passengers, some of which came to see this country, and liked it well; so dear friends, you may stand against all opposers concerning the land, for it is good.

DANIEL WILLS.

Burlington, 6th of 11th month, 1679-80.

Though the passengers who had already come to West-Jersey, were well satisfied with the country, things in general answering beyond their expectation; yet they were under one great inconveniency. We have seen, that the governor of New-York, had very early imposed ten per cent. on all goods imported at the Hoar Kill; and on exports, something in kind still subsisted; five per cent being demanded of the settlers at arrival, or afterwards, at the officer's pleasure; and that not according to the neat cost of the goods, but upon the foot of the invoice, as shipped in England: This was evidently an arbitrary act; neither West-Jersey nor the passengers to it were properly under their jurisdiction; the settlers from the first complained of the hardship, but bore it with tolerable patience, 'till about 1680; when they had it repressed by the interposition of their friends in England, who applying to the duke of York, he referred the matter to council; there it rested for a considerable time; but at last, by the diligence of W. Penn, Geo. Hutchinson, and others, was reported in their favour: Sir John Werden, on the
duke’s behalf, wrote to have it discontinued. The arguments used against this duty or impost may be seen by the following:

To those of the duke's commissioners, whom he has ordered to hear, and make report to him, concerning the customs demanded in New West-Jersey, in America, by his governor of New-York.

1st. The king has granted to the duke of York, a tract of land in America, consisting of several Indian countries, with such powers and authorities as are requisite to make laws, and to govern and preserve the territory when planted: But with this restriction twice expressed, and several times referred to, viz. So always as the said statutes, ordinances, and proceedings, be not contrary, but as near as may be, agreeable to the laws, statutes, and government of this our realm of England. In another place thus; And further, it may be lawful for our dearest brother, his heirs and assigns, by these presents, to make, ordain, and establish all manner of orders, laws, directions, instruments, and forms of government, and magistrates fit and necessary for the territory aforesaid: But still with this limitation; so always as the same be not contrary to the laws and statutes of this our realm of England, but as near as may be agreeable thereto.

2. The duke of York, by virtue of this grant from the king to him, for a competent sum of money, (paid by the lord John Berkely and Sir George Carteret) granted and sold to them, a tract of land, called now by the name of New-Cesarea, or New-Jersey; and that in as ample manner as it was granted by the king to the duke.

Thus then we come to buy that moiety which belonging to lord Berkeley, for a valuable consideration; and in the conveyance he made us, powers of government are expressly granted; for that only could have induced us to buy it; and the reason is plain, because to all prudent men, the government of any place is more inviting than the soil; for what is good land without good laws; the better the worse: And if we would not assure people of an easy and free, and safe government, both with respect to their spiritual and worldly property; that is, an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedoms, by a just and wise government, - a meer wilderness would be no encouragement; for it were a madness to leave a free, good and improved country, to plant in a wilderness; and there adventure many thousands of pounds, to give an absolute title to another person to tax us at will and pleasure: This single consideration, we hope, will excuse our desire of the government; not asserted for the sake of power but safety; and that not only for ourselves, but others; that the plantation might be encouraged.

3. The lord Berkeley and Sir George Carteret, considering how much freedom invites, that they might encourage people to transport themselves into those parts, made and divulged certain concessions, containing a
model of government: Upon these several went, and are there planted; the country was thus possessed, and the said government uninterruptedly administered by the said lord Berkely and Sir George Carteret, or their deputy, for several years; during which time no custom was demanded.

4. We dealt with the said lord Berkeley, upon the sight of these concessions, and the presumption that neither he nor Sir George Carteret, would attempt to act any thing they had not power to do; much less, that they or either of them, would pretend to sell a power they never had; since that would not only be a cheat to the people that dealt with them for it, but an high affront to the duke.

5. The moiety of New-Caesarea, or New-Jersey, thus bought of the said lord Berkeley, we dispose of part of our interest to several hundreds of people, honest and industrious; these transport themselves, and with them such household stuff and tools, as are requisite for planters to have: They land at Delaware bay, the bounds of the country we bought; the passage God and nature made to it; at their arrival they are saluted with a demand of custom, of five per cent. and that not as the goods may be there worth, but according to the invoice as they cost before shipp’d in England; nor did they take them as they came, but at pick and chose, with some severe language to boot. This is our grievance; and for this we made our application to have speedy redress, not as a burden only, with respect to the quantum or the way of levying it, or any circumstances made hard by the irregularity of the officers, but as a wrong; for we complain of a wrong done us; and ask yet with modesty, quo jure? Tell us the title by what right or law are we thus used; that may a little mitigate our pain? - Your answer hitherto hath been this, "That it was a conquered country; and that the king, being the conqueror, be has power to make laws, raise money, &c. and that this power jure regale, the king hath vested in the duke, and by that right and sovereignty, the duke demands that custom we complain of." But suppose the king were an absolute conqueror in the case depending, doth his power extend equally over his own English people, as over the conquered? Are not they some of the letters that make up the word conqueror? Did Alexander conquer alone, or Caesar beat by himself? No. Shall their armies of countrymen and natives lie at the same mercy as the vanquished, and be exposed to the same will and power with their captive enemies? The Norman duke, more a conqueror of England, by his subjection to our laws, and pretence to a title by them, than of heraldry by his arms, used not the companions of his victory so ill: Natural right and humane prudence, oppose such doctrine all the world over; for what is it but to say, that people free by law under their prince at home, are at his mercy in the plantations abroad; and why? because he is a conqueror there, but still at the hazard of the lives of his own people, and at the cost and charge of the publick: We could say more, but choose to let it drop. But our case is
better yet; for the kings grant to the duke of York, is plainly restrictive to the laws and government of England, and that more than once, as is before expressed. Now the constitution and government of England, as we humbly conceive, are so far from countenancing any such authority, as it is made a fundamental in our constitution and government, that the king of England cannot justly take his subjects goods without their consent: This needs no more to be proved, than a principle; 'tis jus indigene, an home-born right, declared to be law by diverse statutes; as in the great charter, ch. 29, and 34 Ed. 3, ch. 2; again, 25 Ed. ch. 7. Upon this were many of the parliament's complaints grounded; but particularly that of the same king's reign, as is delivered by Mat. Westminster, in these words: - - - - - - 69 To give up this (the power of making laws) is to change the government, to sell, or rather resign ourselves to the will of another; and that for nothing: For under favour we buy nothing of the duke, if not the right of an undisturbed colonizing, and that as Englishmen with no diminution, but expectation of some increase of those freedoms and privileges enjoyed in our own country; for the soil is none of his, 'tis the natives, by the Jus gentium, by the law of nations; and it would be an ill argument to convert to christianity, to expel instead of purchasing them out of those countries: If then the country be theirs, it is not the dukesh; he cannot sell it; then what have we bought? We are not unanswered in this point, and desire you to do it with all due regard to the great honour and justice of the duke: If it be not the right of colonizing there, which way have we our bargain, that pay an arbitrary custom, neither known to the laws of England, nor the settled constitution of New York, and those other plantations? To conclude this point, we humbly say, that we have not lost any part of our liberty, by leaving our country; for we leave not our king, nor our government, by quitting our soil; but we transplant to a place given by the same king, with express limitation to erect no polity contrary to the same established government, but as near as may be to it; and this variation is allowed but for the sake of emergencies; and that latitude bounded with these words, for the good of the adventurer and planter; which that exaction of custom can never be: In that it not only varies to the discouragement and prejudice of the planter, but contradicts his native laws, rights and liberties, and lays a foundation for another sort of government than that which was only known to his fathers; unto the just defence of which he is engaged by nature and municipal laws: So far the point of law.

We shall now insist upon the equity of our case; First, This very tax of five per cent. is a thing not to be found in the duke's conveyances, but an after-business; a very surprize to the planter! and such an one, as could they

69 The manuscript copy whence this is taken, is here defaced: It contains a number of authorities from Bracton, Fortesque, the petition of right, &c.
have foreseen, they would, have sooner taken up in any other plantation in America. In the next place,

2. New-Jersey never paid custom before last peace, and that peace reinvests every proprietor by articles. Now we bought it when free, since which time this imposition is born; must we be subjected to the payment of one tax, of greater value than the country? This in plain English, is under another name, paying for the same thing twice over; nay, had the soil been purchased of the Indians, by those of whom we bought it, and given us; it had been dearly accepted, upon this condition, and with this incumbrance; but it was bought by us, and that for a valuable consideration here; and is now purchased again of the natives there too; this makes our case extreme hard, and we pray relief.

3. Custom in all governments in the world, is laid upon trade, but this upon planting is unprecedented: Had we brought commodities so these parts to sell, made profit out of them, and returned to the advantage of traders; there had been some colour or pretence for this exaction; but to require and force a custom from persons for coming to their property, their own terra firma, their habitations; in short, for coming home, is without a parallel; this is paying custom not for trading, but landing; not for merchandizing, but planting; in very deed for hazarding; for there we go; carry over our families and estates; adventure both for the improvement of a wilderness, and are not only told we must pay hereafter out of our gains and improvements, but must pay out of our poor stock and principal, (put into goods) five pounds in the hundred; and not as they are there worth, but as they here cost; and this for coming to plant: So that the plain English of the tragedy is this; we twice buy this moiety of New-Jersey, first of lord Berkeley, and next of the natives; and what for? the better to mortgage ourselves and posterity to the duke's governors, and give them a title to our persons and estates, that never had any before: But pray consider, can there be a house without a bottom; or a plantation before a people? If not, can there be a custom before a trade? Thus much for the equitable part of our plea; the next and last, is the prudential: We do offer several things in point of prudence, why the duke should desist from the exaction: First, there can be no benefit to a prince in America, there can be no trade, without a people; there will be no people where there is no encouragement; nor can there be any encouragement where people have not greater privileges by going than staying; for if their condition be not meliorated, they will never forego the comfort of their kindred they must leave behind them, nor forsake their native country, run the hazard of the seas; nor lastly, expose themselves to the wants and difficulties of a wilderness; but on the contrary, if they have less privileges there than at home, 'tis every way to worst themselves to go; for they did not only pay custom here for going, but there for arriving; which is not
done in any other plantation, even when our men go to merchandize and not to plant, which is our case: Besides there is no end of this power; for since we are by this precedent, assessed without any law, and thereby excluded our English right of common assent to taxes; what security have we of any thing we possess? We can call nothing our own, but are tenants at will, not only for the soil but for all our personal estates; we endure penury and the sweat of our brows, to improve them at our own hazard only: This is to transplant, not from good to better, but from good to bad; this sort of conduct has destroyed government, but never raised one to any true greatness; nor ever will in the duke's territories, whilst so many countries equally good in soil and air, surrounded with greater freedom and security: Whereas if the duke please to make all planters easy and safe in their liberty and property, such a just and free government will draw in other places, encourage persons to transplant into his country, and his disbursements will soon be at an end; his revenues, with satisfaction to the people, presently visibly augmented: Next this encouragement shipping and seamen, which not only takes off abundance of idle people, but our native growth and manufacture, and the export of them; and the import of the produce of these plantations, in a little time overflow and advance the revenue of the crown: Virginia and Barbados are proofs undeniable in the case.

Lastly, the duke's circumstances, and the people's jealousies considered, we humbly submit it, if there can be in their opinion, a greater evidence of a design to introduce an unlimited government, than both to exact such an unterminated tax from English planters, and to continue it after so many repeated complaints; and on the contrary, if there can be any thing so happy to the duke's present affairs, as the opportunity he hath to free that country with his own hand, and to make us all owners of our liberty, to his favour and justice: So will Englishmen here know what to hope for, by the justice and kindness he shews to Englishmen there; and all men to see the just model of his government in New-York, to be the scheme and draught in little, of his administration in Old England at large, if the crown should ever devolve upon his head. The conclusion is this, that for all these reasons in law, equity and prudence, alledged; you would please to second our request to the duke, that like himself, he would void this taxation, and put the country in such an English and free condition, that he may be as well loved and honoured, as feared by all the inhabitants of his territory; that being great in their affections, he may be great by their industry; which will yield him that wealth, that parent of power, that he
The Colonial History of New Jersey
Samuel Smith

may be as great a prince by property as by title.

That this custom was now taken off, will, among other things, appear by the following letter from Samuel Jenings,\textsuperscript{70} directed to William Penn, Edward Byllinge, or Gawen Lawrie.

Dear friends,

This may give you an account of mine and my families safe arrival in New-Jersey, with all the rest that came with us. I might say something concerning our passage at sea, but I wave it for want of time, and in fine may observe all was well; for which I bless God; and the Lord keep us all sensible of it, with the rest of his mercies forever.

Dear friends, about six weeks since, we arrived in Delaware river, where I expected to have met with a combat, in the denial of customs: In our passage at sea, I had communicat't to all that had any considerable cargo on board, the opinion of council, concerning the illegal demand thereof, with what else I thought might be for their information; which thus far prevailed, that most if not all concerned, seemed resolved to deny the paying of custom here; having paid all the king's duties in England. In good time we came to anchor in Delaware, where one Peter Alrick came aboard, and brought a handsome present to our commander, and sent for me into the round-house, where they both were, and Peter told me he had nothing to say to us relating to customs;\textsuperscript{71} he had no commission for it, nor did he know of any body that had; so we had all our goods safely landed after this unexpected easy manner.

In pursuance of the trust committed to me after my arrival, I acquainted those nominated in the commission with me of it; but in a short time after I received your letters, giving an account of a new grant obtained, wherein the customs are taken off; a free port confirmed, and the government settled on Edward Byllinge; which I doubt not will be very acceptable to every honest man; but as yet I have not had time to let the people in general know it: And now seeing the ports are made legally free, and the government settled, I would not have any thing to remain as a discouragement to planters: Here are several good and convenient settlements already, and here is land enough and good enough for many more.

SAMUEL JENINGS

New-Jersey, the 17th of October, 1680.

\textsuperscript{70} He with his family, removed from Coles hill, the upper side of the county of Bucks, about the third month, 1680.

\textsuperscript{71} He used to collect the customs
CHAPTER VIII

THE FIRST FORM OF GOVERNMENT IN WEST-JERSEY, UNDER THE PROPRIETORS;
THE FIRST LAWS THEY MADE; THE METHOD OF REGULATING LAND AFFAIRS;
AND A FURTHER ACCOUNT OF THE INDIANS FOUND IN THE FIRST SETTLED PART OF THESE PROVINCES

The western part of New-Jersey, was now become populous, by the accession of many settlers. Jenings, who arrived last year, about this time, received a commission from Byllinge, (whom the proprietors in England, as mentioned before, had chosen governor) to be his deputy: He called an assembly, and with them agreed upon certain fundamentals of government, as follows:

Province of West-New-Jersey, in America, the 25th of the 9th month called November, 1681.

Forasmuch as it hath pleased God to bring us into this province of West-New-Jersey, and settle us here in safety, that we may be a people, to the praise and honour of his name, who hath so dealt with us, and for the good and wellbeing of our posterity to come: We, the governor and proprietors, freeholders and inhabitants of West-New-Jersey, by mutual consent and agreement, for the prevention of innovations and oppression, either upon us, or our posterity, and for the preservation of the peace and tranquility of the same; and that all may be encouraged to go on cheerfully in their several places; we do make and constitute these our agreements, to be as fundamentals to us, and our posterity, to be held inviolable; and that no person or persons whatsoever, shall or may make void or disannul the same, upon any pretence whatsoever.

1. That there shall be a general free assembly for the province aforesaid, yearly and every year, at a day certain, chosen by the free people of the said province whereon all the representatives for the said province shall be summoned to appear, to consider of the affairs of the said province, and to make and ordain such acts and laws as shall be requisite and necessary for the good government and prosperity of the free people of the said province; and (if necessity shall require) the governor for the time being, with the consent of his council, may and shall issue out writs to convene the assembly sooner, to consider and answer the necessities of the people of, the said province.

2. That the governor of the province aforesaid, his heirs or successors, for the time being, shall not suspend or defer the signing, sealing
and confirming of such acts and laws as the general assembly (from time to time to be elected by the free people of the province aforesaid) shall make or enact for the securing of the liberties and properties of the said free people of the province aforesaid.

3. That it shall not be lawful for the governor of the said province, his heirs or successors, for the time being, and council, or any of them, at any time or times hereafter, to make or raise war upon any account or pretence whatsoever, or to raise any military forces within the province aforesaid; without the consent and act of the general free assembly, for the time being.

4. That it shall not be lawful for the governor of the said province, his heirs or successors, for the time being, and council, or any of them, at any time or times hereafter, to make or enact any law or laws for the said province, without the consent, act and concurrence of the general assembly: And if the governor for the time being, his heirs or successors, and council, or any of them, shall attempt to make or enact any such law or laws, of him or themselves, without the consent, act and concurrence of the general assembly; that from thenceforth, he, they, or so many of them, as shall be guilty thereof, shall upon legal conviction, be deemed and taken for enemies to the free people of the said province; and such act so attempted to be made, to be of no force.

5. That the general free assembly, from time to time, to be chosen as aforesaid, as the representatives, of the people, shall not be prorogued or dissolved, before the expiration of one whole year, to commence from the day of their election, without their own free consent.

6. That it shall not be lawful for the governor of the said province, his heirs or successors, for the time being, and council, or any of them, to levy or raise any sum or sums of money, or any other, tax whatsoever; without the act, consent and concurrence of the general Assembly.

7. That all officers of state or trust, relating to the said Province, shall be nominated and elected by the general free assembly for the time being, or by their appointment; which officer and officers, shall be accountable to the general free assembly, or to such as the said assembly shall appoint.

8. That the governor of the province aforesaid, his heirs or successors, for the time being, or any of them, shall not send ambassadors, or make treaties, or enter into alliances, upon the public account of the said province, without the consent of the said general free assembly.
9. That no general free assembly hereafter to be chosen by the free people of the province aforesaid, shall give to the governor of the said Province for the time being, his heirs or successors, any tax or custom for longer time than for one whole year.

10. That liberty of conscience, in matters of faith and worship towards God, shall be granted to all people within the province aforesaid, who shall live peaceably, and quietly therein; and that none of the free people of the said province, shall be rendered incapable of office in respect of their faith and worship.

Upon the governor’s acceptance and performance of the proposals herein before expressed, we the general free assembly, proprietors and freeholders of the province of West New-Jersey aforesaid, do accept and receive Samuel Jenings, as Deputy Governor. In testimony whereof I have hereunto put my hand and seal, the day and year above written,

Samuel Jenings, Deputy Governor.

Subscribed also Thomas Olive, Speaker.

This assembly was held from the 21st ‘till the 28th of November, and passed six and thirty laws (beside the above) many of which were repealed in a few years afterwards: Some of them were in substance,

• That it should be the business of the governor and commissioners to see that all courts executed their offices, and to punish such officers as should violate the laws:

• That lands legally taken up and held, planted and possessed seven years, should not be subject to alteration:

• That all officers of trust should subscribe to do equal right and justice:

• That no person should be condemned or hurt, without a trial of twelve men; and that in criminal cases, the party arraigned to except against thirty-five, or more upon valid reasons:

• That in every court, three justices or commissioners at least, to sit and assist the jury, in cases of law; and pronounce the judgment of the jury:

• That false witnesses be fined, and disabled from being after admitted in evidence, or into any public office in the province:

• That persons prosecuting for private wrong (murder, treason and theft excepted) might remit the penalty or punishment either before or after condemnation:
That juries should be summoned by the sheriff, and none be compelled to fee an attorney to plead his cause:

That all wills should be first proved and registered, and then duly performed:

That upon persons dying intestate, and leaving a wife and child, or children, the governor and commissioners for the time being, were to take security, that the estate should be duly administered, and the administrator to secure two thirds for the child or children, the other to the widow; where there was no children, one moiety or half the estate, was to go to the next of kin, the other half to the widow; always provided, such estate exceeded one hundred pounds; otherwise the widow to have the whole; and in cases of leaving children, and no provision, the charge of bringing them up, to be paid out of the public stock:

That felons should make restitution four fold, or as twelve of the neighbourhood should determine; and such as hurt or abuse the person of any, be punished according to the nature of the offence:

That whosoever presumed, directly or indirectly, to sell any strong liquors, to any Indian or Indians, should forfeit for every such offence, the sum of three pounds:

That ten men from Burlington, and ten from, Salem, should be appointed to lay out and clear a road from Burlington to Salem, at the public expence:

That two hundred pounds should be equally levied and appropriated for the charges of government, upon the several tenths, twenty pounds each; every man to be assessed according to his estate; and all handicrafts, merchants and others, at the discretion of the assessors:

Persons thinking themselves aggrieved, had the liberty of appealing to the commissioners of the tenth they belonged to.

These and other laws agreed on, the commissioners next fixed the following method for regulation of lands.

**The methods of the commissioners for settling and regulation of lands.**

We whose names are hereunder written, commissioners nominated, elected and chosen by the free assembly, proprietors and freeholders of the province of West-New-Jersey, the 23d day of November last past, for the settling and regulating of lands, and other concerns within the said province; do by and with the approbation and consent of the governor of the said province, and council, in pursuance of the said trust in us reposed, hereby fully agree upon these rules and methods herein after following:
(that is to say)

1. That the surveyor shall measure the front of the river Delaware, beginning at Assunpink creek, and from thence down to Cape May, that the point of the compass may be found for the running the partition lines betwixt each tenth.

2. That each and every tenth, or ten proprieties, shall have their proportion of front to the river Delaware, and so far back into the woods as will make or contain sixty-four thousand acres for their first settlement, and for the sub-dividing the Yorkshire and London two tenths.

3. To allow three thousand and two hundred acres where the parties concerned please to chuse it within their own tenth; to be taken up according to the rules or methods following, viz. One eighth part of a propriety, and so for smaller parts, to have their full proportion of the said land in one place (if they please) and greater purchasers or shares not to exceed five hundred acres, to one settlement.

4. All lands so taken up and surveyed, shall be seated within six months after it is so taken up; and if the same shall not be seated within the said time, then such choice and survey shall be void, and the same lands shall be free for any other purchaser to take up; provided he or they so taking up the same, do, or shall seat it, within one month after it is so taken up.

5. That no person or persons shall take up lands on both sides of a creek, to one settlement, except the commissioners for the time being, shall see good cause for their so doing.

6. That no person or persons shall have more than forty perches front to the river, or navigable creek, for each and every one hundred acres, except it fall upon a point, so that it cannot otherwise be avoided; and in such cases it shall be left to the discretion of the commissioners then for the time being.

7. That all lands be laid out on straight lines, that no vacancies be left between lands, but that they be joined one seat to another, except the commissioners then for the time being, shall for good causes order it otherwise.

8. That all persons shall take their just proportions of meadow, which shall be laid forth at the discretion of the commissioners then for the time being.

9. That all persons who are already seated, shall have liberty to make his settlement his choice, if he please; provided he or they observe
and follow the rule or method herein prescribed.

10. That every proprietor shall have four hundred acres to a propriety, and so proportionably to lesser quantities for their town lot, over and above their aforesaid three thousand two hundred acres; which may be taken any where within their own tenth, either within or without the town bounds.

11. That no person or persons who have already taken up a town lot, shall have liberty to leave it, and take a lot elsewhere, but shall keep the same he hath taken up, as his town lot.

12. That Thomas Wright shall keep his settlement, containing four hundred acres; and that the commissioners for Yorkshire side, shall allow to the town bounds, three hundred acres, to be taken up adjoining to the town bounds, on Lazy Point, in lieu thereof.

13. That no purchaser shall take up more land within the town bounds, than belongs to his town lot, by virtue of his purchase.

14. That no person or persons (who are not purchasers to whom town lot or lots are given) shall dispose of; or sell his or their said lot or lots of land, from their house or houses respectively; and that if any such person or persons as aforesaid, shall dispose of; or sell such said lot or lots apart from his or their said house or houses, then such said sale of lot or lots shall be void and of no effect; and the same lot or lots shall from thence become forfeit, to the use of the town of Burlington, to be disposed of therein, at the discretion of the commissioners then for the time being.

15. That no person or persons from hence forward, shall take up any land, without special order from two or more of the commissioners for the time being, first had and obtained.

16. That all and every settlement and settlements already made, which are not consonant and agreeable to the rules and methods aforesaid, shall be liable to regulation, according to the said rules and methods.

17. That the proprietors who are yet remaining in England, shall have notice, that we find it necessary for the speedy settlement of this province, and for the interest of all concerned therein, to allow to every propriety as aforesaid, three thousand two hundred acres for our first choice; and in case much people shall come, as may be reasonably expected, who have purchased no land in England, and desire to settle amongst us; that then we reserve liberty to take up so much land more as shall fall to every propriety, not exceeding five thousand and two hundred acres, which was allowed to us for
our first settlement: Provided nevertheless, that none shall take up any proportion of land, but as they shall settle it, or cause it to be settled; which is to be done after the aforesaid three thousand two hundred acres shall be justly taken up and settled.

18. That all publick highways shall be set forth, at any time or times hereafter, at the discretion of the commissioners for the time being, in or through any lands taken up, or to be taken up; allowing the owners of such lands where such publick highways shall be laid forth, reasonable satisfaction at the discretion of the commissioners, in lieu thereof.

19. Yet nevertheless, it is hereby commended and agreed by the authority aforesaid, that the rules and methods herein before agreed on, shall not make void or disannul, all or any settlement or settlements heretofore made, in the Yorkshire tenth, who have seated according to a former agreement, \textit{viz.} Not having taken up more than fifty perches for each and every hundred acres on the river or navigable creek, and having kept their due breadth and bound from the river or creek.

Signed and sealed the 5th December, 1681, by Samuel Jenings, governor, Thomas Olive, Thomas Budd, Robert Stacy, Benjamin Scott, Thomas Gardiner, Daniel Wills, Mahlon Stacy, Thomas Lambert.

20. That all persons who have already taken up any lands, within the first and second tenth in this province, shall bring in their deeds or writings, to shew their title to such lands as they have taken up to Benjamin Scott, Robert Stacy, Thomas Budd, and Thomas Gardiner, on or before the twelfth day of this instant January, next ensuing the day of the date hereof.

21. That all person or persons hereafter to take up land within the said first and second tenth, shall first make application to the said Benjamin Scott, Robert Stacy, Thomas Budd, and Thomas Gardiner, or any two of them; and shall also before the said commissioners solemnly declare and aver, upon the penalty of the law of perjury, to pass against them, that the quantity or portion of land contained in their respective Deeds or other Writings, do really and in good conscience, belong and appertain to him or them so requiring a warrant or warrants, for laying forth his or their land; so as the said commissioners may be thereby satisfied with the justness of his or their title thereto; then, and not before, the said commissioners or any two of them, shall and may grant out a warrant to the surveyor or his deputy, to lay out and survey the respective proportion of land to him or them due and appertaining as aforesaid; enjoining the surveyor or his deputy, to make return of
The Colonial History of New Jersey

Samuel Smith

his said warrant and survey, at the next court after such warrant
granted, to be held at Burlington; that the same may be registered
by order of the said court.

22. That all proprietors and purchasers, within the said first and second
tenths, shall and may have liberty to take his and their full
proportions of land as before within is agreed upon, of the first and
second choice in one place; provided he or they so doing take not
up more than five hundred acres of land in one settlement.

Witness our hands and seals, the 14th day of the eleventh month, 1681.

SAMUEL JENINGS, Governor.
THOMAS OLIVE
ROBERT STACY
THOMAS BUDD
DANIEL WILLS
THOMAS GARDINER
BENJAMIN SCOTT

It would be vain to pretend to give a particular account of all the different
tribes or nations of Indians that inhabited these provinces before the Europeans
came among them, there being probably a tribe in some parts, for every ten or
twenty miles, which were commonly distinguished by the names of creeks or
other noted places where they resided; thus, there were the Assunpink,² the
Rankokas,³ the Mingo,⁴ the Andastaka, the Neshamine, and the Shackamaxon

² Stony Creek.

³ Lamikas, or Chichequas, was the proper Indian name; they did not pronounce the "r" at all.

⁴ Indian knowledge about the weather were received topicks of conversation; some of their
maxims have been found as generally true, as things of that kind commonly are. If Jacob
Taylor's intelligence be right, they also predicted: A sachem of this tribe (he says) being observed
to look at the great comet, which appeared the first of October 1680, and asked, what he thought
was the meaning of that prodigious appearance? answered gravely, It signifies that we Indians shall
melt away, and this country be inhabited by another people. How this Indian came by his
knowledge without the learned Whiston's astronomical tables, or whether he had any
knowledge, is not so material. He will however be allowed as good a right to pretend to it, when
the event is considered, as the other had in his conjectures concerning the cause of Noah's flood:
This at least 'till the regularity of the comets motions are better, known. But we see greater
names have had their prognosticating sentiments concerning them. Hence Dr. Young in his
paraphrase on that chapter of Job, where the almighty challenges the patriarch on the weakness
of man,

Who drew the comet out to such a size
And pour'd his flaming train o'er half the skies?
Did thy resentment hang him out, does he
Glare on the nations, and denounce from thee?
Indians; and those about Burlington were called the Mantas; but these and others were all of them distinguished from the back Indians, who were a more warlike people, by the general name of the Delawares: The nations most noted from home, that sometimes inhabited New-Jersey, and the first settled parts of Pennsylvania, were the Naraticongs, on the North side of Rariton River, the Capitinasses, the Gacheos, the Munseys, the Pompions, the Senecas and the Maquaas; this last was the most numerous and powerful: Different nations were frequently at war with each other, of which husbandmen sometimes find remaining marks in their fields: A little below the falls of Delaware on the Jersey side; at Point-no-point in Pennsylvania, and several other places, were banks that had been formerly thrown up for intrenchments, against incursions of the neighbouring Indians, who in their canoes used sometimes to go in warlike bodies from one province to another.

It was customary with the Indians of West-Jersey, when they buried their dead, to put family utensils, bows and arrows, and sometimes money (wampum) into the grave with them; as tokens of their affection. When a person of note died far from the place of his own residence, they would carry his bones to be buried there; they washed and perfumed the dead, painted the face, and followed singly; left the dead in a sitting posture, and covered the grave pyramidically: They were very curious in preserving and repairing the graves of their dead, and pensively visited them; did not love to be asked their judgment twice about the same thing: They generally delighted in mirth; were very studious in observing the virtues of roots and herbs, by which they usually cured themselves of many bodily distempers, both by outward and inward applications: They besides frequently used sweating, and the cold bath. They had an aversion to beards, and would not suffer them to grow; but plucked the hair out by the roots: The hair of their heads was black, and generally shone with bear's fat, particularly that of the women, who tied it behind in a large knot; sometimes in a bag. They called persons and places, by the names of things remarkable, or birds, beasts, and fish; as Per-hala, a duck; Cau-hawuk, a goose; Quink-Quink, a tit; Pulluppa, a buck; Shingas,

75 Frogs, a creek or two in Gloucester county, are called Manta or Mantau, from a larger tribe that resided there; the Indians were probably both of the same stock.

76 The Five Nations before the sixth was added; but few of these had their residence in New-Jersey: They are supposed to have been sometimes in fishing seasons among the others here; the Dutch called them Mahakuase [prob. Mohawks].

77 The manner was to first inclose the patient in a narrow cabbin, in the midst of which was a red hot stone, this frequently wet with water, occasioned a warm vapour; the patient sufficiently wet with this and his own sweat, was hurried to the next creek or river, and plunged into it; this was repeated as often as necessary, and sometimes great cures performed. But this rude method at other times killed, notwithstanding the hardy natures of the patients; especially in the small pox and other European disorders.
a wild-cat; and they observed it as a rule, when the rattle-snake gave notice by his rattle before they approachd, not to hurt him; but if he rattled after they had passed, they immediately return’d and kill’d him. They were very loving to one another; if several of them came to a christian’s house, and the master of it gave one of them victuals and none to the rest, he would divide it into equal shares amongst his companions; if the christians visited them, they would give them the first cut of their victuals; they would not eat the hollow of the thigh of any thing they killed. Their chief employment was hunting, fishing, and fowling; making canoes, bowls, and other wooden and earthen ware; in all which they were, considering the means, ingenious: In their earthen bowls they boiled their water. Their women’s business chiefly consisted in planting Indian corn, parching or roasting it, pounding it to meal in mortars, or breaking it between stones, making bread, and dressing victuals; in which they were sometimes observed to be very neat and cleanly, and sometimes otherwise: They also made mats, ropes, hats and baskets, (some very curious) of wild hemp and roots, or splits of trees: Their young women were originally very modest and shame-faced, and at marriageable ages distinguished themselves with a kind of work’d mats, or red or blue bays, interspersed with small rows of white and black wampum, or half rows of each in one, fastened to it, and then put round the head, down to near the middle of the forehead: Both young and old women would be highly offended at indecent expressions, unless corrupted with drink. The Indians would not allow of mentioning the name of a friend after death: They sometimes streaked their faces with black, when in mourning; but when their affairs went well, they painted red: They were great observers of the weather by the moon; delighted in fine cloaths; were punctual in their bargains, and observed this so much in others, that it was difficult for a person who had once failed herein, to get any dealings with them afterwards. In their council they seldom or never interrupted or contradicted one another, ’till two of them had made an end of their discourse; for if ever so many were in company, only two must speak to each other, and the rest be silent ’till their turn: Their language was high, lofty, and sententious: Their way of counting was by tens, that is to say, two tens, three tens, four tens, &c. when the number got out of their reach, they pointed to the stars, or the hair of their heads. They lived chiefly on maze, or Indian corn roasted in the ashes, sometimes beaten and boiled with water, called homine; they also made an agreeable cake of their pounded corn; and raised beans and pease; but the woods and rivers afforded them the chief of their provisions: They pointed their arrows with a sharpened flinty stone, and of a larger sort, with withs for handles, out their wood; both of these sharpened stones are often found in the fields. Their times of eating were commonly morning and evening; their seats and tables the ground: They were naturally reserved, apt to resent, to conceal their resentments, and retain them long; they were liberal and generous, kind and affable to the English: They were
observed to be uneasy and impatient in sickness for a present remedy, to which they commonly drank a decoction of roots in spring water, forbearing flesh, which if they then eat at all, it was of the female. They took remarkable care of one another in sickness, while hopes of life remained; but when that was gone, some of them were apt to neglect the patient. Their government was monarchical and successive, and mostly of the mother’s side, to prevent a spurious issue. They commonly washed their children in cold water as soon as born; and to make their limbs straight, tied them to a board, and hung it to their backs when they travelled; they usually walked at nine months old: Their young men married at sixteen or seventeen years of age, if by that time they had given sufficient proof of their manhood, by a large return of skins: The girls married about thirteen or fourteen, but stay’d with their mothers to hoe the ground, and bear burthens, &c. for some years after marriage: The women, in travelling, generally carried the luggage: The marriage ceremony was sometimes thus; the relations and friends being present, the bridegroom delivered a bone to the bride; she an ear of Indian corn to him, meaning that he was to provide meat, she bread: It was not unusual notwithstanding, to change their mates upon disagreement; the children went with the party that loved them best, the expence being of no moment to either; in case of difference on this head, the man was allowed the first choice if the children were divided or there was but one. Very little can be said as to their religion; much pains were taken by the early christian settlers, and frequently since, to inform their judgments respecting the use and benefit of the christian revelation, and to fix restraints; but generally with unpromising success, tho’ instances have now and then happened to the contrary: They are thought to have believed in a God and immortality, and seemed to aim at publick worship; when they did this, they sometimes sat in several circles one within another; the action consisted of singing, jumping, shouting and dancing; but mostly performed rather as something handed down from their ancestors, than from any knowledge or inquiry into the serious parts of its origin: They said the great king that made them, dwelt in a glorious country to the southward, and that the spirits of the best should go there and live again: Their most solemn worship was the sacrifice of the first fruits, in which they burnt the first and fattest buck, and feasted together upon what else they had collected; but in this sacrifice broke no bones of any creature they eat; when done, they gathered and buried them very carefully; these have since been frequently ploughed up: They distinguished between a good and evil man-etta, or spirit; worshiped the first for the good they hoped; and some of them are said to have been slavishly dark in praying to the last for deprecation of evils they feared; but if this be true in a general sense, some of the tribes much conceal’d it from our

78 That is, the children of him now king, will not succeed, but his brother by the mother, or children of his sister, whose sons (and after them the male children of her daughters) were to reign; for no woman inherited.
settlers: They did justice upon one another for crimes among themselves, in a way of their own; even murder might be atoned for by feasts, and presents of wampum; the price of a woman kill’d was double, and the reason, because she bred children, which men could not do. If sober they rarely quarrelled among themselves; they lived to sixty, seventy, eighty, and more, before rum was introduced, but rarely since: Some tribes were commendably careful of their aged and decrepitate, endeavouring to make the remains of life as comfortable as they could; it was pretty generally so, except in desperate decays; then indeed as in other cases of the like kind, they were sometimes apt to neglect them. Strict observers of property, yet to the last degree, thoughtless and inactive in acquiring or keeping it: None could excel them in liberality of the little they had, for nothing was thought too good for a friend; a knife, gun, or any such thing given to one, frequently passed through many hands: Their houses or wig-wams were sometimes together in towns, but mostly moveable, and occasionally fixed near a spring or other water, according to the conveniencies for hunting, fishing, basket making, or other business of that sort and built with poles laid on forked sticks in the ground, with bark, flags or bushes on the top and sides, with an opening to the south, their fire in the middle; at night they slept on the ground with their feet towards it; their cloathing was a coarse blanket or skin thrown over the shoulder, which covered to the knee, and a piece of the same tied round their legs, with part of a deer skin sewed round their feet for shoes; as they had learned to live upon little, they seldom expected or wanted to lay up much: They were also moderate in asking a price for anything they had for sale: When a company travelled together, they generally followed each other in silence, scarcely ever, two were seen by the side of one another; in roads the man went before with his bow and arrow, the woman after, not uncommonly with a child at her back, and other burdens besides; but when these were too heavy, the man assisted. To know their walks again, in unfrequented woods, they heaped stones or marked trees.

In person they were upright, and strait in their limbs, beyond the usual proportion in most nations; their bodies were strong, but of a strength rather fitted to endure hardships than to sustain much bodily labour, very seldom

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79 From the years 1300 to 1500, in the towns of France, Germany, and England, they had scarce any but thatched houses; and the same might be said of the poorer towns in Italy: And altho’ those countries were over-run with woods, they had not as yet learned to guard against the cold, by the means of chimneys, (the kitchen excepted) an invention so useful and ornamental to our modern apartments. The custom then was, for the whole family to sit in the middle of a smoky hall, round a large stove, the funnel of which passed through the ceiling. Anderson’s hist. and chronological deduction of commerce.

80 Sir William Temple somewhere says, an Indian once put the question to a christian, to give him a reason, why he should labour hard all his days to make his children idle all theirs?
The Colonial History of New Jersey

Samuel Smith

crooked or deformed; their features regular; their countenances sometimes fierce, in common rather resembling a Jew than Christian; the colour of their skin a tawny reddish brown; the whole fashion of their lives of a piece; hardy, poor and squalid: They when they began to drink, they commonly continued it as long as the means of procuring it lasted. In drink they often lay exposed to all the inclemencies of weather, which introduced a train of new disorders among them; They were grave, even to sadness upon any common, and more so upon serious occasions; observant of those in company, and respectful to the old; of a temper cool and deliberate; never in haste to speak, but waited for a certainty, that the person who spoke before them had finished all he had to say: They seemed to hold European vivacity in contempt, because they found such as came among them, apt to interrupt each other, and frequently speak all together: Their behaviour in public councils, was strictly decent and instructive, every one in his turn was heard, according to rank of years or wisdom, or services to his country: Not a word, a whisper, or a murmur, while any one spoke; no interruption to commend or condemn; the younger sort were totally silent. They got fire by rubbing wood of particular sorts, (as the antients did out of the ivy and bays) by turning the end of a hard piece upon the side of one that was soft and dry; to forward the heat they put dry rotten wood and leaves; with the help of fire and their stone axes, they would fall large trees, and afterwards scoop them into bowls, &c. From their infancy they were formed with care to endure hardships, to bear derision, and even blows patiently; at least with a composed countenance: Though they were not easily provoked; it was generally hard to be appeased whenever it happened: Liberty in its fullest extent, was their ruling passion; to this every other consideration was subservient; their children were train’d up so as to cherish this disposition to the utmost; they were indulged to a great degree, seldom chastised with blows, and rarely chided; their faults were left for their reason and habits of the family to correct; they said these could not be great before their reason commenced; and they seemed to abhor a slavish motive to action, as inconsistent with their notions of freedom and independency; even strong persuasion was industriously avoided, as bordering too much on dependence, and a kind of violence offered to the will: They dreaded slavery more than death: They laid no fines for crimes; for they had no way of exacting them: The atonement was voluntary: Every tribe had particulars in whom they reposed a confidence, and unless they did something unworthy of it they were held in respect: What were denominated kings, were sachems distinguished among these; the respect paid

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81 Uncultivated as these people are, in many of their practices, when it is considered how others have refined from circumstances equally low and sordid, if not quite so savage; it seems to open a door of hope with regard to some of these. If we look into Europe, we shall find that even in their present state, they are not an absolutely singular character. Vid. Hist. of Ireland, by F. Warner, L.L. D. lately published, &c.
The Colonial History of New Jersey

Samuel Smith

them was voluntary, and not exacted or looked for; nor the omission regarded: The sachems directed in their councils, and had the chief disposition of lands. To help their memories in treaties, they had belts of black and white wampum; with these closed their periods in speeches, delivering more or less according to the importance of the matter treated of; this ceremony omitted, all they said passed for nothing: They treasured these belts when delivered to them in treaties, kept them as the records of the nation, to have recourse to upon future contests; governed by customs and not by laws, they greatly revered those of their ancestors, and followed them so implicitly, that a new thought or action but seldom intruded. They long remembered kindesses, families or particulars that had laid themselves out to deal with, entertain and treat them hospitably, or even fairly in dealings, if no great kindness was received, were sure of their trade: This also must undoubtedly be allowed, that the original and more uncorrupt, very seldom forgot to be grateful, where real benefits had been received. And notwithstanding the stains of perfidy and cruelty, which in 1755, and since, have disgraced the Indians on the frontiers of these provinces, even these by an uninterrupted intercourse of seventy years, had on many occasions, given irrefragable proofs of liberality of sentiment, hospitality of action, and impressions⁸² that seemed to promise a continuation of better things: But of them enough at present.

Among a people so immediately necessary to each other, where property was little, and the anxiety of increasing it less; the intercourse naturally became free and unfettered with ceremony: Hence every one had his eye upon his neighbour; misunderstandings and mistakes were easily rectified. No ideas of state or grandeur; no homage of wealth, office, birth, rank or learning; no pride of house, habit, or furniture; very little emulations of any kind to interrupt; and so much together, they must be friends, as far at least, as that term could be properly applied to them; this was general in some of the tribes: Attachments of particulars to each other were constant and steady; and in some instances far exceeding what might be expected. Companies of them frequently got together to feast, dance, and make merry; this sweetened the toils of hunting; excepting these toils, and the little action before described, they scarcely knew any: A life of dissipation and ease, of uncertainty and want, of appetite, satiety, indolence and sleep, seemed to be the sum of the character, and chief that they aim’d at.

Notwithstanding their government was successive, it was, for extraordinary reasons, sometimes ordered otherwise; of this there is an instance in the old king Ockanickon, who dying about this time at Burlington, declared himself to this effect:

It was my desire, that my brother’s son Iahkursoe, should come to me, and

⁸² [See Note at end of chapter.]
hear my last words; for him have I appointed king after me.

My brother's son, this day I deliver my heart into your bosom; and mind me. I would have you love what is good, and keep good company; refuse what is evil and by all means avoid bad company.

Now having delivered my heart into your bosom, I also deliver my bosom to keep my heart in; be sure always to walk in a good path, and if any Indians should speak evil of Indians or christians, do not join in it, but look at the sun from the rising of it to the setting of the same: In speeches that shall be made between the Indians and the christians, if any wrong or evil thing be spoken, do not join with that; but join with the good: When speeches are made, do not you speak first; be silent and let all speak before you, and take good notice what each man speaks, and when you have heard all, join to that which is good.

Brother's son, I would have you cleanse your ears, and take all foulness out, that you may hear both good and evil, and then join with the good and refuse the evil; and also cleanse your eyes, that you may see good and evil, and where you see evil, do not join with it, but join to that which is good.

Brother's son, you have heard what has passed; stand up in time of speeches; stand in my steps, and follow my speeches; this do, and what you desire in reason will be granted: Why should you not follow my example? I have had a mind to be good and do good, therefore do you the same: Sheoppy and Swampis were to be kings in my stead, but understanding by my doctor, that Sheoppy secretly advised him not to cure me, and they both being with me at John Hollinshead's house, I myself saw by them, that they were given more to drink, than to take notice of my last words; for I had a mind to make a speech to them, and to my brethren, the English commissioners; therefore I refuse them to be kings after me, and have now chosen my brother's son Iahkursoe in their stead to succeed me.

Brother's son, I advise you to be plain and fair with all, both Indians and christians, as I have been; I am very weak, otherwise I would have spoken more.

After the Indian had delivered this counsel to his nephew, T. Budd, one of the proprietors, being present, took the opportunity to remark, that there was a great God, who created all things; that he gave an understanding of what was good and bad; and after this he rewarded the good with blessings, and the bad according to their doings: He answered, it is very true, it is so; there are two ways, a broad and a straight way; there are two paths, a broad and a straight path; the worst and the greatest number go in the broad, the best and fewest in the straight path. This king dying soon afterwards, was attended to his grave in the Quakers burial place in Burlington, with solemnity by the Indians in their manner, and with great respect by many of
the English settlers; to whom he had been a sure friend.

NOTE: Witness the first reception of the English, the purchases afterwards, their former undeviating candor at treaties in Pennsylvania, and other incidents.

Extract of a letter from C. W. Indian interpreter of a neighboring government, to C. S. printer.

I write this to give an account of what I have observed amongst the indians, in relation to their belief and confidence in a divine Being, according to the observations I have made from 1714, in time of my youth, to this day. If by the word religion, people mean an assent to certain creeds, or the observance of a set of religious duties, as appointed prayers, singing, preaching, baptism, &c. or even heathenish worship; then it may be said, the Five Nations and their neighbours have no religion; but if by religion, we mean an attraction of the soul to God, whence proceeds a confidence in, and hunger after the knowledge of him; then this people must be allowed to have some religion amongst them, notwithstanding their sometimes savage deportment. For we find amongst them some tracts of a confidence in God alone, and even sometimes (though but seldom) a vocal calling upon him: I shall give one or two instances of this, that fell under my own observation.

In the year 1737, I was sent, for the first time, to Onondago, at the desire of the governor of Virginia; I set out the latter end of February, very unexpectedly, for a journey of 500 English miles, through a wilderness where there was neither road nor path, and at such a time of year, when creatures could not be met with for food; there were a Dutchman and three Indians with me. When we were 150 miles on our journey, we came into a narrow valley, about half a mile broad, and thirty long, both sides of which were encompassed with high mountains, on which the snow lay about three feet deep; in it ran a stream of water, also about three feet deep, which was so crooked that it always extended from one side of the valley to the other; in order to avoid wading so often through the water, we endeavoured to pass along on the slope of the mountain; the snow three feet deep, and so hard froze on the top, that we could walk upon it: We were obliged to make holes in the snow, with our hatchets, that our feet might not slip down the mountain; and thus we crept on. It happened that the old Indian's foot slipt, and the root of a tree by which he held,
The Colonial History of New Jersey

Samuel Smith

breaking, he slid down the mountain as from the roof of an house; but happily was stopt in his fall, by the string which fastened his pack hitching to the stump of a small tree. The two Indians could not come to his aid, but our Dutch fellow traveller did; and that not without visible danger of his own life: I also could not put a foot forward, 'till I was help'd; after which we laid hold of the first opportunity to go down again into the valley; which was not 'till after we laboured hard for half an hour, with hands and feet: We had observed a tree that lay directly off from where the Indian fell, and when we were come down into the valley again, we went back about one hundred paces, where we saw, that if the Indian had slip'd four or five paces further, he would have fell over a rock one hundred feet perpendicular, upon craggy pieces of rocks below. The Indian was astonish'd, and turn'd quite pale, then with out stretched arms and great earnestness, spoke these words, I thank the great lord and governor of this world, in that he has had mercy upon me, and has been willing that I should live longer; which words I at that time sat down in my journal: This happened the 25th of March, 1737.

The 9th of April following, while we were yet on the journey, I found myself extremely weak, through the fatigue of so long a journey, and the cold and hunger I had suffered; and there having fallen a fresh snow of about twenty inches deep, also being yet three days journey from Onondago, in a frightful wilderness; my spirit failed, my body trembled and shook; I thought I should fall down and die; I step'd aside, and sat me down under a tree, expecting there to die: My companions soon missed me; the Indians came back, and found me sitting there: I told them in one word, I would go no further, I would die there. They remained silent a while, at last the old Indian said, My dear companion, thou hast hitherto encouraged us, wilt thou now quite give up? Remember that evil days are better than good days; for when we suffer much we do not sin; and sin will be drove out of us by suffering: but good days cause men to sin, and God cannot extend his mercy to them; but converslywise, when it goeth evil with us, God hath compassion upon us. These words made me ashamed; I rose up, and travelled on as well as I could.

The next year I went another journey to Onondago, in company with Joseph Spanhenberg, and two others. It happened that an Indian came to us in the evening, who had neither shoes, stockings, shirt, gun, knife, nor hatchet; in a word, he had nothing but and old torn blanket, and some rags, upon enquiring whither he was going? he answered to Onondago. I knew him, and asked how he could undertake to go a journey of three hundred miles, so naked and unprovided; having no provisions, nor any arms to kill creatures, for his sustenance? he answered he had been amongst enemies, and had been obliged to save himself by flight, and so had lost all. This was true in part; for he had disposed of some of his things amongst
the Irish, for strong liquors. Upon further talk, he told me very cheerfully; that *God fed every thing which had life, even the rattle snake itself tho' it was a bad creature; and that God would also provide in such a manner, that he should come alive to Onondago; he knew for certain that he should go there; that it was visible God was with the indians in the wilderness, because they always cast their care upon him; but that contrary to this, the Europeans always carried bread with them.* He was an Onondago, his name was Anoniagketa. The next day we travelled in company; and the day following I provided him with a knife, hatchet, flint and tinder also shoes and stockings, and sent him before me to give notice to the council at Onondago, that I was coming; which he truly performed; being got thither three days before us.

Two years ago I was sent by the governor to Shamokin, on account of the unhappy death of John Armstrong, the Indian trader: After I had performed my errand, there was a feast prepared, to which the governor's messengers were invited: There were about one hundred persons present, to whom (after we had in great silence devoured a fat bear) the eldest of the chiefs made a speech, in which he said, that by a great misfortune, three of their brethren the white men, had been killed by an Indian; that nevertheless the sun was not set, (meaning there was no war) it had been only somewhat darkened by a small cloud, which was now done away; he that had done evil was like to be punished, and the land to remain in peace; therefore he exerted his people to thankfulness to God; and thereupon began to sing with an awful solemnity, but without expressing any words; the others accompanied him with their voices: After they had done, the same Indian, with great earnestness, spoke these words, *Thanks, thanks be to thee, thou great lord of the world, in that thou hast again caused the sun to shine, and hast dispersed the dark cloud; the Indians are thine.*
CHAPTER IX

ANOTHER SHIP ARRIVES AT WEST-JERSEY; PROCEEDINGS OF THE GENERAL ASSEMBLY OF WEST JERSEY;
SIR GEORGE CARTERET’S DEATH; CONVEYANCE TO THE TWELVE EASTERN PROPRIETORS;
THEIR PROPOSALS AND REGULATIONS IN SEVERAL RESPECTS,
PARTICULARLY IN DISPOSING OF LANDS AND BUILDING A TOWN AT AMBO POINT;
THE TWELVE PROPRIETORS EACH TAKE A PARTNER, AND THENCE ARE CALLED THE TWENTY-FOUR;
TO WHOM THE D. OF YORK MAKES A THIRD AND LAST GRANT; THE TWENTY-FOUR ESTABLISH THE
COUNCIL OF PROPRIETORS OF EAST JERSEY, ON THE FOOTING IT NOW IS;
A GENERAL VIEW OF THE IMPROVEMENTS IN EAST-JERSEY, IN 1682;
A COMPENDIUM OF SOME OF THE FIRST LAWS PASSED AT ELIZABETH-TOWN;
DOUBTS STARTED WHETHER THE GOVERNMENT OF WEST-JERSEY WAS GRANTED WITH THE SOIL;
JENINGS, CONTINUED GOVERNOR OF WEST JERSEY; AND LAWS NOW PASSED THERE.

In the year 1682, a large ship of 550 tuns burthen arrived at West Jersey, which
got a-ground in Delaware bay; where, after laying eight days, by a favourable wind
and tide, got off; and coming up the river, landed her passengers, being three
hundred and sixty in number, between Philadelphia and Burlington on the Jersey
shore: Their provisions being nigh gone, they sent ten miles to an Indian town
near Rankokus creek, for Indian corn and pease: The king of this tribe being then
there, treated them kindly, and directed such Indians as had provisions, to bring it
in next morning, who accordingly brought plenty; which being delivered and put
in bags, the messengers took leave of the king; who kindly ordered some of the
Indians to carry their bags for them to their canoes.

The assembly of West-Jersey having, at their last sitting, adjourned to the first of
second month this year met; but not being a full house, they adjourned to the
fourteenth, and then dissolved themselves without doing any business: Another
being called, sat from the second to the eleventh of the first month following; the
members returned by the sheriff for the respective tenths, to serve in this
assembly, were, Thomas Olive, speaker, Mahlon Stacy, Joshua Wright, John
Lambert, Thomas Lambert, William Emley, Godfrey Hancock, Daniel Leeds,
Thomas Wright, Samuel Borden, Robert Stacy, Thomas Budd, Daniel Wills, sen.,
Thomas Gardiner, John Crips, John White, John Chaffin, Bernard Davenish, Isaac
Marriott, William Peachy, William Cooper, Mark Newby, Thomas Thackery,
Robert Zane, James Nevil, Richard Guy, Mark Reeves, Richard Hancock, John
Smith, John Pledger, Edward Wade, George Deacon, and Samuel Hedge: Hitherto
the members had been chosen by the electors from all the tenths indiscriminately;
but this assembly declared it their judgment, and the judgment of those they
represented, that the most regular method for preserving the liberty and property
of the people by a free assembly, was, that such of the ten proprieties, as were now
peopled, should each chuse ten representatives (and the others also as they became
peopled) and resolving, that twenty-four, the speaker one, should make the
quorum, they chose the council, justices, commissioners for laying out land, and
other officers.84

This done, the governor, council and assembly, passed sundry laws; some of
which were in substance:

- That each of the ten proprietors should have liberty to sell as far as five
  hundred acres of land, within their respective tenths, or take such other
  expedient as they should judge fit, for defraying publick charges, for the
tenths respectively; to which purpose, Mahlon Stacy and Thomas Lambert
were appointed within the first or Yorkshire tenth; Thomas Budd and
Thomas Gardiner, for the second or London tenth; William Cooper and
Mark Newby for the third or Irish tenth, and Samuel Jenings and Thomas
Budd, within the remaining six tenths:85

- That the three pounds fine, formerly imposed on such as sold rum or other
strong liquor to the Indians, should go one half to the informer, the other to
the publick stock, where the offence was given; and that every foreigner
offending herein, should forfeit five pounds, to be disposed of in like manner:

- That for the more convenient payment of small sums of money, Mark
Newby's coppers, called Patrick's half-pence,86 should pass as half-pence

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84 Those now chosen were:

**Councillors:** Thomas Olive, Robert Stacy, Mahlon Stacy, William Biddle, Thomas Budd, John
Chaffin, James Nevill, Daniel Wills, Mark Newby, Elias Farre.

**Justices for Burlington:** William Biddle, Robert Stacy, Elias Farre, Mahlon Stacy, John Chaffin,
Thomas Budd, Benjamin Scott, John Cripps, Thomas Thackery.

**For Salem:** James Nevill, George Deacon, Richard Hancock, Edward Wade.

**Commissioners:** Elias Farre, William Biddle, Thomas Budd, Thomas Gardiner, Mark Newby,
James Nevill, Thomas Olive, Robert Stacy, Benjamin Scott, William Cooper.

**Sheriff for Burlington:** John White.

**For Salem:** Thomas Woodruffe.

**Provincial clerk and recorder, for Burlington:** Thomas Revel.

**For Salem:** Samuel Hedge.

**Surveyor:** Daniel Leeds.

**Constables for Yorkshire tenth:** Robert Schooley, John Pancoast.

**For London tenth:** John Bourten, William Brightwen.

**For the third tenth:** Thomas Sharp.

85 As for J. Fenwick, who ownd the other tenth, they seem here to have left him to his own
concerns.

86 These were Irish halfpence, a parcel of which Newby had brought in with him.
current pay; provided he gave security to the speaker, for the use of the general assembly for the time being, that he, his executors and administrators would change them on demand, and provided none were obliged to take more than five shillings in one payment:

- That for preventing clandestine and unlawful marriages, justices should have power to solemnize them, the parties having first published their intentions fourteen days in some publick place appointed for that purpose; any justice presuming to marry without the consent or knowledge of parents or trustees (if such consent could be reasonably obtained) was to be fined at the discretion of the general assembly; of which marriage the register was to make publick entry of the day it was solemnized; the births of children, and decease of all persons, were also to be entered in the publick register of the respective tenths;

- and for preventing differences between masters and servants, where no covenants were made, all servants were to have, at the expiration of their service, according to the custom of the country, ten bushels of corn, necessary apparel, two hoes and an ax:

- That all servants of full age, coming into the province without indentures, or other agreements, should serve four years, from the ship’s entry, (to take which entries custom house officers were before appointed) and that all under the age of one and twenty years, who came without indentures, should within three months after arrival, be brought to the court, in the district where the party resided; which court was to appoint the time of servitude:

- That for preventing deceits, lands should pay debts, where personal estates were insufficient:

- That for encouragement of building a saw-mill, one thousand acres should be sold to William Frampton, to accommodate him with land for that purpose; and more as the governor and commissioners should judge convenient:

- That for better settling and confirmation of lands, six of the commissioners, with the governor, should (where there was occasion) make an inspection into such as were or should be taken up; that on finding these legally located, they might after publick notice in the court, and no just reason to the contrary, confirm the same at the next court:

- That there should be four courts of session held at Burlington and Salem yearly:

- That the twenty pounds formerly granted the governor, the five pounds to the speaker, and the five pounds to the clerk, should be raised by tax; nine
pounds six shillings and eight pence by the Yorkshire, London and Salem
tenths each, and forty shillings by the third tenth; the whole, being thirty
pounds, was to be delivered to Thomas Budd and Thomas Gardiner, in skins,
corn or money; and the remainder of the two hundred pounds, formerly
directed to be raised to defray the charges of government, to be a debt due
from the other proprieties.

The Representatives of West-Jersey continued to be annually chosen, 'till the
surrender of the proprietary government, in 1702. The council (who were
justices ex officio), justices of peace, and inferior officers of government, were
chosen by them; the governor was appointed by the proprietors, who governed
them by a deputy, 'till the succeeding year; when the assembly understanding, that
Byllinge, for some selfish reasons, inclined to turn Jenings out, who had hitherto
been deputy governor, to the general satisfaction of the governed; they undertook,
by their choice, to continue him governor of the province, pretending a right to
do this, because in the constitutions, power was given to six parts in seven of the
assembly, to make such alterations for the public good, (the laws of liberty of
conscience, of property, of yearly assemblies, of juries, and of evidence, excepted)
as they found necessary; and that no advantage might be taken of such judicial
proceedings, as had not been exactly agreeable to the concessions, they confirmed
and ratified them all.

About this time, the settlers in many parts were distressed for food; several got
the chief of what they eat by the gun; which, as powder and shot were sometimes
very scarce, was at best a precarious supply.

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87 In 1699, a law passed for reducing the number of representatives to ten for each of the counties
of Burlington and Gloucester, five for Salem, and three for Cape May; but this occasioning
dissatisfaction, was repealed, and the number enlarged as formerly, viz. Burlington, 20, Salem, 10,
Gloucester, 20, Cape May, 5.

88 Instances of their wants are many, and the supplies sometimes unexpected; the family of John
Hollinshead, who lived near Rankokas, being unprovided with powder and shot, were in distress,
when Hollinshead the younger, then a lad about 13, going through a corn field, saw a turkey;
throwing a stick to kill it, a second came in sight; he kill'd both, and carried them home: Soon
after, at the house of Thomas Eves, he saw a buck; and telling Eves, he set his dogs, who followed
it to Rankokas river, then frozen; the buck running on the ice, slid upon his side; the dogs seized
it; Hollinshead coming up with a knife, eagerly jumped upon it; the buck rose with him on his
back and sprung forward, his feet spreading asunder, slip'd gently down on his belly, and gave
Hollinshead a respite from danger, and opportunity of killing him: By these means two families
were supplied with food to their great joy. These, and such like instances, in a new settled
country, show, with the distress, the relief that sometimes unexpectedly attends it.
The Colonial History of New Jersey

Samuel Smith

Sir George Carteret, sole proprietor of East-Jersey, dying in 1679, by will, ordered that province to be sold, to pay his debts; which was done accordingly, by his widow and executors, by indenture of lease and release, bearing date the 1st and 2d of February, 1681-2, to William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, of London, gold-smith, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumsted, and Thomas Cooper, their heirs and assigns; who were thence called the twelve proprietors: They being together so seized, in this year published an account of their country, a fresh project for a town, and method of disposing of their lands.90

Their plan was popular, and took much, especially among the Scotch, of whom many had already arrived: In this and some of the immediately succeeding years, came many more: Among them was George Keith, who some time after became surveyor general, and was accounted very skilful in the business.

The twelve proprietors did not long hold the province to themselves, but by particular deeds, took each a partner; their names were, James Earl of Perth, John Drummond, Robert Barclay, Robert Gordon, Aarent Sonmans, Gawen Lawrie, Edward Byllinge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne; these with the other twelve, are since called the twenty-four proprietors: To them the duke of York made a fresh grant of East-New-Jersey, bearing date the 14th of March, 1682.91

This was the duke's third and last grant of East-Jersey; soon after which, the twenty-four proprietors, by an instrument under most of their hands, established and gave them power to appoint, oversee, and displace all officers necessary for the management of their property; to take care of all lands belonging to the general proprietors; to demise them for terms of years, and to appoint dividends thereof; to examine the rights of the particular proprietors who demanded their shares of those dividends, and to grant warrants to the surveyor general (whom they chuse themselves) for the appropriating the quantity of acres due to such share; to sue trespassers upon the general proprietors land; and in general, to manage the affairs,

90 His will is dated December 5, 1678, he devises to Edward earl of Sandwich, John earl of Bath, Bernard Grenville, Sir Thomas Crew, Sir Robert Atkins, and Edward Atkins, esq; and their heirs, among other lands, all his plantation of New-Jersey, upon trust and confidence that they, and the survivors and survivor of them, and the heirs and executors of the survivor of them, should make sale of all the said premises; and out of the money that should upon such sale arise, pay and discharge debts, &c. as therein mentioned.

91 Vid. Appendix. Numb. iii.

92 The grants being already in the bands of the publick, were not thought necessary to be reprinted here: See grants, concessions, &c. published by A. Leaming, and J. Spicer.

92 More full and express than any that went before.
which relate to the said general proprietors: This council always to consist of at least one third of the general proprietors, or their proxies; and to have two general meetings yearly, at Perth-Amboy; which were held immediately after the supreme courts there, but lately altered to the first day in April, and second in September. In this manner have the lands in East-Jersey been disposed: Since the purchase of the twenty-four, the constitution as well as the management continues the same.

The province of East New-Jersey being now well settled for the time; its situation reduced to a general view, from the accounts then published by secretary Nicolls of New-York, appears to be thus:

Shrewsbury, near Sandy-Hook, adjoining the river or creek of that name, was already a township, consisting of several thousand acres, with large plantations contiguous; the inhabitants were computed to be about 400. Lewis Morris, of Barbadoes, had iron works and other considerable improvements here.

Middletown was supposed to consist of 100 families; several thousand acres allotted for the town, and many thousands for the several out plantations: John Bowne, Richard Hartshorne, and Nicholas Davis, had each well improved settlements here; a court of sessions was held twice or thrice a year, for Middletown and Piscataway, and their jurisdictions: Several plantations were settled on the north side of Rariton river, below Piscataway; several also higher up Rariton, and about the Falls; among which John Palmer, of Staten-Island, Thomas Codrington, John Robinson, White and company, and Edsal and company, of New-York, and Capt. Corsen, had settlements: Some land was likewise located by Millstone river, up Rariton, supposed to be near the division line.

Woodbridge had several improved plantations in it, and the country round; Delapairs, the surveyor general, was one of the settlers here: This town claimed more privileges than others; was incorporated by charter, and had erected a court house and prison (such as they were). There were here about one hundred and twenty families,\(^{93}\) a large quantity of land in the town, and for the plantations round, many thousand acres; of which plantations there were several on the north side of the river that divides Elizabeth-Town and Woodbridge.

At the entrance of the creek, on the north side, called Carteret's Point, north of Staten-Island, were other plantations, from Elizabeth-Town to the bounds of New-York: Within Elizabeth-Town claim, was a settlement in partnership between the proprietor Carteret, and governor P. Carteret; the latter had built a

\(^{93}\) From several erroneous computations, first published in Nicolls's account, but here omitted, there may be some reason to doubt others: what is here left, appeared probable; but if there should be thought any mistakes in names, number or situation; it must be remembered, that it is given only as Nicolls's account of this year.
house and resided here; the town was supposed to consist of one hundred and fifty families.

On the north of Milford or Newark river,94 is a large tract belonging to Kingsland and Sanfoord: Higher up the river, another to Capt. Berrie; who dividing it, several plantations were soon settled on it: Still further up the river, an island belonging to Christopher Hoogland, of Newark; above that again, was a large tract owned by Jacques Cartelayne, and partners; who, now made some settlement: These tracts were within the jurisdiction of Newark. Newark was then said to be a compact town, consisting of about one hundred families.

Near the mouth of the bay, upon the side of Overprook creek, adjacent to Hackinsack river, several of the rich valleys were then settled by the Dutch; and near Snakehill was a fine plantation, owned by Pinhorn and Eickbe; for half of which, Pinhorne is said to have paid 500 l. There were other settlements on Hackinsack river; and on a creek near it, Sarah Kiersted of New-York, had a tract given her by an old Indian sachem, for services in interpreting between the Indians and Dutch, on which several families were settled: John Berrie had a large plantation, two or three miles above, where he then lived, and had considerable improvements; as had also near him, his son in law Smith, and one Baker from Barbados: On the west side of the creek, opposite to Berrie, were other plantations; but none more northerly. There was a considerable settlement on Bergen point, then called Constable Hook, and first improved by Edsall, in Nicolls's time. Other small plantations were improved along Bergen neck, to the east, between the point and a little village of twenty families: Further along lived sixteen or eighteen families; and opposite New-York, about forty families were seated; southward from this, a few families settled together at a place called the Duke's Farm; and further up the country, was a place called Hobuck, formerly owned by a Dutch merchant, who, in the Indian wars with the Dutch, had his wife, children and servants murdered by the Indians, and his house and stock destroyed by them;95 but it was now settled again, and a mill erected there: Along the river side, to the north, were lands settled by William Lawrence, Samuel Edsal and Capt. Beinfield; and at Haversham, near the High Lands, governor Carteret had taken up two large tracts; one for himself, the other for Andrew Campyne and company; which were now but little improved: The plantations on both sides of the Neck, to its utmost extent, as also those at Hackinsack, were under the jurisdiction of Bergen town, situate about the middle of the Neck; where was a court held by select men or overseers, consisting of four or more in number, as the

94 Second River.

95 That there were such wars or skirmishes between the Dutch and Indians, we see is confirmed by concurring accounts: See before: note 5, Chapter II and text, Chapter IV.
people thought best, chose annually to try small causes, as had been the practice in all the rest of the towns at first: Two courts of sessions were held here yearly, from which, if the cause exceeded twenty pounds, the party might appeal to the governor, council and court of deputies or assembly.

Bergen a compact town, had been fortified against the Indians, contained about seventy families; its inhabitants chiefly Dutch, some of whom had been settled there upwards of forty years. Upon the whole there were at this time supposed to be about seven hundred families settled in the towns of East-Jersey; which, reckoning five to a family, were three thousand and five hundred inhabitants; besides the out plantations, which were thought to contain half as many more, though these could not be so well guessed at.

P. Carteret continued governor of East-Jersey after the quinty partite division, till about the year 1681. His council in 1668, consisted of six, viz. Nicholas Verlet, Robert Bond, Robert Vanquellin, Daniel Pierce, Samuel Edsall, William Pardon. The assembly then consisted of twelve; the first members were:

Casper Steenmets, Baltazar Bayard, for Bergen.
John Ogden, sen., John Brackett, for Elizabeth-Town.
Robert Treat, Samuel Swarne, for Newark.
John Bishop, Robert Dennis, for Woodbridge.
James Grover, John Bound, for Middletown. The same for Shrewsbury.

The sessions were mostly held at Elizabeth-Town, but sometimes at Woodbridge, and once or more at Middletown and Piscataway: Some of the first laws, published by the legislature at Elizabeth-Town, were in substance:

- That persons resisting authority, should be punished at the discretion of the court:
- That men from 16 to 60 years of age, should provide themselves with arms, on penalty of one shilling for the first week’s neglect, and two for every week after:
- That for burglary or high-way robbery, the first offence, burning in the hand, the second, in the forehead, in both, to make restitution; and for the third offence, death:
- For stealing, the first offence, treble restitution, and the like for the second

*His salary was generally 50 l. a year, paid in country produce, at prices fixed by law, and sometimes four shillings a day besides, to defray his charges while a session was held; the wages of the council and assembly during their sitting in legislation, was, to each member three shillings a day: The rates for publick charges were levied at two shillings per head for every male above fourteen years old.*
and third offence, with such increase of punishment, as the court saw cause, even to death, if the party appeared incorrigible; but if not, and unable to make restitution, they were to be sold for satisfaction, or to receive corporal punishment:

- That conspiracies or attacks upon towns or forts, should be death:
- That undutiful children, smiting or cursing their father or mother, except provok’d thereunto for self-preservation, upon complaint of; and proof from their parents or either of them, should be punished with death:
- That in case of adultery, the party to be divorc’d, corporally punished or banished, or either, or all of them, as the court should judge proper:
- That for night-walking and revelling after the hour of nine, the parties to be secured by the constable or other officer 'till morning, and then not giving a satisfactory account to the magistrate, to be bound over to the next court and there receive such punishment as should be inflicted:
- That the meeting of the assembly should be always on the first Tuesday in November, yearly, and oftner, if the governor and council thought necessary; and that they should fix the governor's salary; the deputies of each town to be chosen on the first of January, according to the concessions; any deputy absenting himself at such times, was to be fined forty shillings for every day's absence:
- That thirty pounds should be levied for provincial charges, i.e. 5 l. to be paid by each town, in winter wheat at five shillings a bushel, summer wheat at four and six pence, pease at three shillings and six pence, Indian corn at three shillings, rie at four shillings, barley at four shillings, beef at two pence half-penny per pound, and pork at three pence half-penny:
- That no son, daughter, maid or servant, should marry without the consent of his or their parents, masters or overseers, without being three times published in some publick meeting or kirk, near the party's abode, or notice being set up in writing at some publick house near where they lived, for fourteen days before; then to be solemnized by some approved minister, justice or chief officer; who, on penalty of twenty pounds, and to be put out of office, were to marry none who had not followed those directions:
- That fornication should be punished at the discretion of the court, by marriage, fine or corporal punishment; and that no life should be taken but by virtue of some law, and the proof of two or three witnesses.

There being doubts started, whether the government of West New-Jersey, had
been granted with the soil, and reports industriously spread up and down the province, as well as in England, to the prejudice of the possessors title, as they thought the assembly in the spring, this year, thought it their business to obviate this, and other points, by unanimously resolving, as to the first, "That the land and government of West New-Jersey, were purchased together: And that as to the question, Whether the concessions agreed upon by the proprietors and people, and subscribed in London and West-Jersey, were agreed upon to be the fundamentals and ground of the government of West-New-Jersey, or not? Resolved in the affirmative, nemine contradicente: only John Fenwick excepted his tenth; which he said at that time was not under the same circumstances; but now freely consenteth thereto." 97

Jenings was at this assembly chosen governor, as hinted before, 98 having hitherto acted as Byllings's deputy: The commissioners and other officers of government, being also chosen, they severally took their qualifications, 99 and having agreed, that the governor should be chairman, or speaker; that he should sit as a member with them, and they together with the council; and that the chairman should have a double vote; passed sundry laws, among which was the following:

And whereas it hath pleased God, to commit this country and province into the hands of such who (for the generality of them) are fearing God, and painful and industrious in the promoting and improving the said province; and for the better preventing of such as are profane, loose and idle, and scandalous, from settling amongst us, who are, and will be, not only unserviceable, but greatly burthensome to the province: It is therefore hereby enacted by the authority aforesaid, that all person and persons, who shall transport him or themselves into this province, shall, within eighteen months after he or they shall arrive in the said province, procure and produce a certificate, under the hands of such of that religious society to whom he or they did belong, or otherwise from two magistrates (if procurable) or two constables or overseers of the poor, with three or more creditable persons of the neighbourhood, who inhabit or belong to the place where he or they did last reside, as may give satisfaction (that is to say) that he or they came not clandestinely or fraudulently away; and if unmarried, that he or she are clear from former engagements in that particular; and also, that he or she are such as live soberly and honestly, to the best of their knowledge; and that no justice shall presume to marry any such person or persons, who shall come into this province, before such certificate be produced; or that it be laid before the governor or two

97 Proprietary records, secretary's office, Burlington.

98 He had for salary this year a right to take up six hundred acres of land above the Falls.

99 [See Note at end of chapter for oaths of office.]
justices, and give them sufficient satisfaction concerning their clearness; and that all such person and persons who shall settle in the said province, and shall refuse or neglect to produce such certificate as aforesaid, within the said eighteen months, shall be fined at the discretion of the governor and council of the said province, not exceeding twenty pounds; the same to be levied by distress and sale on the offender’s goods, and to be paid into the hands of the treasurer of the said province.

NOTE:
Respectively as follows:

I Samuel Jenings, being elected governor of the province of West-Jersey, by the general free assembly thereof, sitting at Burlington, the eleventh day of the third month, in the year 1683, do freely and faithfully promise (according to the best of my ability) to act in that capacity according to the laws, concessions, and constitutions, as they are now established in the said province.

SAMUEL JENINGS, Governor.

The engagement and promise of the council elected by the assembly:

We underwritten being elected and chosen by the general free assembly, members of council, to advise and assist the governor in managing the affairs of the government, do solemnly promise every one for himself, that we will give our diligent attendance from time to time, and him advise and assist to the best of our skill and knowledge, according to the laws, concessions, and constitutions of this province; and do further promise not to reveal or disclose any secret of council, or any business therein transacted, to the prejudice of the public. Witness our hands the 15th day of the third month, Anno 1683.

Thomas Budd
Thomas Gardiner
John Skeen
Henry Stacy
John Gosling
James Nevill
Thomas Olive
Elias Farre
William Biddle
The Colonial History of New Jersey
Samuel Smith

The engagement and promise of the commissioners, justices, and other officers, elected as aforesaid:

We whose names are hereunderwritten, being by the general free assembly, chosen to officiate in our several trusts, commissions and offices for the year ensuing; do hereby solemnly promise, that we will truly and faithfully discharge our respective trusts, according to the laws, concessions and constitutions of the said province, in our respective offices and duties, and do equal justice and right to all men, according to our best skill and judgement, without corruption, favour or affection. Witness our hands this 15th of the third month, 1683.

Commissioners: William Biddle, John Gosling, John Skeen, Mahlon Stacy, Thomas Olive, James Nevill, Francis Collins, Thomas Budd, Thomas Gardiner; Mark Newby.
Recorder: Thomas Revell.
Sheriff: Benjamin Wheat.
Surveyor: Daniel Leeds.
CHAPTER X

ROBERT BARCLAY APPOINTED GOVERNOR OF EAST-JERSEY; AND T. RUDYARD DEPUTY;
LETTERS FROM RUDYARD, S. GROOME, LAWRIE AND OTHERS, CONCERNED IN THAT SETTLEMENT.

We have seen that the Scotch had a considerable share in the settlement of East-Jersey, many of them and a number that arrived afterwards, fixed about Amboy, and up Rariton: The proprietors appointed Robert Barclay, (author of the apology) governor for life; and Thomas Rudyard, (a lawyer or attorney in London, noted for his assistance at the trial of Penn and Meade) deputy governor; which last arrived at his government, the latter end of last, or beginning of this year: His account of the country soon after his arrival, may not be unacceptable:

His commission:

The proprietors of the province of East-New-Jersey. To our trusty and well beloved fellow proprietor, Robert Barclay, sendeth greeting:

Whereas the powers of government of the province of East-New-Jersey, is devolv'd upon us, and assigned to us, by James duke of York, with power to constitute and appoint such governor and commissioners, for the well governing of the said province, as we shall see meet; and we having heretofore, out of the confidence we had of Robert Barclay, his skill, prudence and integrity, constituted and appointed him governor of the said province, to appoint a deputy during his absence therefrom, to be approved by sixteen of the proprietors: Upon the same reason and confidence, we do hereby confirm to him the government of the said province, during all the days of his life; as to have the power of the government of all the said province, and of all isles, rivers, islands and seas within the same or belonging thereto; to do all and every thing or things, which to the charge and office of a governor doth appertain; commanding all inferior officers to obey him as their governor, according to this our commission, and the powers hereby given him, and according to the laws and constitutions made or confirmed by us, or to be made; which he himself is to observe and follow; as unto his duty and office doth appertain. And whereas we have agreed, and are satisfied, for certain good reasons and considerations moving us thereunto, to commit this trust unto him, and to give him this character, without laying any necessity upon him to repair to the said province; so likewise we have, and do hereby give him power, from time to time as need shall be, during his absence, to name and constitutes and grant commission, to a deputy governor to serve in the said province; he being always approved by sixteen of us the proprietors, and following the orders he receives from us, according to the laws and constitutions of the said province.

Given under the seal of the said province, and signed by our hands; dated at London, the 17th of the fifth month called July, in the year of our lord, according to the English account, 1683.

R. Barclay died the third of October, 1690, and had continued governor 'till 1685, when lord Neil Campbell, uncle to the D. of Argyle, was appointed governor, and came over hither. - In 1698, Sir Thomas Lane was governor of East-Jersey.
East-Jersey, the 30th of the 3d month called May, 1683.

Dear B. G.

To be as particular in my turn, were but thy due; yet I cannot promise so much; however I may give thee some general account of the province, and of our satisfaction with our present lot, the short time I have experienced this: But to give thee also, as thou desires, a character of Pennsylvania, and West-Jersey, that will be a task I must be excused to undertake, lest I give offence, or at least bring me under censure as partial: Were I not concerned in any of the provinces, I might satisfy thy curiosity; but being chiefly interested in this, I'll be very cautious meddling with my neighbours, more than here, one with another; so I may use my freedom with my neighbours, which they take not ill, but not write what may be taken otherways. They lie so near adjacent, that they may be said in a sense, to be but one country; and what's said for one, in general may serve for all. I have been at Burlington, and at Pennsylvania, as far as Philadelphia; which lies about twenty miles below Burlington: That journey by land, gave me some view of all the provinces; and made me considerably to estimate this of East-Jersey, having some conveniencies esteemed by me, which the others are not so plentifully furnished withal, viz. fresh and salt meadows, which now are very valuable; and no man here will take up a tract of land without them, being the support of their stock in winter; which other parts must supply by store, and taking more care for English grass: But know, where salt marshes are not, there is no musketoes, and that manner of land the more health; and this was often answered me, when I have been making comparisons. I must tell thee, their character in print, by all that reads it here, is said to be modest, and much more might have been said in its commendation: We have one thing more particular to us, which the others want also, which is vast oyster banks, which is constant fresh victuals, during the winter, to English, as well as Indians; of these there are many all along our coasts, from the sea, as high as against New-York, whence they come to fetch them; so we are supplied with salt fish at our doors, or within half a tide's passage; and fresh fish in abundance, in every little brook, as pearch, trout, eels, &c. which we catch at our doors. Provisions here are very plentiful, and people generally well stocked with cattle: New-York and Burlington have hitherto been their market; few or no trading men being here in this province: I believe it hath been very unhappy heretofore, under an ill managed government; and most of the people are such who have been invited from the adjacent colonies, by the goodness of its soil, and convenient situation: At Amboy we are now building some small houses, of 30 feet long, and 18 feet broad; fitting to entertain workmen, and such who will go and build larger: The stones lie exceeding well and good, up the Rariton river a tide's passage; and oyster shells upon the point, to make lime withal; which will wonderfully accomodate us in building good
houses cheap, warm for winter, and cool for summer; and durable covering for houses are shingles, oak, chesnut, and cedar; we have plentiful here of all; the last endures a man's life, if he lives to be old: There is five or six saw-mills going up here this spring; two at work already, which abates the price of boards half in half; and all other timber for building; for altho' timber costs nothing, yet workmanship by hand, was London price, or near upon it, and sometimes more; which these mills abate; we buy oak and chesnut boards no cheaper than last year: My habitation with Samuel Groome, is at Elizabeth-Town, and here we came first; it lies on a fresh small river; with a tide ships of 30 or 40 tuns, come before our doors. Throughout this town is good English grass, and bears a very good burthen: We cannot call our habitations solitary; for what with the publick employ, I have little less company at my house daily, than I had in George Yard; altho' not so many passes by my doors: The people are generally a sober professing people, wise in their generation, courteous in their behaviour, and respectful to us in office among them: As for the temperature of the air, it is wonderfully situated to the humours of mankind; the wind and weather rarely holding in one point, or one kind, for ten days together; it is a rare thing for a vessel to be wind bound for a week together, the wind seldom holding in a point more than 48 hours; and in a short time we have wet and dry, warm and cold weather; which changes, we often desire in England, and look for before they come; yet this variation creates not cold, nor have we the tenth part of the colds we have in England: I never had any since I came; and in the midst of winter and frosts, could endure it with less cloaths than in England; for generally I go with the same cloaths I used to wear in summer with you; but warm cloaths hurt not. I bless the Lord, I never had better health, nor my family; my daughters are very well improved in that respect, and tell me they would not change their place for George Yard, nor would I. People here are generally settled where the tide reaches; and altho' this is good land, and well timbered, and plentifully supplied with salt marsh; yet there is much better land up higher on the river, where they may go up with small boats, where many now are settling. There's extraordinary land, fresh meadows overflowed in the winter time, that produces multitudes of winter corn; and it's believed will endure 20, 30, or 50 years ploughing, without intermission, and not decay: Such land there is at Esopus, on Hudson's river, which hath bore winter corn about 20 years, without help, and is as good as at first, and better. William Penn took a view of the land, this last month, when here; and said he had never seen such before in his life: All the English merchants, and many of the Dutch, have taken, and are desirous to take up plantations with us: Our country here, called Bergen, is almost Dutchmen; at a town called Newark, seven or eight miles hence, is made great quantities of cyder; exceeding any we can have from New-England, Rhode-Island, or Long-Island: I hope to make 20 or 30
The Colonial History of New Jersey

Samuel Smith

barrels out of our orchard next year, as they have done who had it before me; for that, it must be as providence orders. Upon our view and survey of Amboy point, we find it extraordinary well situate for a great town or city, beyond expectation; at low water, round about the point, are oysters of two kinds, small as English, and others two or three mouthfulls, exceeding good for roasting and stewing; the people say, our oysters are good, and in season all summer; the first of the third month I eat of them at Amboy very good: The point is good lively land, ten, some places twenty foot above the water mark. About it are several coves, where vessels may lay up conveniently; besides great ships of any burthen, may all ride before the town, land lock’d against all winds; there Rariton river runs up, or rather down 50, far larger some say 100 miles, for small boats. I saw several vines upon the point, which produces, as they say, good grapes in their season; this country is very full of them; but being not present profit, few regard them more, than to pick them as they lay in their way, when they are ripe. We have store of clams, esteemed much better than oysters; on festivals the Indians feast with them; there are shallops, but in no great plenty: Fish we have great store, as our relation sets forth; but they are very good when catch’d (as the proverb is). I have several barrels by me now, which are good for our table, and for sale. I brought a sea net over with me, which may turn to good account; sea nets are good merchandize here; mine cost me about four or five pounds, and can have twenty pounds for it, if I would sell it now. I may write of many such matters in our province, which may invite persons here; but so am resolved to conclude, knowing that in probability, there is not an industrious man, but by God’s blessing, may not only have a comfortable, but plentiful supply of all things necessary for this life; with the salutation of my true affection to all, &c. I rest

thy affectionate friend,

THOMAS RUDYARD

Samuel Groome, one of the proprietors, and surveyor general of East-Jersey, also wrote to his fellow proprietors, as follows:

East-Jersey, the 11th of August, 1683.

Friends and fellow proprietors.

Since my last I have now sounded the channel from Amboy to Sandy-Hook, and find it to be a broad and bold channel, in no place less than three fathom at high-water, in ordinary tides four, or five, or six fathom except in one short place: Rariton river is a good river, and hath a good tide of flood overpowering the freshes about thirty miles above Amboy; after its flood, the tide hath no force against the freshes, which come out of several branches of Rariton, and joins in one, forty or fifty
miles above Amboy. I have spent a considerable time in making discovery: I have not as yet, had time to lay out much land for you, only about seventeen or eighteen thousand acres in one tract, good upland, near Elizabeth-Town. I have now seen the tract of land against or nigh Amboy point, formerly laid out by Vanquillin; it is on the west side of a creek called Chingerorus, about eight thousand acres, and I intend shortly to lay as much, or twice as much more to it; but first we must talk with the natives about that, and other tracts of land, that they are not yet paid for: The last day of this month is appointed to treat with several Indians, to buy several exceeding good tracts, nigh the head of Rariton.

The tenth of next month is also appointed to treat with other Indians, to buy other tracts of choice meadowing and upland, that lieth about twelve or thirteen miles up into the country, which I have seen; and when we have accomplished these two things, we shall be able to lay out for you much land; and when I have been up in the country, towards, and at Barnagat, and agreed with the Indians thereabout, for such land as we may see occasion to purchase presently, in order to a settlement there; for here are many both of New-England, New-York, and some parts of this province, stands ready to sit down in that part of the country, not only for the sake of the good upland and meadows, which report saith is much thereabout, but also for the sake of the whale trade, and other fishing trade, which is like to be there shortly. New-England-men and others, were a tampering with the Indians, to have purchased there, before and since we came; but now they are out of hopes of coming in at that door; so now they make their addresses to us, and would have us to purchase and let them come in our tenants; or otherways as we may agree: I intend to attempt these things this fall: I have not been much on the south side of Rariton, only upon some upland at several places, and upon the tract of eight thousand three hundred and twenty acres of yours aforementioned, and also on the meadowing that lies on the south side of Rariton above Amboy, a year or two since purchased of the Indians, in the name of Dame Carteret, though it was never intended for her; nor for any proprietor; but as it fell out, they quarrelled about disposing and sharing thereof; so it is now without controversy yours. Now know, that Rariton river is accommodated on both sides with salt and fresh meadows; salt as far as the salt sea water flows, or predominates; and fresh above, as the river Thames:

We have above three thousand acres of meadowing butting on the river; I hope it will never hurt Amboy town: Besides, report saith, that the upland next adjoining to this meadowing, beginning over against Amboy, and so up ten or twelve miles, to a river that strikes out of Rariton south, and is called South River, is but mean land.

It may be well, if you would agree to take each one a twenty fourth part of lands as we lay them out, whether it be more or less, or else take five hundred acre lots, and let these lots be cast when twenty four times
The Colonial History of New Jersey

Samuel Smith

five hundred acres is laid out; and where we can make greater lots, we may. We have now got up three houses at Amboy, and three more ready to be set up, but workmen are scarce, and many of them base; the best will work but when they can spare time out of their plantations: If no help comes, it will be long e'er Amboy be built as London is; housing will bring a trade to that place: The Indians come thither to get fish, fowl, oysters, clams, mussels, &c. (as people go to market for things they want) and these Indians bring at seasons, great quantities of skins down Rariton, so by Amboy and to New-York; where they have a continual supply of things they want.

Well, here is a brave country, the ground very fruitful, and wonderfully inclinable to English grass; as clover, &c. It predominates over the more wild grass, very little barren, much dry upland, and good meadow: Some fenny, swampy land, and small running brooks and rivers, throughout all the parts of the country I have seen; and these fenny and swampy lands bear great burdens of grass; in short, the land is four times better than I expected. We must needs be out of some money at present to purchase lands of the Indians, but that will be soon got in with profit, as people come to inhabit and take up land, and pay, as always they have done, their part of purchase from the Indians: Here is great talk of the braveries of the place and land: Barnagat I intend to see shortly after the season is fitting to go by land and water to it; I intend to go by water in a sloop, to see how convenient it is by water, and from thence come by land; so then I shall tell you more: Ye must expect to be at charges for doing these and such other things: I purpose shortly to write to, and demand of all places the quit rents and arrears; they generally say they will pay: Capt. Berrie is two or three hundred pounds behind in arrears, as is said; because his case differs from others a little, I'll (God permitting) begin with him first of all about his rent, &c. and either have rent, or land: What you write concerning building and repairing, shall be observed: I wish I were fairly rid of all the goods I have of yours, and my own, at twenty eight per cent. excepting such as are for the Indian trade: These parts of America are accommodated with English goods; nevertheless when I pay workmen and labourers, I pay them goods rated cent. per cent. New-York money; but then I must pay them two or three parts silver; which I procure with goods as well as I can.

The houses at Amboy are thirty feet long, and sixteen wide, ten feet betwixt joint and joint, a double chimney made with timber, and clay as the manner of this country is to build, will stand in about fifty pounds a house; this pay procured here for twenty five in goods the first cost. I shall make you no return this year, seeing we are about purchasing and surveying; all which will run out money in this place, where men are so scarce to be had; on such accounts, I must as well as I can, turn your goods into money, provision and goods for Indians, I have laid out Amboy into
one hundred and fifty lots, and have sent home a draught of it.

S. GROOME

Gawen Lawrie arriving this year deputy governor of East-Jersey, under Robert Barclay, chose a fresh council; Richard Hartshorne one of them: There having been considerable disturbances in the province, especially about Middletown and Woodbridge, relating to town affairs; their prudent conduct contributed to the quiet of the province: The two following letters, wrote soon after Lawrie’s arrival, contain, as well his sentiments of the country, as some of the principal transactions of those times.

Gawen Lawrie, to the proprietors at London.

Elizabeth-Town, 1 Month 2d, 1684.

I took up several days with countrymen, and others, to view the ground and water; at last I pitched upon a place, where a ship of 300 tun may ride safely within a plank length of the shore, at low water; adjoining thereto is a piece of marsh ground, about twelve perches broad, and twenty perches long, and high land on each side like our keys by London bridge; this may be easy cut quite round, for small vessels to come to the key, and lie safe; round this island I set out lots one acre apiece, viz. four pole at the key, and forty pole backward; from thence along the river near half a mile: I laid out the like lots very pleasant for situation, where they can see the ships coming in the bay of sandy hook, for near twenty miles; the ships may ride along by the town, as safe as at London, just at the point by the town: Rariton river runs up by the country, a great way; there boats of forty tuns may go; and the river by the town, goes to New-York, Hudson's river, Long-Island, Staten-Island, and so to New-England: There is no such place in all England, for eveniency and pleasant situation; there are sixty lots upon the river, and forty backward between those and the river; and those backward, have a high way 100 foot broad; where I have laid out a place for a market, with cross streets from the river to the market; where the town houses are to be built: When this was done, I laid out 400 acres, to be divided into forty-eight parts, viz. thirty-six to each proprietor; and those who have lots in the town, I grant them half lots in this; to pay for the lots in the town, twenty pounds; or if a half lot of thirty-six acres, forty pounds. I laid 400 acres to lie until the proprietors agree to divide it, as people comes over. There is sixteen lots taken up by the Scotch proprietors; and eight lots by the proprietors that are here: There are twenty lots taken up in the town, by other people. I engage all to build a

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101 In one of these disturbances, Lewis Morris, afterwards governor of New-Jersey, being a party, was taken prisoner and confin’d in a log house; his partizans prized up the logs high enough or him to creep out.
The Colonial History of New Jersey

Samuel Smith

house of thirty feet long, and eighteen broad, and eighteen feet high to the raising; to be finished within a year; to pay for laying out, forty shillings a lot, and four pence per annum, quit-rent; There are several begun already to build. I have laid out forty or fifty acres for the governor’s house: The highway and wharf, between the river 100 feet broad; and to leave a row of trees along upon the river, before the houses, for shade and shelter, exceeding pleasant. I have agreed for two houses of like dimensions, to be built for the proprietors; and also a house for the governor, of sixty-six feet long, and eighteen broad; if the quit rents come in, I intend three or four houses more, for the proprietors: I can easily let them. This work took me up five weeks: After I had finished it, I set the people to work, Scotch and English, about fifty persons; some preparing for building, others to clearing ground to get corn sown this spring: Then came in a boat privately to Elizabeth-Town the 12th past: Next morning I went to New York to visit the governor; staid there two or three days; he was very kind, and promised a fair correspondence; so I did not publish my commission until this day, before the council; they have been kind and courteous. Now is the time to send over people for settling; there are 30,000 acres of land in several places, belonging to the proprietors, formerly taken up by Carteret: So here is land enough. The Scots and William Dockwras people coming now and settling, advance the province more than it hath been advanced these ten years: Therefore proprietors, send over some families and servants; I shall presently set them out land, and it will bring them in considerable profit, in a few years: Here wants nothing but people. There is not a poor body in all the province, nor that wants; here is abundance of provision; pork and beef at two pence per pound; fish and fowl plenty: Oysters I think would serve all England: Wheat four shillings sterling per bushel; Indian wheat two shillings and six pence per bushel; it is exceeding good for food every way, and two or three hundred fold increase: Cyder good and plenty, for one penny per quart. Good drink that is made of water and molasses, stands in about two shillings per barrel, wholesome like our eight shilling beer in England: Good vennison plenty, brought us in at eighteen pence the quarter; Eggs at three pence per dozen; all things very plenty; land very good as ever I saw: Vines, walnuts, peaches, strawberries, and many other things plenty in the woods. The proprietors have 150 or 200 acres, three miles from the town, up Raritan river salt marsh, where I intend to let the people of Amboy cut grass for hay until we otherwise order it by lots to them. I reckon there is laid out for the town, governor’s house and publick highways, near or about 200 acres; so there rests 1800 acres. I laid out 400 acres, as I said; the rest to lie in common, until divided: I have put two houses in repair, upon the river, called the point, two miles from Elizabeth Town; have let one of them, with ten acres of pasture ground, and ten acres of woody ground, for seven years, at twenty-six pounds per annum; the man to clear the ten acres of
woody ground, and make it fit for ploughing or pasture. I intend to let the
other also, with some land: All the houses were like to drop down; all the
land lying without fence; and a barn quite fallen down, and destroyed;
another without any cover; and that other next to the house where I dwell,
all to pieces; and all the fences and out-houses were down, but repaired
before I came. I am setting up a ferry boat at Perth, for men and horses, to
go and come to Burlington and Pennsylvania, and New-York: Also I am
treating with one, to set up a house midway to Burlington, to entertain
travellers, and a ferry boat to go to New-York; all which is for promoting
Perth, that being the center: Also you should give me power to set out a
line, between the governor of New-York and us; he calls on me for it,
because several plantations on the river are settled, and we know not yet
on what side they will fall; so I cannot at present mention all particulars,
which you must supply, by some general clauses or words; for it is not
possible for you to understand what is for the good of the province, as I do,
that am here; and be not sparing to send over people, it will bring you it
again, with large profits; for here is a gallant plentiful country, and good
land. I have given you a large account of the little time I have been here: I
have none to write for me, but you must send a copy of this to Scotland;
and with it your further instructions, to be signed and sent me forthwith: I
will be bound 'till it come; I rest your friend, sic subscribitur,

GAWEN LAWRIE

The same to a friend in London.

East-Jersey, 1st month 26th, 1684.

I promised to write but had not time 'till now; I shall give thee a brief
account of the country, no fiction, but truth: It is beyond what I expected;
it is situate in a good air, which makes it healthy; and there is great
conveniency for travelling from places through and about the province, in
boats from a small canoe, to vessels of thirty, forty or fifty tun, and in
some places one hundred in the bay coming up to Amboy point, where the
town of Perth is now in building, a ship of three hundred tun may easily
ride close to the shore within a plank’s length of the houses of the town,
and yet the land there, nor other in the province is not low, swampy,
marshy ground, but pretty high ground, rising from the water side at
Amboy-point. The bank of the river is twenty foot, in some places thirty,
and in some forty foot high, and yet hath many conveniencies for landing
goods: The soil is generally black, in some places a foot deep, beareth great
burdens of corn, and naturally bringeth forth English grass, two years
ploughing the ground is tender, and the ploughing is very easy: The trees
grow generally not thick, but some places ten, in some fifteen, in some
twenty-five or thirty upon an acre; this I find generally, but in some
particular places there is one hundred upon an acre; but that is very rare:
The trees are very tall and straight, the general are oak, beech, walnut, chesnuts and acorns lie thick upon the ground, for want of eating; peaches, vines, strawberries and many other sorts of fruit grow commonly in the woods; there is likewise gumtree, cedar, whitewood like our fir tree, walnuts, chestnuts and others lie thick on the ground; there is great plenty of oysters, fish, fowl; pork is two pennies the pound, beef and venison one penny the pound, a whole fat buck for five or six shillings; Indian corn for two shillings and six pence per bushel, oats twenty pence, and barley two shillings per bushel: We have good brick earth, and stones for building at Amboy, and elsewhere: The country farm houses are built very cheap: A carpenter, with a man's own servants, builds the house; they have all materials for nothing, except nails, their chimneys are of stones; they make their own ploughs and carts for the most part, only the iron work is very dear: The poor sort set up a house of two or three rooms themselves, after this manner; the walls are of cloven timber, about eight or ten inches broad, like planks, set one end to the ground, and the other nailed to the raising, which they plaister within; they build a barn after the same manner, and these cost not above five pound a piece; and then to work they go: Two or three men in one year will clear fifty acres, in some places sixty, and in some more: They sow corn the first year, and afterwards maintain themselves; and the increase of corn, cows, horses, hogs and sheep comes to the land-lord: Several merchants of New-York have left their several plantations there, to come to East-Jersey, two or three may join together, with may be twelve, fifteen or twenty servants, and one overseer, which cost them nothing for the first year, except some shoes, stockings and shirts: I have been to see these plantations, and find they have a great increase by them, they maintain their families at New-York with all provisions, and sell a great deal yearly; and for servants, our English people are far better husbandmen than the New-Englandmen; the servants work not so much by a third as they do in England, and I think feed much better; for they have beef, pork, bacon, pudding, milk, butter and good beer and cyder for drink; when they are out of their time, they have land for themselves, and generally turn farmers for themselves: Servants wages are not under two shillings a day, besides victuals; and at Amboy-point two shillings and six pence per day: At Amboy we have one setting up to make malt, but we want a brewer; I wish thou would send over some to set up a brewhouse, and a bakehouse to bake bread and bisket; for a bisket maker we must have, to vend our meat to the plantations: Send over some husbandmen and country fellows that plough, sow, reap, thresh, and look after cattle; a carpenter or two, and a smith for ploughs and horses; and a cooper which we want very much: If thou will send a dozen of servants, most of them countrymen; I will set thee out a gallant plantation of five hundred or one thousand acres, on a river side; but thou must send over some goods to stock it withal: I desire thee to encourage some of our
friends, especially the proprietors, to send over some servants to stock some land; and when they have cleared it, if they have a mind to let it, here are tenants to take it, and if they will sell it, here are also purchasers: There is one man since I came here, sold his plantation for fifteen hundred pound; the whole was sixteen hundred or eighteen hundred acres, whereof only one hundred and twenty acres were cleared; upon which he had a house, garden, and orchard, and barn planted: I know several men who let cleared land at six shillings and eight pence, and at ten shillings the acre, yearly rent; which is a good encouragement for sending over servants to plant: I write not this as an idle story, but as things really and truly are: I have sent for servants myself to settle a farm; for if the proprietors will not do so, I see not what they can expect. The Scots have taken a right course, they have sent over many servants, and are likewise sending more; they have likewise sent over many poor families, and given them a small stock; and these families, some for seven, some for ten years, give the half of their increase to the land-lord, except the milk, which the tenant hath to himself. I have set them out land and they are at work I believe they will have forty acres cleared this spring and this summer: I am to set them out more, so that in a short time they will have a great increase coming in: This will raise the price of the land here, and is the reason that several from New-York bounds come to me to take up land, for they believe now this province will be improving, and our land is better than theirs; that every proprietor's sending over ten people, will also be a great advantage to himself; encourage others to take up land and bring all the division that hath been here, to an end; for these men seeing that they shall be ballanced, are already more compliant than they were; now I have laid these things before thee, and desire thee to impart them to some of the proprietors and other friends, that they may consider of the same. I am thy loving friend, sic scriptur.

GAWEN LAWRIE.

From John Barclay, Arthur Forbes, and Gawen Lawrie, to the Scots proprietors, of the same date.

Knowing you expect from us an account of this country; we have for your encouragement, and for the encouragement of all our country-men, who may be inclinable to come into this country, given you this brief and true account of it, according as we have seen and are credibly informed; for having seen little, yet save the winter season, we must write what is to be seen in summer upon information, which we have just ground to believe to be true; because whatever we have seen already in it (notwithstanding all we heard of it before we came) surpasses our expectation in many things. The air in this country is very wholesome, and though it alters suddenly, sometimes being one day hot and another cold; yet people are not so
The Colonial History of New Jersey
Samuel Smith

subject to catch cold or be distempered by it as in our country of England. The land lies for the most part pretty high, but on the river and creek sides, are many meadows which lie low, from which the country people get their hay, whereby their stocks are maintained in the winter season. Provisions here are plentiful and cheap; there is beef, pork, venison, mutton, fowl and fish, abundance to be had at easy rates; and for drink they have good beer and cyder; and those that are desirous, may have wine of several sorts and other kinds of strong liquors; so that we see little wanting that a man can desire; and we are here sure that a sober and industrious people might make this a rich country, and enrich themselves in it; especially poor people, who are hard put to it to gain bread at home, notwithstanding the excessive labour; for we see that people here want nothing, and yet their labour is very small; they work not so hard by one half as the husbandmen or farmers in our country; and many of these who have settled here upwards of sixteen years, have lived upon the product of the land, they cleared the first two years after they came (and cleared none since) which produceth not only corn to maintain their own families, but sell every year; and the increase of their bestial, whereof they have good store of several sorts; cows, oxen, horses, sheep and swine, yields them other provisions, and to sell besides; yet there be some more industrious among them, who have continued clearing and improving land; and these have got estates, and would not sell their plantations for several hundred pounds. We have been lately up a little way on the Rariton river, but could not go so far as we intended, being prevented by rainy weather; but so far as we went, was very rich land, and yet that above it is said to be richer; a great deal of it is naturally clear of wood, and what is not so, is easily cleared, the trees being but small and at a good distance from one another; so that the land yet untaken up, so far as we can understand, is easier to clear, than that which is taken up. The towns that are already seated, being in woodiest places: The merchants in New-York, both Dutch and English, have many of them taken up land, and settled plantations in this country; and several from that colony are desiring to come and take up land among us; though they might have land in their own colony without paying quit-rents. The wood here is not so hard to clear as many think, they do not pull it up by the roots, but out them about a foot or more from the ground, and one man may cut down many in a day; four of our men the first day they began, cut down seventy the best trees they could find fit for building: There are not many of great trees, but straight and tall, and there be many sorts, oak, walnut, chesnut, cedar, poplar, gum-trees, firrs, pines, birch and beech, and other sorts, which we remember not at present. There are many good orchards of fruit trees, and they make abundance of good cyder, especially at one town called Newark, which is esteemed at New-York and other places, where it is sold beyond any that comes from New-England: There are peaches and vines grow
wild about the river sides, which in season bear good fruit, and grapes; and there are strawberries over all the woods, and many other kind of good fruits, and at Amboy point and several other places; there is abundance of brave oysters; there will be many houses built there quickly, for many have taken up lots, and all that have taken are obliged to build within a year: There is good encouragement for tradesmen to come over; such as carpenters, masons, and bricklayers, for they build not only of wood, but also of stone and brick; yet most of country houses are built of wood, only trees split and set up one end in the ground, and coverings to their houses, are mostly shingles, made of oak, chesnut and cedar wood, which makes a very neat covering; yet there are some houses covered after the Dutch manner, with panticles. The towns are all settled upon rivers where vessels of thirty or forty tuns may come up to their doors, and the out plantations generally upon some brook or rivuletts, which are as plenty here as in our own country, and curious clear water, and in many places are good spring wells, but in the towns every man for the most part has a well digged on his own land: Among all the towns that are settled, none lieth so convenient for trade as New-Perth; for ships of great burden may come up close to the houses, and may come up in any time in the winter: There came a ship of three hundred tuns in there this winter, in the hardest frost we had and lay hard by the town, so near that she was tied to a tree. The land here brings forth most sorts of English grain, and great increase; wheat, rie, barley, oats and other sorts of grain, such as Indian corn, which is very good and wholesome kind of grain; and also buck-wheat; and those corns are to be had at easy rates, either for money or goods, and those that have not money or goods may have abundance for their work: We shall now answer as far as we are capable, your queries.

To the first we cannot positively give an account of the whole length and breadth of the province; but we are informed that it is a great deal broader than ye expected; for those that have travelled from the extent of our bounds on Hudson’s river, straight over to the Delaware say it is 100 miles or upwards; we shall know that certainly after a while; for the line betwixt us and New-York, is to be run straight over to Delaware river, about three weeks hence; and after that the line betwixt us and West-Jersey; after which we shall be able to give a true account of the bounds of that province.

2. When the bounds is so exactly laid out, we can the easier guess at the number of acres, and by that time may be able to give an account what number of acres is already taken up; but there is no fear of want of land.

3. The quantity of meadow ground, we cannot determine, having travelled as yet, but little in the province; but the way we have travelled there is meadow in abundance, both on the water sides and on the upland.
4. There is also other good ground in some places, great quantities free of wood, which is fit either for corn or grass; and the ground all over brings forth good English grass naturally, after it is ploughed.

5. There are also commons upon the country, but what quantity we cannot tell; there is little kept in them save wild horses, which the people take up when they have occasion: there is also land fit for pasturage for sheep; and there is sheep in the country, but what number the ablest planters have we know not, but some we see have good flocks.

6. An exact map of the country is not yet drawn, nor can you quickly expect it, for it will take up a great deal of time, charge and pains to do it.

7. There are also hills up in the country, but how much ground they take up we know not; they are said to be stony, and covered with wood; and beyond them is said to be excellent land.

8. To the eighth we cannot answer as yet.

9. There be people of several sorts of religions, but few very zealous; the people, being mostly New-England men, do mostly incline to their way; and in every town there is a meeting-house, where they worship publickly every week: They have no publick laws in the country for maintaining publick teachers, but the towns that have them, make way within themselves to maintain them; we know none that have a settled preacher, that follows no other employment, save one town, Newark.

10. The method of building their houses is mentioned already.

11. There are not many out plantations that are not within the bounds of some town; yet there be some, and those are the richest; what number there are we know not; some have great quantities of land, and abundance cleared.

12. The richest planters have not above eight or ten servants; they will have some of them a dozen cows; yea, some twenty or thirty; eight or ten oxen; horses more than they know themselves; for they keep breeding mares; and keep no more horses at home than they have occasion to work; the rest they let run in the wood both winter and summer, and take them as they have occasion to use them: Swine they have in great flocks in the woods; and sheep in flocks also; but they let them not run in the woods, for fear of being destroyed by wolves: Their profit arises from the improvement of their land, and increase of their bestial.

13. There will be in most of the towns already settled, at least 100 houses, but they are not built so regular as the towns in our country; so that we can not compare them with any town we know in Scotland: Every house in the town hath a lot of four acres lying to it; so that every one building upon his own lot, makes the town irregular and scattered: Their streets are
laid out too large, and the sheep in the towns are mostly maintained in them; they are so large that they need no trouble to pave them.

14. Betwixt Sandy-Hook and Little Egg-Harbour, lie two towns, Middletown and Shrewsbury: There is no land taken up that way, but what is (now) in the bounds of these two towns; what kind of land it is we know not, having never travelled that way: Barnagat or Burning-Hole, is said to be a very good place for fishing; and there is some designing to take up land there, who inform that it is good land, and abundance of meadow lying to it.

15. There are no fishermen that follow only that trade, save some that go a whaling upon the coasts; and for other fish there is abundance to be had every where through the country, in all the rivers; and the people commonly fish with long sives or long nets, and will catch with a sive, one, sometimes two barrels a day of good fish, which they salt up mostly for their own use, and to sell to others.

16. There are no ships belonging to this province particularly, or built here, save one which Samuel Groome built here the last summer, which stands yet on the stocks; (a stop being put to it by his death) there is convenience enough to build ships: The ships in this part trade mostly to the West-India islands, and some to Newfoundland, where the provisions of this country vends.

17. There is land here in several places, after it is cleared and brought into a farm set out for rents, as in our country, at five, eight, and ten shillings per acre, according to the goodness and situation of the said land; and those that will be at the charge to clear land, may get tenants to take upon these terms; but whether it will turn to good account or not, because little experienced as yet, with the charge of clearing of land, I will not positively inform.

18. There are several places of the country fit for mills; and several, both corn and saw mills already set up, and good encouragement to set up more.

19. The acres are here reckoned according to the English account; sixteen feet to the rood, twenty long, and eight broad makes an acre: One English butt of wheat, which is eight English gallons, or Scots quarts, commonly sows an acre; two bushels of barley also an acre; and two bushels of oats an acre and half: English peck, which is four English quarts or Scots shopens of Indian corn, plants one acre.

20. There are but few Indian natives in this country, their strength is inconsiderable, they live in the woods, and have small towns in some places far up in the country; they plant a little Indian corn, shoots deer, and other wild beasts and fowls for their food: They have kings among themselves to govern them; for religion they have none at all; they do not
refuse to sell lands at occasion. The prices of grain and other provisions here at present; Indian corn two shillings and six pence the bushel; wheat four shillings; rie three shillings; oats one shilling and eight pence; beef one penny; pork two pence; venison one penny; mutton three pence the pound, this English measure and weight; but mark, these things being valued in this country money, there is a fifth part difference betwixt it and sterling money; so that wheat being valued here at four shillings the bushel, is but three shillings and three pence sterling, and so of the rest proportionably.

Here you have an account of things, as far as we are capable to give at present; with which we hope you will be satisfied, while further opportunity and better experience give us occasion to write more; and so we rest your friends and well wishers to all our countrymen; sic subscribitur,

JOHN BARCLAY
ARTHUR FORBES

Elizabeth-Town, in East-Jersey, the 29th of the first month, called March, 1684.

This I have heard read, do also subscribe to the truth thereof, and rests - G. L.
CHAPTER XI

MANNER OF THE WEST-JERSEY GOVERNMENT IN 1684;
THEIR UNSETTLED STATE, AND SUCCESSION OF GOVERNORS;
DANGER OF SUFFERING FOR WANT OF FOOD IN 1687;
THE DIVISION LINE RUN BY G. KEITH,
AND AGREEMENT BETWEEN THE GOVERNORS COXE AND BARCLAY;
ALTERATION IN THE MANNER OF LOCATING LANDS IN WEST-JERSEY,
AND THE METHOD NOW IN USE FIXED;
NO PERSON IN WEST-JERSEY TO PURCHASE FROM THE INDIANS,
WITHOUT THE CONSENT OF THE COUNCIL OF PROPRIETORS;
AND INSTRUCTIONS RESPECTING DEEDS AND WARRANTS FOR TAKING UP LANDS.

The assembly of West-Jersey at their meeting the 20th of the third month, this
year chose Thomas Olive governor, and chairman or speaker; in both which
capacities the governor now acted; the several branches of the legislature we have
seen doing their business in common together; the peoples choice the foundation
of the whole, whose representatives were distinctly returned from their respective
first, second, third and Salem tenths, (which were all the tenths yet settled) at their
first meetings they chose the governor, council, commissioners to lay out land,
and all the other officers of government.

Olive had been twice governor of West-Jersey before, and continued on the last
choice in that station for a year past; but Byllinge having desisted from the
claims which the assembly and their constituents had thought unjust, and which
had been the cause of their undertaking in opposition to him to choose the
governor, and he in this year sending a fresh commission to John Skeine to be his
deputy, the assembly and people submitted to him, tho' they had before refused
William Welsh in that capacity, while Byllinge continued the claims aforesaid:
Skeine died in the twelfth month 1687; but Dr. Daniel Cox, of London, the
greatest proprietor of West-Jersey, was the September before appointed to
succeed him; he continued in that station 'till about the year 1690, having
appointed Edward Hunloke his deputy; sometime afterwards a commission was

102 His salary was twenty pounds a year.

103 Skein's salary beside the fees, was said to be thirty bushels of rye.

104 He owned twenty-two shares of propriety.

105 [See Note at the end of this chapter for Governor Coxe's lengthy letter to the Council of
Proprietors.]
sent to John Tatham, who being a jacobite; and as such by principle disqualified, him the assembly rejected; on which the proprietors sent a commission in 1692 to Andrew Hamilton. He was accepted and continued governor of West-Jersey, while it remained under the proprietary jurisdiction, tho' with some interruption in 1698, of which hereafter; being also some part of the time governor of both East and West-Jersey, and Pennsylvania.

The year 1686, seems to have been a dangerous one in East-Jersey, if the law then passed against wearing swords was properly founded: According to that, several persons had received abuses, and were put in great fear from quarrels and challenges; to prevent it for the future, none by word or message, were to make a challenge, upon pain of six months imprisonment without bail or mainprize, and a ten pound fine; whoever accepted or concealed the challenge, was also to forfeit ten pounds; no person was to wear any pocket pistols, skeins, stilladers, daggers or dirks, or other unusual weapons, upon pain of five pounds forfeiture for the first offence, and for the second to be committed; and on conviction imprisoned for six months, and moreover to pay a fine of ten pounds; no planter was to go arm'd with sword, pistol, or dagger, upon penalty of five pounds. Officers, civil and military, soldiers in service, and strangers travelling upon lawful occasions, were excepted. This law for any thing that appears, is yet in force.

The settlers in both West Jersey, and Pennsylvania, about the year 1687, were put to difficulties on account of food; their crops having in great part failed; several families had already spent their last, and were forced to subsist on what was spared by such of their neighbours as were better provided; these were few in proportion to the mouths to be filled: Some nigh the rivers had lived weeks upon fish, others were forced to put up with herbs; but unexpectedly many arrived a vessel from New-England to Philadelphia, laden with corn, which proved an agreeable supply; this vessel meeting with a good market others soon followed; so

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106 His salary in 1695 and 1696, was two hundred pounds a year as governor of West-Jersey; but the salary in both East and West-Jersey seems in some periods, to have been rather occasional: In the latter province in 1697, provision was made for two hundred pounds by a law with the following preamble:

Being sensible of the many great services done by our present governor, Col. Andrew Hamilton, since his accession to the administration of the government of this province; and taken also into our consideration, the great charge that must attend any person in that cost, and how little hath yet been done by us answerable to his merit and station; we find ourselves obliged in point of gratitude, and in testimony of our affection to him, and as a demonstration thereof, to offer as is hereafter expressed; and pray our governor's acceptance thereof from a poor people, whose good-will and regard to him is not to be measured by the value of our offering, but integrity of the offerers.

The salary of the governor of East-Jersey in 1694, 1695, and 1696, was one hundred and fifty pounds per annum.
that the settlers were not afterwards exposed to the like necessity for want of food.

In this year, George Keith, surveyor-general of East-Jersey, by order of the proprietors there, attempted to run the division line between East and West-Jersey; pursuant to an award on the terms established in the quintipartite deed.\(^\text{107}\) He began with a line from little Egg Harbour, north by west and three degrees five minutes more westerly, as the compass then pointed for a part; the line he run sixty miles in length, 'till he fell upon the corner of Dobie's plantation, on the south branch of Rariton: This, by order of the council of proprietors of West-Jersey, in or about the year 1721, was traversed by John Chapman, esteemed a careful surveyor; upon the computation it appeared, that the line at the time of his traverse, was north sixteen degrees and forty three minutes west, which leaves a variation of two degrees and twenty three minutes in that thirty-four years. The remaining part of Keith's line was from Dobie's plantation, along the rear of that and other tracts and plantations, as they were before patented and surveyed in right of the proprietors of the eastern division of New-Jersey, until it intersects that part of the north branch of Rariton river, which descends from a fall of water, commonly called and known by the Indian name of Allamitung then running from that point intersection up the branch of stream of the fall of Allamitung.

Upon the original running this line, the western proprietors thought too much of their best lands were surveyed to the eastward; and were uneasy with it.

In the fall 1688, the governors of East and West-Jersey, on behalf of each division, entered into the following agreement:

London, September 5, 1688.

It is agreed this day, by Dr. Daniel Coxe, governor of the province of West-Jersey, on behalf of himself, and all the rest of the proprietors of that province, on the one part; and Robert Barclay, governor of the province of East-Jersey, on behalf of himself and all the rest of the proprietors of that province, on the other part; as followeth, \textit{viz.} For the final determination of all differences, concerning the deed of partition; and all other disputes and controversies about dividing the lands, and settling the bounds between East and West-Jersey.

1. The line of partition run strait from little Egg-Harbour, to the most westerly corner of John Dobie's plantation, as it stands on the south branch of Rariton river, shall be the bounds so far between East and West-Jersey, and shall not be altered; but remain as it stands, on a printed draught of the proprietors lands, surveyed in East-Jersey, and drawn by John Reid, and since printed here.

\(^{107}\) See the act reciting this deed, Vol. I. of laws, p. 63, \&c.
The Colonial History of New Jersey

Samuel Smith

2. From thence to run along the back of the adjoining plantations, until it comes to James Dundass his plantation; and from thence, at the most north westerly part thereof, a line to lye down with a line on the back of those plantations, and so to run north eastward, 'till it touch the north branch of Rariton river, as it is struck upon the map already; but saving the plantations already laid out, to be within the line, if they happen to stand a little more westerly than that line is marked.

3. From the north end of the line, where it touches Rariton north branch; thence forward the largest stream or current of water belonging to the said north branch, shall be the bound or partition; and so continuing along the same, unto the north end thereof, for the bounds so far.

4. From the said north end of the branch, a short strait line to run to touch the nearest part of Passaick river; and so following the course of that river, continuing Poquanick river, so long as it runs northerly or north westerly; those rivers still to be the bounds between both provinces; and if Poquanick river do not run far enough to the latitude of forty one degrees; then from the said river, a straight line to be run northward to the latitude; and that to be the utmost north partition point, and from the said point in a strait line due east to the partition point on Hudson's river, between East-Jersey and New-York: Provided always, that all plantations and tracts of land, laid out and surveyed, before this agreement arrives in East-Jersey, shall remain to the parties concerned; and the partition shall so run as to include them within East-Jersey bounds.

Lastly, Dr. Coxe doth covenant and promise, to make good the agreements above written, and warrant the title and quiet possession of all the lands so to be appropriated to the proprietors of East-Jersey, according to the limits and bounds abovementioned, against all persons that shall or may pretend, or claim any interest to any of the said lands, as West-Jersey proprietors: And Robert Barclay doth covenant and promise, to make good the agreement above written, and warrant the title and quiet possession of lands, so to be appropriated, to the proprietors of West-Jersey, according to the limits and bounds abovementioned, against all persons that shall or may pretend or claim any interest to any of the said lands, as East-Jersey proprietors: For performance of all and every the respective articles and covenants herein mentioned; they do mutually bind themselves, each to the other, in the sum of five thousand pounds, to be well and truly paid on the breach of any of the clauses and covenants, herein before mentioned. In witness whereof, they have interchangeably set their hands and seals, the day and year first above written.108

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108 See the consent of many western proprietors, to the agreement made with East-Jersey, in the line of division by Dr. Daniel Coxe. Revell's book. B. Secretary's office, Burlington, p. 233.
The Colonial History of New Jersey
Samuel Smith

ROBERT BARCLAY.
Sealed and delivered in the presence of
DAVID HEWLING.
STEPHEN LUCOCK.

Notwithstanding this agreement, and that the parties have at several times seemed desirous the line should be properly run out and fixed; the necessary preliminaries could never yet be sufficiently settled; those of East-Jersey being thought by the western proprietors to have the advantage in every step hitherto taken; while they on the contrary, have not been wanting to allege their reasons.109

In order to keep the transactions relative to the division line together, we are necessarily brought forward in course of time, with respect to the manner of locating the proprietors lands in West-Jersey; the divisions and sub-divisions of shares had multiplied demands, and introduced a necessity for other measures than had been hitherto in practice; accordingly in 1687, the proprietors found it expedient to enter into the following agreement:

Whereas by experience it hath been found, that the concerns particularly relating to the proprietors of the province of West New-Jersey, by reason of the great difficulty of getting them together, upon several emergent occasions, have been greatly detrimental not only to the carrying on and progress of the same necessary and publick concerns, but also very chargeable and burthensome to the said proprietors, especially those of them who live at a great distance; and also complained of by the members of the general assembly, as taking up a great part of their time, in an affair particularly relating to the proprietors; and finding that the affair touching the publick concerns of the said proprietors, may be carried on with far less charge and burthen to the whole, and with more effect by such number of persons, as by the proprietors shall be esteemed fit and qualified on their behalf, to transact and agitate their publick affairs as proprietors:

We therefore, underwritten proprietors of the province aforesaid, being met together at Burlington, in the same province, this fourteenth day of the twelfth month, anno 1687, by a general appointment of the same proprietors; do therefore unanimously agree together as followeth, (viz.)

That eleven proprietors within the said province, shall be yearly and every year, nominated, elected and chosen, by and amongst the said proprietors, to be commissioners and trustees at a day certain; six whereof in the county of Burlington, and five within the county of Gloucester, in the

109 To trace the proceedings relating to this line minutely, will be a task proper for those immediately concerned; they are voluminous: To give an account of some more of the steps hitherto taken, a few papers are added in the appendix. Vid. appendix, nubb. IV., V., VI., VII.
province aforesaid; who shall be, and are impower’d to act and plead in all such affairs, as do, and shall generally concern the body of the said proprietors of the same province, as fully and effectually as if the whole body of the said proprietors were together, and should personally do, and conclude the same; which act and acts, thing and things, by the same commissioners and trustees for the time being, so from time to time to be done and performed as aforesaid, we the said proprietors do hereby ratify, establish and confirm; and we do hereby nominate and appoint our trusty friends Samuel Jenings, Thomas Olive, William Biddle, Elias Farre, Mahlon Stacy, Francis Davenport, Andrew Robeson, William Royden, John Reading, William Cooper, and John Wills, commissioners and trustees for the year next ensuing, to do, act and officiate in the affairs aforesaid, until the tenth day of the second month, anno domini 1688; and we do hereby agree and appoint, that each and every of the said commissioners and trustees now elected and chosen, and from time to time hereafter to be elected and chosen, shall have and be allowed two shillings per day, for each and every day they shall be concerned to act in the affair aforesaid; the same to be paid by the proprietors of the province proportionably to their respective shares of the said province. In testimony whereof, we the proprietors of the province aforesaid, have to this instrument, in this and the schedule hereunto affixed, put our hands, dated the fourteenth day of the twelfth month called February, anno domini 1687.

And

At a meeting of the proprietors at Burlington, this sixth of the seventh month, in the year 1688; it is agreed, that five of the commissioners shall be a quorum in all their meetings, and shall have power to act in as full manner as if the whole number of eleven were present; and it is further agreed, that the said commissioners shall meet at least once a quarter, the day after each quarter sessions.


An instrument of the same form and date, signed in Gloucester county, by:
Woolla Dalbo, William Cooper, William Alberson, John Ladd, John Hugg, jun., John Wills, Thomas Sharp, John Rambo, Robert Zane, James Atkinson, Francis Collins,
The Colonial History of New Jersey
Samuel Smith

Thomas Thacker, John Hugg. Indorsed on the back side:

We the within subscribers, do approve of, ratify and confirm the persons within mentioned, to serve as our representatives for the year ensuing, with these alterations following, viz. instead of Mahlon Stacy and Francis Davenport, that John Tatham and George Hutchinson, be elected and serve in their stead; and in place of William Cooper, Thomas Gardiner, jun. is elected to serve in his stead; and that instead of eleven trustees, there shall be but nine for the year ensuing; five of which shall make a quorum: All which is consented to, concluded, and agreed upon, this first of the first month, at Gloucester, anno 1688, by the proprietors within subscribed.

On this agreement with some little variations afterwards, is founded the present constitution of the council of proprietors of West-Jersey; the following minutes, being some of their first proceedings thereafter, shows their method and practice for some time after the establishment of the said constitution.

At a meeting of several proprietors of West-Jersey, at Burlington, on the sixth day of the seventh month, anno domini 1688.

It was then and there debated, and being put to the vote, agreed by the proprietors then present, that every proprietor, and every person interested in proprieties, shall pay to the use of Daniel Coxe, to any person appointed to receive it, as a reimbursement for the money laid out by him, in the Indian purchase lately made in the lower counties, the sum of twelve shillings and six pence for every thousand acres, and so proportionably to be taken up out of that purchase; the first year to begin the first day of April last past, and from that time twelve months, to advance eighteen pence upon every year ensuing, until the time that the money aforesaid to be paid for; the land to be laid out within the bounds of the same purchase, as consideration for the monies disbursed by the said Daniel Coxe in the said Indian purchase of the whole tract, which, by the surveyor Andrew Robeson, is computed to be three hundred thousand acres of good land, capable and worthy of improvements; which money being paid, the party so paying shall be acquitted of all other payments on the consideration aforesaid.

2. That the surveyor for the time being, be engaged not to set out any land within the limits of this Indian purchase, until the money abovementioned be paid and secured as above said.

3. And it is further agreed that for the land taken up by order of the said Dr. Coxe, above the falls of Delaware, every proprietor taking up any part thereof, shall pay to Dr. Coxe, or his order, the sum of twenty-five shillings per thousand acres, and two shillings and six pence yearly
The Colonial History of New Jersey

Samuel Smith

consideration, 'till the money be paid.

And

At a meeting of the council of proprietors, being nominated, elected and constituted by the proprietors of the province of West-Jersey, to negotiate their affairs for the year ensuing, held at Burlington, the eighteenth day of September, anno domini, 1688.

Elected, Thomas Olive, Andrew Robeson, Samuel Jenings, Francis Davenport, William Biddle, Mahlon Stacy, William Roydon, William Cooper and John Reading; five of which shall make a quorum.

Present at this meeting, these persons; Thomas Olive, Andrew Robeson, Samuel Jenings, William Biddle, Francis Davenport, William Roydon, William Cooper. Thomas Olive, president.

Imprimis, It is agreed, ordered and concluded by authority of the council aforesaid, That Samuel Jenings be, and is hereby appointed commissioner, to examine all deeds, taking a minute of the same, and issue warrants to the surveyor general, for the surveying and taking up of lands; keeping a record of the same, and this for the inhabitants within the county of Burlington, or to any others as occasion shall require.

2. It is likewise agreed and ordered, that John Reading shall perform the same service, for the inhabitants within the county of Gloucester; and to all others as occasion shall require.

3. And it is ordered and appointed, that for the support of their service, every warrant for land under one hundred acres, shall pay the sum of one shilling; and one hundred acres and above, under one thousand, shall pay the sum of eighteen pence; and one thousand acres and upwards, shall pay the sum of two shillings and six pence.

4. And it is further ordered, that the said Samuel Jenings and John Reading, shall, upon demand of this council, at any time, deliver into them a copy of their said minutes by them taken from time to time.

5. And it is ordered and appointed by the authority aforesaid, that Andrew Robeson, the surveyor general, shall from time to time, upon demand of this council, make return to them of all warrants executed by him, that have not been returned before.

6. And it is likewise ordered and appointed by this council, That Mahlon Stacy, John Day, William Wood and John Hollinshead, shall be rangers for the county of Burlington and upwards; and John Kay, Thomas Sharp and Israel Helme, jun. shall be rangers for the county of Gloucester, for the year ensuing.
7. It is also concluded and ordered, that no person or persons whatsoever, shall presume to purchase any land from the Indians, without the consent of this council first obtained, otherwise to be prosecuted as our common enemy.

The council adjourns until the fourth day of November next:

At a meeting of the council of proprietors in Burlington, upon the tenth day of eighth month, anno 1688.


Imprimis, whereas John Skene is appointed by the secretary and register general of the dominion and territories of New-England, to receive the records, rolls and papers from Thomas Revel and John Reading, who hath already demanded the same; and the said Thomas Revel and John Reading, making their application to the council, to know their pleasure therein.

The council have, and do order, that all records relating to government, may be delivered according to the secretary’s order; but such as relate to lands they judge to be the proprietors property, and that they ought to abide and remain with them, and hope the governor is already satisfied therewith.

The council adjourns 'till the sixth hour in the morning, on the 11th day:

The eleventh of the eighth month.

Agreed and concluded, that all deeds granted only by Edward Byllinge, in and before the year 1682, shall be adjudged and esteemed insufficient for the commissioners to grant warrants upon.

The form of the commissioners commission:

A. B. thou art hereby authorized, by the power and order of the council of proprietors, to be commissioner for the county of __________ for the examining of deeds, and granting warrants, for the taking up of lands within the province of West-Jersey; well and faithfully in all things discharging thy said office; and the trust in thee reposed, according to the instructions herewith sent; to the best of thy skill, and understanding.

Given, under my hand and seal, the &c.

Instructions for the commissioners to observe and follow, in their examining of deeds, and granting of warrants for the taking up of lands.

1. Agreed and ordered by the council aforesaid, that the commissioners
grant no warrants, but upon the producing of good deeds, authentic copies, or an extract of the record of such deed under the register’s hand, &c.

2. That all deeds granted only by Edward Byllinge, in and before the year 1682, shall be accounted insufficient for the commissioners to grant warrants upon.

3. That there shall be given a particular warrant for every several deed, or particular purchase.

4. That the president of the council for the time being, shall, from time to time, grant warrants for the commissioners, for the taking up of their own lands.

5. That the commissioners shall not direct their warrants to the surveyor-general for the laying forth of his own lands, but to some other person, at the discretion of the commissioner that gives forth the warrant.

6. That every proprietor coming for a warrant, shall first sign to an instrument, to be presented to them, for their compliance, to pay his, and their respective and proportionable share of such incident charge, for the management of the proprietors affairs; as in the said instrument here following, may further appear.

The form of the instrument\textsuperscript{110} to be signed by the proprietors before they have warrants granted for the taking up of their lands:

We the subscribers having taken into consideration the necessity of the incident charges, that will attend the council of proprietors, in the employ and concern wherein we have placed, and constituted them, for the carrying on, and discharging of those inevitable charges that will follow upon the prosecution of our affairs; we do therefore hereby bind, and oblige ourselves; each for himself, and not for one another, to comply with, and pay our proportions respectively of the aforesaid charges, as our said council shall from time to time give us an account of, and find needful to be raised: In witness whereof we have hereunto set our hands, the &c.

The council adjourns 'till the 7th hour in the morning, being the 12th day of October, Anno 1688.

The 12th day of the 8th month.

The council being met, they ordered the writing of a letter to the governor, to request the secretary to permit the records of lands to rest in the same hands they have formerly been; forasmuch as they conceive they properly belong to the proprietors.

\textsuperscript{110} Vid. the instrument, Revell’s Book, B. Secretary’s office, Burlington, p. 298.
The council likewise order another letter to the secretary, to signify the receipt of his warrant, by Thomas Revell and John Reading, for the delivery of all records, rolls, &c. and do desire the secretary, that the records of lands may still remain in the said Thomas Revell and John Reading's hands: But for other records that relate to government, may be disposed of according as he shall appoint.

We have before given a summary of some of the first laws published in the eastern and western divisions, while under proprietary management; from that time forward, 'till the surrender of the government, many others were passed in both; but being either framed to particular occasions, or afterwards in part repealed or supplied, and most of them of no great public concernment now, further repetition of them here was thought unnecessary.

NOTE:

Governor Coxe soon after his appointment to that station, wrote the following letter to the council of proprietors of West-Jersey:

After Mr. Bylling's decease, his heirs were greatly ignorant of his concerns relating unto West-Jersey, and therefore resolved to sell his interest both in government and property; and that they had begun to treat with a person who would probably have made the condition of the proprietors and inhabitants very uneasy: I and another of the chief proprietors having together a very great share of the country, applied ourselves for advice unto the lawyers, being assured by the most eminent that however Bylling's concessions might in conscience bind him during his life; they were not always obligatory to a purchaser or successor, because said concessions were made before his right of government was granted; we thereupon consulted with several proprietors and others, well wishers to your colony, amongst whom it was agreed and resolved to be for the good of your country, and our own security, that one amongst us should purchase from the heirs of Mr. Byllinge, all his, and their interest in property and government; and because my proportion of land was greater, or that they apprehended me capable of serving them, or to have more money at command, or because they had ever preceived me to be zealous and active to promote the good of the province: I was earnestly pressed and requested to make a purchase of the government and properties annexed thereunto wherewith having complied, that I might demonstrate the disinterestedness of my undertaking; and that I did primarily propose the welfare and benefit of the people, and prefer it to my private advantage. I did many times proffer Mr. Penn, Mr. Ford and others, who pretend to understand most of your minds what was for your good, and to be as it were kind of trustees for you: That if they would contrive any method, whereby the government might be legally and severally invested in the proprietors, or people without a governor; or if they would find any person more fit to discharge the office of government, or who might prove more acceptable to the people than myself; I was willing to consign or reconvey all my estate, power, authority as I had received it and upon the same condition, not desiring the least advance beyond what they all know I had disbursed; but not finding any proposal to meet with any other return, than an invitation to proceed, and good wishes that I might therein prove successful; and finding that all the proprietors in or near London, whom I could convene, were greatly satisfied with my conduct, encouraging me to expect they would meet with like acceptance from the proprietors and inhabitants of West-Jersey: I thereupon thought fit to recommunicate unto you the whole transaction of this affair; as likewise what I expect from you the proprietors and inhabitants of West-Jersey; and what you may
The Colonial History of New Jersey

Samuel Smith

reciprocally challenge from me: I do therefore hereby give you to understand, that whereas all the gentlemen of the law, who have been hitherto consulted, do unanimously agree that the government of the province of West New-Jersey, is legally in me as full as Pennsylvania in Mr. Penn, or East Jersey in the proprietors there: I thereupon assumed the tide of governor and lay claim to the powers and authority thereunto annexed, and I am resolved by the assistance of Almighty God, to exercise the jurisdiction by his royal highness, his last deed or grant unto me conveyed, with all integrity and faithfulness and diligence for the benefit and welfare of those, over whom divine providence hath constituted me (under our sovereign) superintendant or chief overseer; always preferring publick emolument, before my own private advantage; and may I succeed in my undertakings, well or ill, according as I pursue or violate this resolution and engagement; and I am contented this my declaration be recorded, that it may continually reproach and condemn me if I ever recede therefrom. And whereas Mr. Byllinge, in his former concessions, hath given his consent, and ratified diverse laws in the said grant, stiled fundamentals; the first concerning liberty of conscience, the second, that no person shall be deprived of life, limb, estate, property, privilege, freedom, franchises, without a due trial and judgment, passed by a jury of twelve good and lawful men in the neighbourhood; the person excepting, if he please, against thirty-five, without any reason rendred, and more if he assign a just cause: I hereby declare, that I do in my heart highly approve the said fundamental laws and concessions, and am ready to confirm them; and withall, I do faithfully promise, that to the utmost of my ability, I will cause them to be most inviolably observed, as also those three fundamentals after mentioned. If your assembly shall desire the continuance of them, and that it appears, nothing is therein contained contrary to the laws of England, which extend to our colony; by the breach whereof, we inevitably expose ourselves unto the forfeiture of our charter, which, next to the blessing of God, and protection of our prince, is our greatest comfort and security; and that you may all become fully satisfied: I do not intend to arrogate unto myself any absolute despotic power. I have thought fit to add, that whereas it is generally acknowledged by all intelligent disinterested persons, the government of England by a sovereign prince, upon weighty considerations of making or repealing laws, levying taxes, consulting with his parliament, is the best of constitutions, and diverse of our English plantations, having in imitation hereof joined with the governor and assembly or parliament: I do hereby declare my full and free approbation of such constitution in your province, and I shall confer upon your assembly, all the powers and privileges consistent with the ends of good government, the redressing grievances, and promoting the peace and prosperity of the province; and I make my request you would with all convenient speed, transmit unto me your
proposals, both in order unto the establishing a regular and durable method of convening assemblies, and what power you desire should be intrusted with them: And because assemblies have been hitherto convened only annually, except upon some solemn urgent occasion, it hath been customary for the governor or his deputy, to act in affairs of importance during the recess of assemblies, with the advice of a council, I would desire you to give me to understand, how you expect and desire such council shall be chosen; whether you will acquiesce in the governor’s nomination, or whether you desire the assembly should have any share in their election, also in case of succession upon decease or misbehaviour; and whether the council shall be annual, biennial or triennial, or during life; if understanding, faithful and diligent in discharging of their trust: I shall in all these, and any other particulars, which shall manifestly appear to make for publick utility, not only have a great deference for your opinion and advice, but readily comply with all your just reasonable expectation and requests. - Thus having without reserve or disguise, declared unto you my sentiments concerning government, I proceed to affairs of another nature; but of little less moment: It is the fixed persuasion of diverse intelligent persons, that your province hath deeply suffered, and is stinted in its growth for want of ascertaining its limits, and fixing a boundary between it, East Jersey, and New-York; that thereupon a subdivision might be made of the country, into one hundred proprietaries, as was originally agreed, thereby appropriating unto every good purchaser his portion in specialty; I have inclosed an account of my transactions with the proprietors of East Jersey, many of whom being persons before well affected unto me, I have highly disobliged, upon my refusal to comply with their claim, upon the last pretended agreement; all which, and much more, if like occasion should require, I shall readily conflict with, and cheerfully undergo, for the good of our little, yet unto me, dear community, which I shall love, cherish, and endeavour to support and maintain, as if they were members of my own private family: Lastly, I do confirm all those persons who were appointed by Mr. Byllinge, or chosen by the people in their respective places and employments, until I further learn from you the state of your colony, unless by some new advice and very extraordinary motives I should be obliged to make an alteration, which should it happen, you may all rest assured, I shall have a tender regard unto your welfare and satisfaction: And now, nothing remains besides our supplicating with united minds, the all wise God, to grant us the wisdom which is pure and peaceable, to enable us methodically to order our affairs with discretion; that we may act, industriously, regularly, cheerfully, in the several stations and employments his divine providence hath allotted us, considering we are one body, and members one of another; that no injury can happen to a part which will not redound in some to the hurt of the whole: For my own particular, I can appeal unto the searcher of hearts, that I do sincerely
and primarily design the prosperity of your province, in its peace, security and plenty; and that it may be so settled, as that you may not only live happily during my administration, but that it may not be in the power of any future governor, deriving from me, even to hinder the due execution, much less to repeal those laudable constitutions, which with your advice and assistance I hope to establish: And on your parts, I expect and promise myself a ready compliance with whatever shall be proposed for the publick good: That instead of factions and divisions, there be a generous emulation amongst you, who shall promote the welfare of our community: That you be mutually tenderly affectioned one towards the other; and though you may differ in opinions, concerning things of lesser moment, yet continue united in affection, as being servants to the same God, subject to the same prince, and having one common interest; often remembering, that by unanimity and concord, diverse nations have been advanced from contemptible beginnings, unto great wealth and power; whereas by discord, mighty empires have been broken and ruined, without the accession of external force: That the God of peace and love would unite, preserve and prosper you, is the frequent, fervent, and shall continue to be, the constant request, of your most affectionate friend,

DANIEL COXE.

September the 5th, 1687.
CHAPTER XII

A FLOOD AT DELAWARE FALLS;
DEATH AND CHARACTER OF THOMAS OLIVE, THOMAS GARDINER, AND JOHN WOOLSTON;
COMMOTIONS IN EAST AND WEST-JERSEY; SURRENDER OF THE TWO GOVERNMENTS TO QUEEN ANNE;
HER ACCEPTANCE, THEREOF; AND HER COMMISSION TO LORD CORNBURY.

The first settlers of the Yorkshire tenth in West-Jersey, had several of them built upon the low lands, nigh the falls of Delaware, where they had now lived, and been improving near sixteen years; they had been told by the Indians, their buildings were liable to be damaged by freshes, and the situation of the place must have made it probable: They had however, got up several wooden tenements and out-houses, which in the spring were accordingly generally demolished: The snows suddenly melting above, caused an uncommon overflow of the river; there have been many great floods since, but none quite so high; it came upon them so unexpectedly, that many were in their houses surrounded with water, and conveyed to the opposite shore, by neighbours from thence, in canoes: The water continued rising 'till it reached the upper stories of some of their houses, then most, or all of them gave way, and were dashed to pieces; many cattle were drowned; beds, kettles, and other furniture, were picked up on the shores below; the frights and damages were considerable; two persons in a house, carried away by the sweeping torrent, lost their lives before they could be got out. This accident taught the owners here to fix their habitations on higher ground, and was what is commonly called the great flood at Delaware falls.

It was in the spring this year that the proprietors of West-Jersey first appointed Col. Andrew Hamilton to be their governor.\footnote{See his commission in book B. secretary's office, Burlington.}

About this time also died Thomas Olive, who since the first settlement of West-Jersey, had been a man of importance there; he came over one of the London commissioners in 1677, was sometime governor, in which station he behaved with great circumspection and prudence; while a common magistrate he had a ready method of business, often doing it to good effect in the seat of judgment on the stumps in his meadows; he contrived to postpone sudden complaints, 'till cool deliberation had shewn them to be justly founded, and then seldom failed of accommodating matters without much expence to the parties: He had been imprisoned and otherwise a sufferer for religion in England; and by his preaching and writing as well as other public and private conduct, had gained general love
and esteem, which he merited to the last.

In September 1694, died Thomas Gardiner; he arrived early at Burlington, went through several publick stations in West-Jersey with a good character, had considerable knowledge in variety of business, and was an exemplary member of society, civil and religious.

In the beginning of 1698, died John Woolston, one of the first settlers at Burlington, who had now for upwards of twenty years, through the fatigues of a new settlement, proved himself a ready friend and neighbour, and valuable member of society.

We are now come to the year 1701; a memorable aera in New-Jersey, on account of the disturbances and confusions that violently agitated several parties, and the change of government that followed in consequence of them: Each province had many and different proprietors, who promoted separate schemes and interests; these sometimes interfered: To facilitate particular purposes, one party would have the choice and management of a governor, while another refused any but of their own nomination; and a third objected to proposals from either: Moderate councils could not be heard; a contaminating spirit of party and discord took place of order and peace; every expedient to restore union and regularity proved unsuccessful; faction prevaild, and particular animosities were nourished to that degree, that the delays of time seemed only to give opportunity of accumulating fresh occasions of disgust and uneasiness; a detail of particulars would be an ungrateful, we hope an unnecessary task; a few facts may suffice as specimens of the whole: To come at these, we must go back to the spring 1698.

Jeremiah Bass, under a pretence of a commission he had received from some of the proprietors of East-Jersey, with the king's approbation, superceded Andrew Hamilton, the then governor of both East and West Jersey; but in the next year it appeared, that Bass had not obtained the king's approbation of his commission, nor was it granted by enough of the proprietors to make it valid, which induced great numbers of the inhabitants to refuse obedience to him, and to the magistrates and officers by him appointed; some persons being imprisoned for refusing obedience, it was resented by others with great indignation, and feuds and confusion followed: To accommodate matters for the present, Andrew Hamilton was again appointed governor, by a fresh commission from some of the proprietors; but a great number refused obedience to him, and the magistrates and officers under him, in like manner, and for the same reasons as they had refused
Bass and those he appointed. The disorders in the Eastern division during this time, made such an impression on the minds of many of the people, that they readily hearkened to overtures made for a surrender of government. A considerable part of West-Jersey was also, for similar reasons, disposed to a resignation: The commotions in both, which had been increasing for some years, now seemed to be got to a crisis, and all things tended to a surrender of the powers of government; which was at length brought about in the beginning of the next year.

Meanwhile diverse petitions and remonstrances were sent home, complaining loudly of their grievances and confusions; and praying redress: These and the proceedings in consequence of them, show the principal matters now to be found relating to the surrender and the measures they took to reserve their privileges.

In 1702 the surrender was made by the following instrument:

**Surrender from the proprietors of East and West-New-Jersey, of their pretended 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 twelfth 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 St. 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 Narrohiganets, 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 Hudon'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 Vineyard, 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

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112 Long before, according to the representation of the lords of trade, October 2, 1701, the proprietors (say they) of East-New-Jersey, did surrender their pretended right of Government to king James, in the month of April, 1688; which was accordingly accepted by him.

113 Vid. Appendix, numb. viii, ix, x, xi, xii, xiii, xiv.
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 socage, and not in capite or by knight's service; yielding and rendering therefore yearly and every year, forty beaverskins 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 of England. And the said late king did
thereby also for himself; his 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 and 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 or 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 law,
come unto and vested in or claimed amongst others, by sir Thomas Lane,
Paul Dominique, Robert Mitchell, Joseph Brookesbank, Michael Watts,
Edward Richier, John Norton, Ebenezer Jones, John Whiting, John
Willcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah
The Colonial History of New Jersey

Samuel Smith

Burnet, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas, Lewis, 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 Grimston, Charles Ormston, Edward Antill, George Willocks, Francis Handcock, Thomas Barker, Thomas Cooper, Robert Burnet, Miles Foster, Joa Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Clement Plumstead, Gilbert Mollison, and Richard Hasell, 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 bis 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 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 Michell, Joseph Brooksbank, Michael Watts, Edward Richeir, John Norton, Ebenezer Jones, John Whiting, Clement Plumstead, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnet, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, 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 Grimston, Charles Ormston, Edward Antill, George Willocks, Francis Handcock, Thomas Barker, Thomas Cooper, Robert Burnet, Miles Foster, John Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Gilbert Mollison, 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 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 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 privileges of or concerning the government of the provinces aforesaid, or either of them, or 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:

Peter Sonmams, Joseph Ormston for myself; and as proxy for Charles Ormston, Edward Antill, and George Willocks, and representative of Francis Hancock; Thomas Lane, Paul Dominique, Robert Mitchel, Joseph Brooksbanks, E. Richier, Michael Watts, Clement Plumstead, Lewis Morris in the behalf of Robert Burnet; Miles Foster, John Johnstone, Michael Hawdon, John Barclay, David Lyell, Thomas Warne, Thomas Gordon, Thomas Barker, Thomas Cooper, Gilbert Mollison, Henry Adderly for Richard Hasel, of Barbados; William Dockwra.

For the western-division:

The Colonial History of New Jersey

Samuel Smith


sealed and delivered by:

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 Mollison, 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 Gage.


The QUEEN's acceptance of the surrender of government.

At the court at St. James's, the 17th day of April, 1702.

PRESENT: The QUEEN's most excellent majesty.

This day the several proprietors of East and West New-Jersey, in
The Colonial History of New Jersey

*Samuel Smith*

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; and the said instruments are to be delivered to Mr. Attorney General, who is to take care that the same be enrolled accordingly.

Directly after the surrender, Edward lord viscount Cornbury, grandson to the great chancellor Clarendon, was appointed governor of New-Jersey; his commission was as followeth:

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-Caesaria, or New-Jersey, and which has since been subdivided by the proprietors, and called East New-Jersey, and West New-Jersey, such miscarriages have 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 imminent 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-Caesaria, 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 the 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 recusants; 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 aforementioned 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 counsellors, 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 counsellors, 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 counsellors 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 freeholders 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-Caesaria, or New-Jersey, to administer into them, and without taking of which oaths and subscribing the said test, none shall be capable of sitting 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 public peace, welfare and good government of our said province, and of the people and inhabitants thereof; and such others as shall resort 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-Caesaria, 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, then such and so many of them as shall be disallowed and not approved shall from henceforth 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 ordinances 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 assemblies. Our will and pleasure is, that you shall and may use and keep the publick seal of our province of Nova-Caesaria, 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 yourself; 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 privileges 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 administered 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 reprieves to the offenders, until and to the intent our royal pleasure may be known therein. And we do by these presents, authorise and empower you to collate any person or persons to any churches, chapels 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 yourself; and by your captains and commanders by you to be authorised, 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-Caesaria, 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 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, commissions, 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, seaman, soldier, or other person whatsoever, who shall be in actual service and pay, in or aboard any of our ships of war, or the vessels acting by immediate commission or warrant from our high admiral of England, under 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, seamen, soldiers, and other persons offending, shall be left 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 of 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 tried and punished according to the laws and place where any such disorders, offences and misdemeanors, 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 that 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, quays, 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 of 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 whom 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 councellor 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 pre-eminences 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, until our pleasure be further known, or until 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-Caesaria, 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 publication of this our commission. In witness whereof we have caused these our letters to be made patents: Witness ourself at Westminster, the fifth day of December, in the first year of our reign.
CHAPTER XIII

INSTRUCTIONS FROM QUEEN ANNE TO LORD CORNBURY.

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-Caesaria, or New-Jersey, in America. Given at our court at St. James's, the sixteenth 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 Hunloke, Lewis Morris, Andrew Bowne, Samuel Jenings, Thomas Revell, Francis Davenport, William Pinhorne, Samuel Leonard, George Deacon, Samuel Walker, Daniel Leeds, William Sandford, and Robert Quarry, esquires.

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 appointed 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

114 Quarry was said to be of the council for five governments at one time, viz. New-York, New-Jersey, Pennsylvania, Maryland, and Virginia; he died about the year 1712. Beverley in his history of Virginia, pp. 92, 96, 97, represents him as joining with Nicholson, the then governor of that colony, in unfavourable representations against the colonies.
declaring the association to be determined; as also the test mentioned in an 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 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 yourself 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 councillers make a quorum, it is nevertheless our will and pleasure, that you do not act with a quorum of less than five members, except in ease 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 die, 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 out 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 your 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 always 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 ease 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 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 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 householders of the city or town of Perth-Amboy, in East New-Jersey; two by the inhabitants householders 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 assemblies, 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 than by and act or acts of the general assembly there, and confirmed by the approbation of us, our heirs and successors. 115

115 This clause was soon altered as follows:

ANNE R.

Additional instructions to our right trusty and well beloved Edward lord Cornbury, our captain general and governor in chief, in and over our province of Nova-Caesaria, or New-Jersey, in America: Given at our court of St. James’s, the third of May 1705, in the fourth year of our reign.

WHEREAS by a clause in our general instructions to you, for the government of our province of New-Jersey, the representatives for the general assembly of that province are appointed to be chosen as follows, 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 it having been represented to us by you our governor, that several inconveniencies have arisen from the aforesaid manner of chusing representatives; it is our will and pleasure, and you are accordingly to make the same known in the most publick manner, that the method for chusing representatives for the future be as follows, viz. two by the inhabitants house holders of the city or town of Perth-Amboy, in East New-Jersey, and two by the freeholders of each of the five counties of the said division of East New-Jersey; two by the inhabitants house holders for the city or town of Burlington, in West New-Jersey; two by the inhabitants householders of the town of Salem, in the said division, and two by the freeholders of each of the four counties in the said division of West New-Jersey; which persons so to be chosen make up together the number of twenty four representatives, as limited by our former instructions.

And it is our further will and pleasure, that no person shall be capable of being elected a representative by the freeholders of either division as aforesaid, or afterwards of sitting in general assemblies, 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, or personal estate in money, goods or chattels, to the value of five hundred pounds sterling; and all inhabitants of our said province being so qualified as aforesaid, are hereby declared capable of being elected accordingly: And it is likewise our pleasure, that no freeholder shall be capable of voting in the election of such representatives, who shall not have one hundred acres of land of an estate of freehold in his own right,

Continued on next page...
The Colonial History of New Jersey

_Samuel Smith_

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-Caesaria, 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 authentic 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 transmit 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 within the county for which he shall so vote, or a personal estate in money, goods or chattels, to the value of fifty pounds sterling; and all freeholders in our said province being so qualified as aforesaid, are hereby declared capable of voting in the election of representatives; which number of representatives shall not be enlarged or diminished, or the manner of electing them thereby directed, altered there, otherwise than by an act or acts of the general assembly, to be confirmed by the approbation of us, our heirs and successors. And whereas it may be inconvenient, that the governor and lieutenant governor of our said province of New-Jersey, for both of them to be absent from thence at the same time; it is our will and pleasure, that as soon as the general assembly of our said province shall have provided a house, and our lieutenant governor with a convenient room for the meeting of our council, and settled convenient salaries, which you are in our name to press them to do, that either you or our lieutenant governor, do constantly reside in our said province, and that you be not both absent at the same time: It is likewise our will and pleasure, that no fees be exacted or taken by any of the officers under you, for the grants of lands made by the agents of the proprietors; and the said agents are to deliver to you in council, duplicates of all such grants to be registered in our council books.
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 year's 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 neighbouring 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 disposed 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 privileges 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 entirely ruined, by allowing unto the inhabitants of Nova-Caesaria, 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 public 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-Caesaria, 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 apart sufficient allowances to such as shall be our governor or commander in chief, residing for the time being within the same; our will and 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 inserted 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 oftner, 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 whatsoever, to be issued or disposed of otherwise than 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 have received our directions therein; but you may in the mean time 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 soil 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 privileges as are expressd 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 do appertain, under such obligations as shall tend to the best 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 lie 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 territory 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 than 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 than 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, 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-Caesaria, 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 publickly 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 empowered, together with others therein mentioned, to proceed accordingly in reference to our provinces of New-York, 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 accessaries in cases of piracy beyond the seas, are by the same act left to be tried 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 accessaries in cases of piracy in our aforesaid province of Nova-Caesaria or New-Jersey, with the proper evidences that you may have against them, into England, in order to their being tried here.

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

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 direction 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
48. Whereas it is necessary that our rights and dues be preserved and recovered, and that speedy and effectual justice be administered 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 needful, 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 than 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 administered, 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 theforementioned 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 persons (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 passed here in the seventh and eighth years 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 is therefore our will and pleasure, that such of the said people called quakers, as shall be found capable of any of those places 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.

54. 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.

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

56. 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 and 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 passd, (if not already done) for apportioning the number of white servants to be kept by every planter.

57. 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.

58. 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.

59. 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
The Colonial History of New Jersey

Samuel Smith

gen
eral 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.

60. 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 pleased 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-Caesaria, 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.

61. 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 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.

62. 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 the 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 misdemeanor,
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 to the contrary notwithstanding.

63. 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.

64. 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, or 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.

65. And whereas great losses have been sustained by our subjects, trading to our plantations in America, by ships sailing from those parts without co[n]voy, 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 the 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-Caesaria, 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.

66. You are likewise to examine what rates and duties are charged and payable upon any goods imported or exported within our province of Nova-Caesaria, or New-Jersey, whether of the growth or manufacture of the said province or otherwise, and to use your best endeavours for the improvement of the trade in those parts.

67. 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.

68. 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.

69. 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 rites of the church of England.

70. 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 maintenance 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 proportion of land assigned to him, for a glebe and exercise of his industry.

71. 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.

72. You are not to prefer any minister to any ecclesiastical 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.

73. 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.

74. You are to enquire whether there be any minister within your
government, who preaches and administers the sacraments in any
orthodox church or chapel, without being in due orders, and to give
account thereof to the said lord bishop of London.

75. 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
licences for marriages, and probate of wills, which we have reserved to you
our governor and the commander in chief of our said province for the time
being.

76. And you are to take especial care, that a table of marriages established
by the cannons 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.

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

78. You are to suppress the ingrossing 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.

79. 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.

80. 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.

81. And you are to 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.*

82. 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.

83. 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 wants and defects of our said province, what are the chief products thereof; what new improvements are made therein by the industry 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.

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

85. Our will and pleasure is, that appeals be made in cases of error from the courts in our said province of Nova-Caesaria, 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.

86. 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.
The Colonial History of New Jersey

Samuel Smith

87. You are also to permit appeals to us in council, in all cases of fines imposed for misdemeanors; provided the fines so imposed, amount to or exceed the value of two hundred pounds, the appellant 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-Caesaria, or New-Jersey, shall be confirmed.

88. 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.

89. You shall endeavour to get a law passd 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 wilful killing of Indians and Negroes may be punished with death, and that a fit penalty be imposed for the maiming of them.

90. 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.

91. 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.

92. You are to propose an act to be passed 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.

93. 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.

94. 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 other northern plantations on the continent of America, and more especially of our said province of New-Jersey, which lies 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 borne 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.

95. 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 ourforesaid province under your government, or according to such other regulations 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.

96. 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, until they shall receive your directions therein.

97. 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 commissionated 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.116

116 This article was afterwards supplied as follows:

ANNE R.

Additional instruction to our right trusty and well beloved Edward lord viscount Cornbury, our captain general and governor in chief of our province of New-Jersey, in America, and in his absence to our lieutenant governor and commander in chief of our said province for the time being. Given at our court at Kensington, the third day of May, in the sixth year of our reign, 1707.

WHEREAS by a clause in our commission and instruction to you our captain general and governor in chief of our province of New-Jersey, it is directed, that upon your death or absence, in case there be no lieutenant governor appointed by us upon Continued on next page...
98. You are to take care, that all writs be issued in our name throughout our said province.

99. 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 license first obtained.

100. And if any thing shall happen that may be of advantage and security to our said province, which is not herein, or by our commission to you

Continued from previous page...

the place, that then the council do take upon them the administration of the government, and that the eldest councellor do preside as by the said commission and instructions is more particularly set forth; and we having observed, that this instruction has given occasion of many controversies and disputes between the president and the councellors, and between the councellors themselves and otherwise, in several of our plantations, to the great hindrance of the publick business, and the prejudice and disturbance of our service there; our will and pleasure therefore is, that if upon your death or absence there be no person upon the place commissioned by us to be our lieutenant governor or commander in chief, the eldest councellor whose name is first placed in our said instructions to you, and who shall be at that time of your death or absence residing within our said province of New-Jersey, shall take upon him the administration of the government and execute our said commission and instructions, and the several powers and authorities therein contained, in the same manner and to all intents and purposes, as either our governor or commander in chief should or ought to do in case of your absence, or until your return, or in all cases until our further pleasure be known therein. So we bid you heartily farewell.

By her majesty's command,
SUNDERLAND

The following instruction relates also to the council, and bears date in the same year.

ANNE R.

Right trusty and well beloved, we greet you well: Whereas we are sensible that effectual care ought to be taken to oblige the members of our council to a due attendance therein, in order to prevent the many inconveniencies that may happen from the want of a quorum of the council to transact business as occasions require; it is our will and pleasure, that if any of the members of our said council shall hereafter wilfully absent themselves when duly summoned, without a just and lawful cause, and shall persist therein after admonition, you suspend the said councellors so absenting themselves 'till our further pleasure be known, giving us timely notice thereof; and we hereby will and require you that our royal pleasure be signified to the several members of our council in New-Jersey, and that it be entered in the council books of our said province as a standing rule; so we bid you farewell. Given at our court of Kensington, the twentieth day of November, 1707, in the sixth year of our reign.

By her majesty's command,
SUNDERLAND.
The Colonial History of New Jersey

Samuel Smith

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 secretary's 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.

101. 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.

102. And you are upon all occasions to send unto us by one of our principal secretary's 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.

103. And whereas the lords spiritual and temporal in parliament, upon consideration of the great abuses practised 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 practised 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 ease 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 foresaid province of Nova-Caesaria, or New Jersey, by any wilful fault or neglect on your part, we shall look upon it as a 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 matter of this consequence, that we now so particularly charge you with.
CHAPTER XIV

OBSERVATIONS ON LORD CORNBURY’S INSTRUCTIONS, AND THE PRIVILEGES ORIGINALLY GRANTED TO THE SETTLERS, WITH ABSTRACTS OF SOME OF THEM.

It is apparent, from the whole tenor of the application from the proprietors, that they had constantly in view the reservation of the principal privileges they enjoyed; and that their meaning was only to part with the powers of government; accordingly in the instrument of surrender, nothing appears to be resigned but these; their endeavours therefore to stipulate expressly for a fresh confirmation of particular privileges, seems to have been owing to an unnecessary diffidence; they were however so far indulged, that a draught of the foregoing commission and instructions was prepared and shewn to them for their acquiescence, conformable to what the Lords of trade in their representation of October 2, 1701, had proposed. 117

After the lords commissioners for trade and plantations had prepared a draught of the commission and instructions for a new governor, they referred it to sir Thomas Lane, and the proprietors, in the words following;

Whitehall, November 14, 1701.

Sir,

I am commanded by the lords commissioners for trade and foreign plantations, to send you the inclosed draught of a commission and instructions for a governor for his majesty’s province of New-Jersey, prepared by order of their excellencies the lords justices, that you may communicate the same to the proprietors of both the divisions of East New-Jersey, and West New-Jersey, for their observation thereupon; which their lordships desire may be made and returned to them with all convenient speed, in order to such further proceedings as shall be found necessary, for the settling that province in a due form of government.

I am, sir, your most humble servant,

WILLIAM POPPLE

To sir Thomas Lane, Knight and Alderman.

117 Appendix numb. Xiii.
The report of the lords of trade to king William upon the same occasion, not long before the surrender, was conceived in the terms following:

To the King's most excellent majesty.

May it please your majesty,

Having been directed by their excellencies the lords justices, upon a representation, which we humbly laid before them, concerning the disorders in your majesty's provinces of East and West New-Jersey, in America; to prepare draughts of a commission and instructions for a governor to be sent thither by your majesty, and to consult therein the proprietors of those provinces, in order to the surrender of their pretended right to the government of the same: We humbly lay before your majesty the draughts which we have prepared accordingly, with such clauses as we conceive proper, to enable the governor, for whose name we have left a blank, to proceed in settling a government in that country, conformable, (as near as the circumstances of the inhabitants will permit) to the method of government, settled by your majesty's respective commissioners in your other American plantations; and withal to prevent the interfering of that colony with the interest of those other plantations: We have also in pursuance of their excellencies directions, communicated the said draughts to sir Thomas Lane, and others, the principal proprietors of West New-Jersey, and to Mr. William Dockwra, secretary, and others, the principal proprietors or East New-Jersey; in behalf of themselves, and the rest of the proprietors of both those divisions; which draughts they have unanimously approved; and in confidence that your majesty will be graciously pleased accordingly to constitute a governor over those countries, they have declared themselves willing and ready to surrender all their right, or pretence of right to government, which they have hitherto claimed; whereupon we humbly request to your majesty, that the reducing these colonies to an orderly form of government, under a governor constituted by your majesty's immediate commission, will be of great service to your majesty, in preventing illegal trade, and the harbouring of pirates, and will be of good influence throughout the other plantations; and we humbly offer, that Mr. attorney general be directed forthwith to prepare a form of a surrender of their said right, or pretence of right to government, which may be most effectual to the extinguishing their said

118 King William died between this and the surrender, having (its said) first nominated lord Cornbury, governor of New-York and New-Jersey, on account of the services of his father; who was among the first officers that after his landing at Torbay, came over to him with his regiment.

119 Contriver of the penny-post, in the city of London: Oldmixon, says, he got his information of New-Jersey from him; and that he, in the name of the Proprietors of East-Jersey, and sir Thomas Lane (who had purchased the best part of Dr. Coxe's share of propriety) on behalf of West-Jersey, waited on the queen, and made a formal surrender of the sovereignty; reserving all their rights.
pretensions, and present the same to your majesty.

And whereas they have desired, that the first governor to be thus appointed by your majesty, may be a person fitly qualified for that service; but cannot agree in the recommendation of any particular person: We humbly propose, that when the surrender shall be made, your majesty would be pleased to nominate some person wholly unconcerned in the factions, which have divided the inhabitants of those parts, all which nevertheless is most humbly submitted.

Wm. Blathwayt
Ph. Meadows
John Pollexson
Abr. Hill
Stanford
Mat Prior

Whitehall, Jan. 6th. 1701-2.

In a memorial hereafter inserted\textsuperscript{120} of the proprietors of West-Jersey, to the lords commissioners of trade and plantations, against lord Cornbury, signed by sir Thomas Lane, and other\textsuperscript{121} proprietors, who signed the surrender; we find them recapitulating, several matters, and asserting that they were part of the terms of their surrender, and placed as such among others in the instructions.

And by the assembly’s remonstrance, in 1707, it appears, they thought their privileges more secure than some of their neighbours, and fully depended on being protected in the enjoyment of them.

Among the instructions to lord Cornbury are to be found, the principal matters the proprietors pointed out as what they desir’d to have reserved, the articles 9, 14, 15, 16, 36, 37, 38, 45, 51, 52, 53, 86, 87, bear evident marks that they were of this number; these and such of the others as reserve or reinforce the particular privileges of the proprietors and inhabitants of New-Jersey, were doubtless adopted and continued in consequence of their application and the original grants.

If the instructions to all the succeeding governors are copied from those to lord Cornbury, as it is generally understood; such of them as differ from what is common to other plantation governors, were intended to be at the time of the surrender, and which the foregoing sections seem to confirm, it is a farther evidence that they are esteemed, as to the matter of them, rights and privileges

\textsuperscript{120} Chap. xviii.

\textsuperscript{121} Every one of the signers of this, Robert Burrow and William Snelling excepted, had signed the instrument of surrender.
belonging to the inhabitants of New-Jersey; and that it has been and is the intention of the crown to continue them as such.

There does not appear to have been any design to abridge the privileges before enjoyed, nor could it perhaps be legally effected, by any of the steps taken before or in the surrender; for many of the settlers, though they were actually proprietors, do not seem to have been parties to the surrender, either by themselves or any legally constituted body for them, except it may be supposed, their approving the thing without joining in any one public act to effect it, made them so.

The proprietors who signed the instrument of surrender, considered as to the shares of propriety they held, might be thought of importance enough to be denominated the whole, in barely giving up the government; because they had not conveyed that: But it no where appears, that they had any legal power to represent the settlers in general, in matters wherein they had admitted them to share in their property, whether of land or privilege, and as to numbers, were but a small part of the proprietors, and a very small part of the settlers.

Every settler who complied with the terms of settlement publickly established, as well as the purchaser, being entitled to the privileges purchased or settled under; it could not be lawful, that the act of any fellow proprietor to the last, or landlord to the other, should deprive them of what, by the original frame and constitutions of the country, or particular agreements, they had a share in; and had been the principal inducement of their removing hither to settle.

That the civil and religious privileges subordinate to, and derived from, but not connected with the powers of government, were the principal inducement of many of the settlers, to leave good habitations and remove hither, none acquainted with the state of things in the original settlement can doubt.

If therefore every purchaser and settler had a right to and property in the privileges conveyed to them, and if the ideas of property in British subjects are the same in the colonies as in the mother country; according to these, nothing but their own act by themselves as individuals, or as some way represented in legislation or otherwise, could deprive them of it; any thing less would imply an absurdity in the term.

That they had a right, will evidently appear by the following short view of the premises; first, by right of discovery it became vested in the crown; by the crown it was granted to the duke of York; by the duke to lord Berkeley and sir G. Carteret, so to the purchasers immediately under them, and thence individually to every freeholder, with the right of the natives purchased and amply confirmed to them; hence it is, if these conveyances were good, that every freeholder must have
The Colonial History of New Jersey

Samuel Smith

a clear incontestable right to his freehold, and consequently to every privilege conveyed with it as far as these grants will warrant.

In another view the case may be stated thus; the proprietors said to the people, if you will buy this land, you and your posterity forever shall have these privileges; for the first you have our hand and seal; for the other our publick declarations and concessions solemnly ratified under our hands, recorded in the public offices; and for a more compleat security, most of them also confirmed by laws in the same manner as the title and right to location of many of the lands are founded; hence a conclusion seems to follow, that the privileges became a part of the purchase, and that the proprietors in the sale of their lands, received a consideration for them; and if so, to their birth-right as British subjects must be superadded the right of purchase.

It may possibly be objected as to West-Jersey, that the proprietors sold or conveyed the government to Dr. Coxe, and he again conveyed it to several of those who were parties to the surrender; supposing this to be true, it concludes nothing in the present case; the question is not as to government, but privilege in other respects; to bring that into the argument it must be proved, first, that the proprietors generally concurred in the sale; secondly, that they had power to sell again that proportion which had before been conveyed to others; thirdly, that the act of surrender in any respect affects it; lastly, that the proprietors of the Massachusetts, Pennsylvania, or any other charter government, may or could by their own act barely, resign so as to annul or destroy what their predecessors or they have conveyed and confirmed to the people; 'till this is done, the other, for similar reasons, must be supposed impossible: Equally inconclusive must be any argument here as to right of conquest from what happened in 1673; if the treaty of Westminster had not restored things to their original footing, the last grants, and laws in consequence of them, confirming former privileges, and nearly the whole matter relating to West-Jersey, bear date since.

To argue, that because there is no express clause in the instrument, by which the government was surrendered, reserving the people's privileges; that therefore they were not reserved; would be just as reasonable as to argue, that because the right to the soil is not there particularly reserved, that therefore it was not reserved at all; and yet it remains to the possessors without interruption; and the right to every civil and religious privilege not cancelled in the act of resignation, nor since altered by law, being equally strong as to the forms of authenticity (however overlooked or forgot in occasional practice) must be supposed to retain their original validity.

From what has been said, it seems to be evident, that the proprietors who signed the instrument of surrender, had it not in their power, and therefore could
not have intended; nor if they had, can the words or meaning of any thing they appear to have transacted, be legally construed to extinguish any privilege before derived from the royal grants, either relating to liberty of conscience, or matters of privilege in other cases; their power of the government only excepted; 122 whether this power was ever in due form of law granted or not, 123 they had enjoyed it near forty years; rightly or even tolerably administered, it must undoubtedly be considered in the light of a privilege to the inhabitants in general; as having their immediate rulers on the spot, ready to see and redress grievances, or prevent the occasions of them; induced to it both by the strong ties of increasing profit to themselves, and the good of others; but if we may compare the latter part of these proprietors administrations with the tranquility that has ensued for most of the time since; and to this, add the benefits 124 derived from royal attention, and thence be allowed to form a judgment; we shall not perhaps see much cause to regret the change of situation.

What the original privileges of the inhabitants of New-Jersey were, by the several grants and concessions, and other instruments beforementioned, and proprietary laws, will at large appear; some of those not immediately connected with government or land affairs, may be known by the following abstracts:

122 See the queen’s acceptance: And for the advantage of a ready view, as to the meaning of the surrender, let the terms used in the instrument, be here attended to, viz.

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 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, officer 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, &c.

123 We see the proprietors themselves seem to give into such a doubt in the instrument of surrender.

124 An act prescribing the forms of declaration of fidelity, the effect of the abjuration oath, and affirmation, instead of the forms heretofore required, &c. Confirmed and rendered perpetual by the king in council, at St. James’s May 4, 1732. A succession of beneficial paper money acts on loan, confirmed, but now expired. Another for acknowledging deeds, and declaring how the estate or right of a feme covert may be conveyed or extinguished. Confirmed and rendered perpetual by the king in council, at Kensington, August 22, 1746. Another for ascertaining the officers fees, ibid. at St. James’s, November 23, 1749. &c.
In East and West-Jersey, before the division.

1. No person swearing or subscribing allegiance to the king, and faithfulness to the proprietors, to be any ways molested, punished, disquieted, or called in question, for any difference in opinion or practice, in matters of religious concernment, who did not disturb the civil peace; but that all such persons should at all times, freely and fully have and enjoy their judgments and consciences, they behaving themselves peaceably and not using this liberty to licentiousness. 

Concessions and agreements of the proprietors Carteret and Berkeley, with the adventurers, Feb. 10, 1664.

2. By legislative act to levy taxes, and not otherwise, and this as should seem most equal and easy for the inhabitants. *ibid.*

3. By law to provide for the support of government. *ibid.*

4. That cattle ranging or grazing on lands not appropriated to particular persons, shall not be deemed trespassing, but custom not to be plead from hence, nor any, purposely to suffer their cattle to graze on such lands. *ibid.*

In East-Jersey, after the quintipartite division.

5. That the courts of session and assize, should be established by the governor, council, and representatives, and that appeals from thence, should be made to the governor and council, &c. Declaration of sir George Carteret, dated July 31, 1674.

6. "Among the present proprietors, there are several that declare they have no freedom to defend themselves with arms; and others who judge it their duty to defend themselves, their wives and children, with arms: It is therefore agreed and consented to; and they the said proprietors do, by these presents, agree and consent, that they will not in this case, force each other against their respective judgments and consciences; in order whereunto it is resolved, that on the one side, no man that declares, he cannot for conscience sake, bear arms, whether proprietor, or planter, shall be at any time put upon so doing, in his own person; nor yet upon sending any to serve in his stead; and on the other side those who do judge it their duty to bear arms for the publick defence, shall have their liberty to do it in a legal way." *Fundamental constitutions of East New-Jersey, A.D. 1683.*

7. All persons acknowledging one almighty and eternal God, and holding themselves obliged in conscience to live quietly in civil society; shall no way be molested, or prejudged for their religious persuasions and exercise in matters of faith and worship, nor be compelled to frequent and maintain any place of worship or ministry whatsoever; but none to be admitted to places of publick
trust, who do not profess faith in Christ Jesus, and will not solemnly declare, that he is not obliged in conscience, to endeavour alteration in the government, nor does not seek the turning out of any in it, or their ruin or prejudice in person or estate, because they are in his opinion hereticks, or differ in judgment from him; but none under the notion of liberty, by this article, to avow atheism, irreligiousness, nor to practice prophaneness, murder, or any kind of violence; or indulge themselves in stage-plays, masks, revells, or such like abuses. ibid.

8. No person to be imprisoned or deprived of his freehold, free custom or liberty, to be out-lawed, exiled or any other way destroyed, nor be condemned, but by lawful judgment of his peers; justice or right to be neither bought nor sold, deferred or delayed to any person whatsoever; all trials to be by twelve men, and as near as may be, peers and equals, and of the neighbourhood, and without just exception; twenty four to be returned by the sheriff as a grand inquest, twelve at least to agree in finding the complaint to be true; reasonable challenges to be admitted against the twelve or peers who have the final judgment, or any of them: In all courts, persons of all persuasions to appear in their own way, and according to their own manner, and personally plead their own causes, or if unable, by their friends; and no person allowed to take money for pleading or advice in such cases. 125 ibid.

9. All marriages not forbidden in the law of God to be esteemed lawful, where the parents or guardians being first acquainted, the marriage is publickly intimated in such places and manner as is agreeable to men's different persuasions in religion, and afterwards solemnized before creditable witnesses, and duly registered. Ibid.

10. All witnesses called to testify to any matter or thing in any court, or before any lawful authority, to deliver their evidence by solemnly promising to speak the truth, the whole truth and nothing but the truth; and the punishment of falshood to be the same as in cases of perjury; the like in cases of forgery; and both criminals to be stigmatized. Ibid.

11. Forfeited estates, except for treason or capital crimes, to be redeemed by the nearest of kin, within two months, by paying to the publick treasury, not above one hundred pounds, nor under five pounds sterling. Ibid.

In West Jersey.

12. No cattle straying, ranging or grazing on any unlocated grounds, to subject their owners to damages, but custom of commons not to be pretended to,

125 This last afterwards altered by an instruction to Basse, while he exercised the office of governor in East Jersey, and fixed to be, that none should practice without license from the governor.
nor any person hindered from legally taking up any such lands. *Concessions and Agreements*, chap. viii.


14. As no man or number of men upon earth, have power or authority to rule over men's consciences in religious matters; no person or persons whatsoever, at any time or times hereafter, shall be any ways, upon any pretence whatsoever, called in question or in the least punished or hurt in person, estate or privilege, for the sake of his opinion, judgment, faith, or worship towards God in matter of religion. *Ibid.*, chap. xvi.

15. No person to be deprived of life, limb, property, or any ways hurt in his or their privileges, freedoms or franchises, upon any account whatsoever, without a due trial and judgment passed by twelve good and lawful men of his neighbourhood first had; persons arraigned allowed to except against any of the neighbourhood, without rendering a reason, not exceeding thirty-five, and with valid reasons against every person nominated for that service. *ibid.*, chap. xvii.

16. In all causes, civil and criminal, proof to be made by the solemn and plain averment of at least two honest and reputable persons; upon false evidence, the party in civil causes liable to the penalty due to the person or persons he or they bear witness against; in criminal causes to be severely fined, and for the future disabled from being admitted an evidence or to any public employment. *ibid.*, chap. xx.

17. Persons preferring indictments or informations against others for personal injuries, or matters criminal (treason, murder and felony excepted) to be masters of their own process, and have power to remit or forgive as well before as after judgment and sentence. *ibid.*, chap. xxi.

18. All causes, civil and criminal, to be decided by the verdict of twelve men of the neighbourhood, to be summoned by the sheriff, and no person compelled to see an attorney; but to have free liberty to plead his own cause; and that no person imprisoned upon any account whatsoever, should be obliged to pay any prison fees. *ibid.*, chap. xxii.

19. All jurisdictions and their powers to be established by legislative act.

20. In courts of justice for trial of causes civil or criminal, all inhabitants to come freely into, and attend and hear any such trials, "that justice may not be done in a corner, nor in any covert manner; being intended and resolved by the help of the Lord, and by these our concessions and fundamentals, that all and every person or persons inhabiting the said province, shall, as far as in us lies, be
free from oppression and slavery."

ibid., chap. xxiii.

21. The proprietors and freeholders to have liberty to give their representatives instructions, and to represent their grievances; and any of the electors upon complaint made of failure of trust or breach of covenant, to remonstrate the same to the Assembly.

22. In every meeting of general Assembly, liberty of speech to be allowed; and none to be interrupted when speaking: All questions to be stated with deliberation, and liberty for amendment, with power of entering reasons of protest; and to have the member's yeas and no's registered: The doors of the house to be set open; and liberty given to hear the debates: The assembly to have power of enacting laws, provided they be agreeable to the fundamental laws of England, and not repugnant to the concessions. Concessions aforesaid. See also the first acts of Assembly of West-Jersey.
The Colonial History of New Jersey
Samuel Smith

CHAPTER XV

LORD CORNBURY CONVENES THE FIRST GENERAL ASSEMBLY AFTER THE SURRENDER;
HIS SPEECH, THEIR ADDRESS, AND OTHER PROCEEDINGS;
QUEEN ANNE’S PROCLAMATION FOR ASCERTAINING THE RATES OF COIN;
CORNBURY DISSOLVES THE ASSEMBLY, AND MEETS A NEW ONE TO HIS MIND;
THEIR PROCEEDINGS AND DISSOLUTION;
A SUMMARY OF THE ESTABLISHMENT AND PRACTICE OF THE COUNCIL OF PROPRIETORS OF WEST-JERSEY;
ANOTHER ASSEMBLY CALLED; WHO REMONSTRATE THE GRIEVANCES OF THE PROVINCE.

The distinction of the two Provinces East and West-Jersey, being henceforth as
to all matters of government laid aside, and both united in one under the name of
Nova-Caesaria, or New-Jersey; we now enter upon a more uniform method of
proceeding.

Contrary to the expectation of those concerned in the surrender, we soon find
them jointly struggling for the preservation of their privileges against the
encroachments of a governor, who, if his abilities had been equal to his birth and
interest, must be allowed to have been as formidable an antagonist in that capacity
as any that have come to the colonies; besides being the son of a family that had
merited highly in the revolution, he was first cousin to queen Anne: With such an
interest and a disposition to have studied harmony and concord, instead of
listening to the votaries of faction, and meanly trumpeting their animosities, he
had a fair opportunity of singular service in restoring the public quiet, and laying a
foundation of prosperity to the province; but that, afterwards became the business
of another.

Lord Cornbury arrived in New-Jersey in the month called August, 1703:
Having published his commission at Amboy and Burlington, he returned to his
government of New-York; but soon came back and convened the general assembly
to meet him at Perth-Amboy, the tenth of November.\footnote{The names of the first members of council after the surrender are in lord Cornbury’s
instructions. The first representatives were:
\textit{For the eastern Division:} Obadiah Bown, Jedediah Allen, Michael Howden, Peter Van Estie,
John Reid, John Harrison, Cornelius Tunison, Richard Hartshorne, Col. Richard Townly.
\textit{For the western Division:} Thomas Lambert, William Biddle, William Stevenson, Restore
Lippincott, John Kay, John Hugg, jun., Joseph Cooper, William Hall, John Mason, John
Smith.
\textit{For the town of Burlington:} Peter Fretwell, Thomas Gardiner.
\textit{City of Perth-Amboy:} Thomas Gordon, Miles Forster.} They chose Thomas
The Colonial History of New Jersey

Samuel Smith

Gardiner, speaker, he was presented and accepted, and then, conformable to the practice of parliament, made a demand of the particular privileges of assemblies, as follows:

That the members with their servants, may be free from arrests or molestation during the sessions.
That they have free access to your excellency’s person, when occasion requires.
That they may have liberty of speech, and a favourable construction of all debates that may arise among them.
That if any misunderstanding shall happen to arise between the council and this house, that in such a case a committee of the council may be appointed to confer with a committee of this house for adjusting and reconciling all such differences. And,
That these our requests may be approved of by your excellency and council, and entered in the council books.

The governor, in answer told them, he granted the three first as the just and undoubted right of the house; but rejected the fourth as an innovation, and accordingly ordered an entry of the same in the council books; this done, he made a speech to the council and general assembly:

Gentlemen,
The proprietors of East and West New-Jersey, having upon very mature consideration, thought fit to surrender to her most sacred majesty the great queen of England, my mistress, all the powers of government which they supposed were vested in them; the queen has been pleased to unite these formerly two provinces now into one, under the name of Nova-Caesaria or New-Jersey; her majesty has been pleased graciously to honour me with the trust of this government, and has commanded me to assure you of her protection upon all occasions; and you may assure yourselves, that under her auspicious reign, you will enjoy all the liberty, happiness and satisfaction, that good subjects can wish for; under a most gracious queen, and the best laws in the universe, I mean the laws of England, which all the world would be glad to partake of; and none are so happy to enjoy, but those whose propitious stars have placed under the most happily constituted monarchy: I will not question, but that you on your parts, will do all that can be expected from faithful subjects, both for the satisfaction of the queen, the good and safety of your country; which must be attended with general satisfaction to all people.

In order to attain these good ends, I must earnestly recommend it both to you, gentlemen of her majesty's council, and you gentlemen of the

127 Son of him whose death is mentioned before.
The Colonial History of New Jersey

Samuel Smith

assembly, to apply yourselves heartily and seriously to the reconciling the unhappy differences which have happened in this province; that as the queen has united the two provinces, so the minds of all the people may be firmly united in the service of the queen, and good of the country; which are all one, and cannot be separated without danger of destroying both.

Gentlemen, you are now met in general assembly, on purpose to prepare such bills to be passed into laws, to be transmitted into England for her majesty's approbation, as may best conduce to the settling of this province upon a lasting foundation of happiness and quiet, only I must recommend it to you, that the bills you shall think fit to offer, may not be repugnant to the laws of England, but as much as may be, agreeable to them.

I must recommend to you, gentlemen, in the wording of your Bills, to observe the stile of enacting by the governor, council and assembly; and likewise, that each different matter may be enacted by a different law, to avoid confusion.

In all laws whereby you shall think fit to grant money, or to impose any fines or penalties, express mention may be made, that the same is granted or reserved unto her majesty, her heirs or successors, for the publick use of this province, and the support of the government thereof.

Gentlemen, I am farther commanded by the queen, to recommend it to you, to raise and settle a revenue for defraying the necessary charges of the government of this province, in order to support the dignity of it.

I am likewise commanded to recommend to your care, the preparing one or more bill or bills whereby the right and property of the general proprietors to the soil of this province may be confirmed to them, according to their respective titles, together with all quit rents and all other privileges as are expressed in the conveyances made by the duke of York; except only the right of government, which remains in the queen.

Now, Gentlemen, I have acquainted you with some of those things which the king is desirous to have done: I shall likewise acquaint you, that her majesty has been graciously pleased to grant to all her subjects in this province, (except papists) liberty of conscience. I must further inform you, that the queen has commanded me not to receive any present from the general assembly of this province; and that no person who may succeed me in this government, may claim any present for the future; I am commanded to take care, that her majesty’s orders may be entered at large in the council books, and the books of the general assembly.

Now, gentlemen, I have no more to offer to you at this time, only I recommend to you dispatch in the matter before you, and unanimity in your consultations, as that which will always best and most effectually
The Colonial History of New Jersey

Samuel Smith

conde to the good of the whole.

The governor’s speech being read in the house, produced the following address, N. C. D.

May it please your excellency,

I am commanded by this house, to return your excellency our hearty thanks for your excellency’s many kind expressions to them, contained in your excellency’s speech; and it is our great satisfaction, that her majesty has been pleased to constitute your excellency our governor.

We are well assured the proprietors, by their surrender of their rights to the government of this province, have put us in circumstances much better than we were in under their administration, they not being able to protect us from the villainies of wicked men; and having an entire dependence on her majesty, that she will protect us in the full enjoyment of our rights, liberties and properties, do thank your excellency for that assurance you are pleased to give us of it, and think our stars have been very propitious in placing us under the government and direction of the greatest of queens, and the best of laws: And we do entreat your excellency to believe, that our best endeavours shall not be wanting to accomplish those things which shall be for the satisfaction of the queen, the general good of our country, and (if possible) to the universal satisfaction of all people: With our prayers to the God of Heaven, we shall join our utmost endeavours, to unite our unhappy differences; and hope with the assistance of your excellency and council it will not be impossible to accomplish that blessed work. We shall follow the directions given in your excellency’s speech, with what dispatch the nature of the things require; and hope, that all our consultations may conduce to the best and greatest ends.

Memorandum, that all the members of this house do agree to the subject matter above written, tho’ several of them dissent from some of the expressions therein contained.

This address presented, the assembly, after regulating elections complained of; prepared several bills; but one only received the governor’s assent: This related to the purchasing of lands of the Indians, was prepared pursuant to an article in Cornbury’s instructions, and prohibits purchases or gifts of lands being made or received from the Indians without license of the proprietors, after the 1st December, 1703, under penalty of forfeiting forty shillings per acre; it also retrospects and makes void all Indian bargains, gifts, leases or mortgages, without an English title, unless covered with a propriety right in six months thereafter. This law is yet in force.
The Colonial History of New Jersey

Samuel Smith

The governor put an end to this session, December 13, by observing to the assembly, that the season being far advanced, it was absolutely necessary to conclude business: That he wished the several bills before himself and them could have been dispatched; but that the matters contained in them, were of so great moment, the difficulties so many and the time so short, that it was impossible to finish: That being now acquainted with the nature of those difficulties, they should come prepared in the spring to remove them, and provide such good laws as might effectually ascertain the rights of the several proprietors, and fully secure every man's property. These being the points which would most conduce to the peace and welfare of the colony, recommended the council and assembly to employ their serious thoughts, that the most effectual means to attain those desirable ends might be discovered, and to point out other useful laws, and concludes with observing, that they would ever find him ready to consent to all such things as should be for the good of the whole.

In 1704, great inconveniences were found, by the same coin bearing different values in the provinces on the continent; to remedy this by one general medium, queen Anne published her proclamation for ascertaining the value of foreign coin in America; which seems to claim a place here:

By the QUEEN.

A proclamation for settling and ascertaining the current rates of foreign coins in her majesty's colonies and plantations in America.

WE having had under our consideration the different rates at which the same species of foreign coins do pass in our several colonies and plantations in America, and the inconveniences thereof; by the indirect practice of drawing the money from one plantation to another, to the great prejudice of the trade of our subjects; and being sensible, that the same cannot be otherwise remedied, than by reducing of all foreign coins to the same current rate within all our dominions in America; and the principal officers of our mint having laid before us a table of the value of the several foreign coins which usually pass in payments in our said plantations, according to the weight and the assays made of them in our mint, thereby shewing the just proportion which each coin ought to have to the other; which is as followeth, viz. Sevill pieces of eight, old plate, seventeen penny weight, twelve grains, four shillings and six pence; Sevill pieces of eight, new plate, fourteen penny-weight, three shillings and seven pence one farthing; Mexico pieces of eight, seventeen penny-weight twelve grains, four shillings and six pence; pillar pieces of eight, seventeen penny-weight twelve grains, four shillings and six pence three farthings; Peru pieces of eight, old plate, seventeen penny-weight twelve grains, four shillings and five pence or thereabouts; cross dollars, eighteen penny-weight, four shillings and four pence three farthings; ducatoons of Flanders, twenty
penny-weight and twenty-one grains, five shillings and six pence; eau's of France or silver Lewis, seventeen penny-weight twelve grains, four shillings and six pence; crusadoes of Portugal, eleven penny-weight four grains, two shillings and ten pence one farthing; the silver pieces of Holland, twelve penny-weight and seven grains, five shilling and two pence one farthing; old rix dollars of the empire, eighteen penny-weight and ten grains, four shillings and six pence; the half, quarters and other parts in proportion to their denominations; and light pieces in proportion to their weight: We have therefore thought fit, for remedying the said inconveniences, by the advice of our council, to publish and declare, that from and after the first day of January next ensuing the date hereof; no Sevill, pillar, or Mexico pieces of eight, though of the full weight of seventeen penny-weight and a half; shall be accounted, received, taken or paid, within any of our said colonies or plantations, as well those under proprietors and charters, as under our immediate commission and government, at above the rate of six shillings per piece, current money, for the discharge of any contracts or bargains to be made after the said first day of January next; the halves, quarters, and other lesser pieces of the same coins, to be accounted, received, taken, or paid in the same proportion; and the currency of all pieces of eight of Peru, dollars and other foreign species of silver coins, whether of the same or baser alloy, shall after the said first day of January next, stand regulated, according to their weight and fineness, according and in proportion to the rate before limited and set for the pieces of Sevill, pillar and Mexico; so that no foreign silver coin of any sort, be permitted to exceed the same proportion upon any account whatsoever. And we do hereby require and command all our governors, lieutenant governors, magistrates, officers, and all other our good subjects, within our said colonies and plantations, to observe and obey our directions herein, as they tender our displeasure: Given at our castle at Windsor, the eighteenth day of June, 1704, in the third year of our reign.

Cornbury met the assembly at Burlington the 7th of September, and recommended the preparing a bill to Assembly ascertain the rights of the general proprietors to ascertain the rights of the general proprietors to the soil of the province, to settle a fund for support of government; and a French privateer having committed depredations on the settlers about Sandy Hook, he thence took occasion to press for a law to establish a militia, and fix a watch house on the Navesink hills. The house took the matters into consideration: It does not appear but they intended to make such provision on those occasions, as suited the circumstances of the province, yet their proceedings on the whole, were not to his mind; on the 28th therefore, he abruptly sent for and dissolved them, and issued writs for a new election; to meet at Burlington the 13th of November following: This election was industriously managed, and a majority of members procured to
his mind; they met at the time, and being divided in the choice of a speaker, Peter Fretwell and John Bowne, candidates, and the votes equal, they called upon their clerk, (William Anderson), to give the casting vote, which he did for Fretwell, who was accordingly placed in the chair;\(^\text{128}\) then receiving the speech, they by an address complimented Cornbury, with going through the affairs of government "with great diligence and exquisite management, to the admiration of his friends, and envy of his enemies;" and passed a bill to raise two thousand pounds\(^\text{129}\) per annum, by tax, for support of government, to continue two years.

Several other laws were passed this session, and amongst them one for establishing a militia, by the unnecessary severity of which, those conscientiously scrupulous of bearing arms in many parts were great sufferers.

On the 12th of December, the governor adjourn’d them 'till next year, with more encomiums on their conduct, than many of them got from their constituents on their return home; during this whole session, they had tamely suffered the arbitrary practices of Cornbury, to deprive them of three of their most substantial members, Thomas Gardiner, Thomas Lambert and Joshua Wright, under pretence of their not owning land enough to qualify them to sit there, tho' they were known to be men of sufficient estates; and the same assembly at their next meeting at Amboy, in 1705, themselves declare, the members had heretofore satisfied the house of their being duly qualified to sit in the same; and they were then admitted, when the purposes of their exclusion were answered: This sitting was in October and November, but produc’d nothing of much consequence; the session which followed at the same place in October, 1706, likewise proved unsuccessful; and now Cornbury again dissolv’d the assembly.

In the 11th month this year, the council of proprietors for the western division, met according to their usual practice; present, William Biddle, president, Samuel Jenings, George Deacon, John Wills, William Hall, Christopher Wetherill and John Kay; to this council Cornbury sent an order to resolve him in certain points proposed to them, which for some reasons, were at present delayed; but in the spring next year, he sent for the council of proprietors to attend him in council at Burlington, and there proposed sundry questions on the same subject,

\(^{128}\) The members of this assembly were:

For the Eastern division: John Bown, Richard Hartshorne, Richard Salter, Obadiah Bown, Anthony Woodward, John Tunison, John Lawrence, Jasper Crane, Peter Vaneste, Thomas Gordon, John Barclay, John Royse.


\(^{129}\) The lieutenant governor Ingoldsby received 600 l. out of the sum.
demanding a categorical answer to each; they soon resolved him by sending a summary of their constitution and establishment as follows:

The answer delivered to the governors three questions, delivered to him by the council of proprietors.

WHEREAS our governor the lord Cornbury, was pleased at our attending on him in council the thirteenth day of this instant May, to require answers to three questions, viz. who was the council of proprietors the last year; and who are chosen for this year, and to have the names of them? the second is, what are the powers the said council pretend to have? the third, by whom constituted?

And in obedience thereto, we being part of the trustees, or agents commonly called the council of proprietors, are willing to give all the satisfaction we are able, in humble answer to his lordships requirings, viz.

First, the persons chosen for the last year to serve the proprietors as agents or trustees, were William Biddle, Samuel Jenings, George Deacon, John Wills, and Christopher Wetherill, for the county of Burlington; and John Reading, Francis Collings, John Kay and William Hall, of Salem, for the county of Gloucester, and below; and for this present year 1707, William Biddle, Samuel Jenings, Lewis Morris, George Deacon, John Wills, John Kay, John Reading, Thomas Gardiner and William Hall of Salem.

2. In the year 1677, the first ship that came here from England, which brought the first inhabitants that came to settle in these remote parts, by virtue of Byllinge’s right, before she sail’d the proprietors being met together at London, thought it advisable to settle some certain method how the purchasers of land from Byllinge, &c. should have their just rights laid forth to them, concluded on a number of persons, viz. Joseph Helmsly, William Emly, John Penford, Benjamin Scott, Daniel Wills, Thomas Olive and Robert Stacy, as should be called commissioners, and they were first impowered to purchase what land they could from the Indians, and then to inspect all rights, as any lands were claimed, and when satisfied therein, to order the laying it out accordingly; which commissioners when arrived here, did forthwith make several purchases of land, and acted as aforesaid, for some time, ‘till some of them being not longer able to struggle with such hunger, and many other great hardships as were then met withal, return’d again for England; so for preventing confusion among the people, the assembly took the trouble of it on them; this continued in practice ’till about the year 1687; then the assembly

130 It was delivered to Cornbury in council, the 30th, the proprietors then present, were, Samuel Jenings, William Hall, Thomas Gardiner, John Wills, John Kay, Christopher Wetherill and Lewis Morris; with the answer they delivered to the governor and council, two papers containing the names of several of the proprietors, declaring their approbation of the council, and one Indian deed.
having much other business, and being not able to spend their time and money abroad, would not longer be troubled with that business, as was wholly belonging to the proprietors, and so threw it out of the house, and told the proprietors they might choose a convenient number of persons of themselves, to transact their own business: Accordingly the 14th day of February, the same year, the proprietors met at Burlington, and then and there chose and elected eleven persons of themselves, to act for the whole, for the next ensuing year; but then finding that so many and at such distances being hard to be got together, they next year chose but nine, and accordingly signed instruments for the confirming that constitution, of which his lordship has a copy; and the same methods have been every year since practised to this present year 1707; and in all this time no inconveniencies hath arisen from it, but on the contrary, much ease and advantage to the proprietors; as by a further declaration of many other of the proprietors under their hands, is ready to be proved.

Now as to the powers of those as are now and have all along been, they are the same with the first that came over from England in the year 1677; that is to say, to purchase land of the Indians, with the consent and advice of the said proprietors as chose them, and to inspect the rights of every man as shall claim any land, so that the same may be surveyed to him or them; and for the more easy and speedy settling of the province, commissioners have been appointed in each county, to inspect all rights as aforesaid; the said agents, trustees or council, also to choose a recorder, a surveyor general and rangers in each county, to range for the benefit of the said general proprietors, and to appoint persons to prevent the wasting and destroying of the proprietors timber, upon their unsurveyed lands, &c.

The proprietors residing in England, have had knowledge of a committee of the agents or trustees of the proprietors here, who were to act and negotiate their affairs by their agents, from time to time, acting in conjunction with them, as Adlord Boud, John Tatham, agents to doctor Coxe; and when Jeremiah Bass was agent, he acted with them also; after him, when our late governor Hamilton was made agent, he acted as one of the said agents, trustees or council for several years, and was president of the same; and now Lewis Morris as agent to the society, is one of the said trustees or council; and not only the agents of the agents of the proprietors at home, but any proprietor now hath, and have had liberty, to come and meet with the said agents, trustees or council, when he or they pleased.

Lastly, as to the constitution of the said agents, trustees or committee, and by whom constituted; it is on certain days in the county of Burlington and Gloucester, yearly and every year, they are chosen by the proprietors: The above is as good an account as we that are present are able to give, in answer to what was required of us by his lordship, and pray it may find acceptance as such; but if any further thing may seem needful to be
The Colonial History of New Jersey

Samuel Smith

answered, we humbly pray it may for this time be suspended, 'till the whole can be got together.

The writs for a new assembly were returnable to Burlington, the 5th of April, 1707. In this Assembly it soon appeared, Cornbury had not the success in elections as in the last choice; his conduct was arbitrary, and the people dissatisfied; the assembly chose Samuel Jenings, speaker, received the governor's speech, and soon after resolved into a committee of the whole house to consider grievances; this committee continued sitting from day to day, 'till at length they agreed upon fifteen resolves, and by petition to the queen laid them before her, on the 8th of the month called May, they also remonstrated their grievances to the governor, as follows:

May it please the governor,

WE, her majesty's loyal subjects, the representatives of the province of New-Jersey, are heartily sorry, that instead of raising such a revenue as is by the governor (as we suppose by the queen's directions) required of us, we are obliged to lay before him the unhappy circumstances of this province: it is a talk we undertake not of choice, but necessity, and have therefore reason to hope, that what we say may meet with a more favourable reception.

We pray the governor to be assured, it is our misfortune extorts this procedure from us, and that we should betray the trust reposed in us by our country, did we not endeavour to obtain relief.

The governor encourages us to hope he will not be deaf to our entreaties, nor by his denial render our attempts for the best ends fruitless.

We may not perchance rightly apprehend all the causes of our sufferings, but have reason to think some of them are very much owing to the governors long absence from this province, which renders it very difficult to apply to him in some cases which may need a present help.

It were to be wished the affairs of New-York would admit the governor oftener to attend those of New-Jersey, he had not then been unacquainted with our grievances; and we are inclined to believe they would not have grown to so great a number.

The members now were:


For the Western division: Peter Canson, William Hall, Richard Johnson, John Thomson, Bartholomew Wyatt, John Wills, Thomas Bryan, Samuel Jenings, Thomas Gardiner, John Kay, Philip Rawle.
The Colonial History of New Jersey

Samuel Smith

It is therefore, in the first place, humbly presented to the governor's consideration, that some persons under sentence of death for murder, have not only remained 'till this time unexecuted, (they being condemned not long after lord Cornbury's accession to this government) but often have been suffered to go at large; it's possible the governor has not been informed, that one of those persons is a woman who murdered her own child; another of them a woman who poisoned her husband: The keeping of them so long has been a very great charge, and how far it's a reflection on the publick administration, to suffer such wretches to pass with impunity, we dare not say; but sure the blood of those innocents cries aloud for vengeance, and just Heaven will not fail to pour it down upon our already miserable country, if they are not made to suffer according to their demerits.

Secondly, we think it a great hardship, that persons accused for any crime, should be obliged to pay court fees, notwithstanding the jury have not found the bill against them; they are men generally chose out of the neighbourhood, and should be the most substantial inhabitants, who cannot well be supposed to be ignorant of the character of the person accused, nor want as good information as may be had; when therefore they do not find the bill, it is very reasonable to suppose the accused person innocent, and consequently no fees due from him; we pray therefore, that the governor will give his assent to an act of assembly to prevent the like for the future; otherwise no person can be safe from the practices of designing men, or the wicked effects of a vindictive temper.

Thirdly, the only office for probate of wills being in Burlington, it must be very expensive and inconvenient for persons who live remote to attend it, especially for the whole Eastern division; we therefore pray the governor will assent to an act to settle such an office in each county, or at least in each division of this province, and that the officers be men of good estates, and known integrity in the said county or division.

Fourthly, that the secretary's office is not also kept at Amboy, but that all the Eastern division are forced to come to Burlington, that have any business at said office, is a grievance which we hope the governor will take care to redress; it seeming inconsistent with the present constitution of government established by the queen, which doth not admit one of the divisions of this province to enjoy more privileges than the other; we therefore entreat the governor not to take it amiss, that we desire his assent to an act to be pass'd to oblige the secretary to keep the office at both places.

Fifthly, the granting of patents to cart goods on the road from Burlington to Amboy, for a certain number of years, and prohibiting others, we think to be a grievance that is contrary to the statute 21 Jac. 1. c. 3. against monopolies; and being so, we doubt not, will easily induce the
governor to assent to an act to prevent all such grants for the future; they
being destructive to that freedom which trade and commerce ought to
have.

Sixthly, the establishing fees by any other power or authority than by
the governor, council and representatives met in general assembly, we take
to be a great grievance, directly repugnant to Magna Charta, and contrary
to the queen’s express instructions in the governor’s instructions, which
says, ‘You are to take care, that no man’s life, member, freehold or goods,
be taken away or harmed in our province, under your government,
otherwise than by established and known laws, not repugnant to, but as
near as much as may be, agreeable to the laws of England;’ we therefore
pray, that the governor will assent to an act to be pass’d to settle fees;
without which we think no more can be legally demanded, than the
persons concerned by agreement oblige themselves to pay.

Seventhly, the governor putting the former publick records of the
Eastern division of this province into the hands of Peter Sonmans,
pretended agent to the proprietors, one that does not reside in the
province, nor has not given security for the well and true keeping of them,
as is by the queen directed, and kept them so that her majesty’s subjects
cannot have recourse to them; and their being carried out of the division, is
a great and crying grievance: They are the only evidences that one half of
this province has to prove the titles to their estates, and this house is
humbly of opinion, they ought to be so kept, that persons may have
recourse to them; and in the hands of such of whose fidelity there is no
reason to doubt; this being a thing so reasonable, encourages us to request
the governor to assent to an act to be passed to put them in proper hands
for the future, that the country may not be under the same
disappointments they now are.

These, governor, are some of the grievances this province complains of;
and which their representatives desire may be redressed; but there are
others of a higher nature, and attended with worse consequences; they
cannot be just to the governor, themselves, or their country, should they
conceal them: We did expect when the government of the Jersies was
surrendered, to feel the benign influences of the queen’s mild government,
under her more immediate administration, and to be protected in the full
enjoyment of our liberties and properties, the last of which we thought
ourselves something more secure in than some of the neighbouring
plantations; and had an entire dependance that her majesty’s royal bounty
and goodness would never be wanting to make us easy and happy, even
beyond our wishes: It is our misfortune, that we must say, the success has
not answered the expectation, and the queen’s subjects here have felt the
reverse of what they had most reason to hope; that greatest and best of
princes is, without all peradventure, ignorant of our pressures, or we had
long since had relief; she is too good to continue even the deserved sufferings of the miserable, and has more of Heaven in her than to hear the cry of those that groan under oppression, and the unkind effects of mistaken power, to whom we owe our miseries; and what they are, the sequel shews.

In the first place, the governor has prohibited the proprietors agents, commonly called the council of proprietors, from granting any warrants for taking up of land in the Western division of this province: We cannot see by what law or reason any man's property can be disposed of by the governor without his consent: The proprietors when they surrendered their government, did not part with their soil, and may manage it as they think fit, and are not to take directions from any person whatsoever, how and when to do it; if any persons concerned be grieved, the laws are open, by which disputes in property are decided; and he doubtless will not be left remediless. We are very sorry the governor gives us occasion to say, it is a great encroachment on the proprietors liberties; but we are not surprized at it, when a greater encroachment on our liberties lead the way to it, and that was the governor's refusing to swear or attest three members of the last assembly upon the groundless suggestions of Thomas Revel and Daniel Leeds, two members of the queen's council, by which they were kept out of the assembly: We are too sensibly touch'd with that procedure, not to know what must be the unavoidable consequences of a governor's refusing to swear which of the members of an assembly he thinks fit; but to take upon himself the power of judging of the qualifications of assembly-men, and to keep them out of the house (as the governor did the aforesaid three members nigh eleven months 'till he was satisfied in that point) after the house had declared them qualified; is so great a violation of the liberties of the people, so great a breach of the privileges of the house of representatives, so much assuming to himself a negative voice to the freeholders election of their representatives, that the governor is entreated to pardon us, if this is a different treatment from what we expected: It is not the effects of passionate heats, the transports of vindictive tempers; but the serious resentments of a house of representatives, for a notorious violation of the liberties of the people, to whom they could not be just, nor answer the trust reposed in them, should they decline letting the governor know they are extremely dissatisfied at so unkind a treatment, especially when its causes and effects conspire to render it so disagreeable.

It is notoriously known, that many considerable sums of money have been raised to procure the dissolution of the first assembly, to get clear of the proprietors quit-rents, and to obtain such officers as the contributors should approve of; this house has great reason to believe, the money so gathered was given to lord Cornbury, and did induce him to dissolve the then assembly, and by his own authority keep three members out of the
next assembly, and put so many mean and mercenary men into office; by which corrupt practice, men of the best estates are severely harrassed, her majesty's good subjects in this province so impoverished, that they are not able to give that support to her majesty's government as is desired, or as they would be otherwise inclined to do; and we cannot but be very uneasy when we find by these new methods of government, our liberties and properties so much shaken, that no man can say he is master of either, but holds them as tenant by courtesy and at will, and may be stript of them at pleasure: Liberty is too valuable a thing to be easily parted with, and when such mean inducements procure such violent endeavours to tear it from us, we must take leave to say, they have neither heads, hearts, nor souls, that are not moved with the miseries of their country, and are not forward with their utmost power lawfully to redress them.

We conclude, by advising the governor to consider what it is that principally engages the affections of a people, and he will find no other artifice needful than to let them be unmolested in the enjoyment of what belongs to them of right; and a wise man that despises not his own happiness, will earnestly labour to regain their love.

By order of the house,

Samuel Jenings, speaker.

By this remonstrance may be seen much of the history of the times, and that tho' things were carried to arbitrary lengths, there were not wanting in the province, men of discernment to see and lament the unhappy situation of their country, and of spirit to oppose it's greatest enemies; several such were in this assembly, the speaker in particular, had very early known New-Jersey, had lived thro' many changes and commotions, to see great alterations in it; much concerned in publick transactions, he knew what belonged to a public character; he had governed the western part of the Province for several years, with integrity and reputation; saw the advantages of a just confidence, and that it could not be acquired another way; that though the office was in itself respectable, it was the honest execution of it according to its dignity, that produced the intended service, and secured the approbation of a kind but watchful mistress; for such queen Anne was accounted to her governors. Jenings was also undaunted, and lord Cornbury on his part, exacted the utmost decorum; while as speaker he was delivering the remonstrance, the latter frequently interrupted him with a stop, what's that, &c. at the same time putting on a countenance of authority and sternness, with intention to confound him; with due submission, yet firmness, whenever interrupted, he calmly desired leave to read the passages over again, and did it with an additional

132 Lewis Morris, also now distinguished himself with great activity in behalf of privilege, and had a large share in the whole conduct of this assembly; of him more hereafter.
emphasis upon those most complaining; so that on the second reading they became more observable than before;\textsuperscript{133} he at length got through; when the governor told the house, to attend him again on Saturday next, at 11 o'clock, to receive his answer; he did not get ready 'till the twelfth, when sending for the house, he delivered his answer.

\textsuperscript{133} After the house was gone, Cornbury with some emotion, told those with him, that Jenings had impudence enough to face the D----l.
CHAPTER XVI

LORD CORNBURY’S ANSWER TO THE ASSEMBLY’S REMONSTRANCE

Gentlemen,

On Thursday last I received a paper from you, which you call a remonstrance; I then told you, it was of an extraordinary nature, and contained many particulars, which tho' they lay open enough to receive an immediate answer, yet because I would not put it in your power to say I had given you a rash inconsiderate answer, I would make no return to it 'till the Saturday following, at which time I sent you word by the secretary, that I should not expect your attendance ‘till this day. I shall not take notice of any thing in your preamble, but the two last clauses of it; in the first of which you say, that you have reason to think that some of your sufferings are owing to the governor’s long absence from this province, which renders it very difficult to apply to him in some cases that may need a present help: This is so far from being true, that besides my being twice in this province every year, and have never staid less than a month, some times six weeks, or more; the post goes every week to New-York, by which I may be easily in formed of any emergency; moreover the lieutenant governor, colonel Ingoldsby, resides constantly in this province, and would certainly have done right to any persons that would have complained to him; which makes this allegation very frivolous.

In the next clause you say, that it were to be wished that the affairs of New-York would admit the governor oftener to attend those of New-Jersey. The affairs of New-York have never hindred the governor from attending those of New-Jersey, whenever it has been requisite; and I can safely say, I don’t know of any grievances this province labours under, except it be the having a certain number of people, in it who will never be faithful to nor live quietly under any government, nor suffer their neighbours to enjoy any peace, quiet or happiness, if they can help it.

I now begin with your articles.

Two women that have been condemned for murdering, have not been executed, there having appeared most notorious malice and revenge in some people, who were zealous in these prosecutions; the queen is the fountain of honour, justice and mercy; and as she is so, she may when she pleases, exert her mercy, either in reprieving or pardoning any criminal: That power of pardoning and reprieving after condemnation, the subjects of this province, her majesty has been pleased to intrust me with; and I am
no ways accountable to any person or number of persons whatsoever, for what I do in those matters, but to the queen’s majesty alone.

As for what you say, with relation to the apprehensions you have, that just heaven will not fail to pour down vengeance upon your already miserable country, if these criminals are not made to suffer according to their demerits: I am of opinion, that nothing has hindered the vengeance of just heaven from falling upon this province long ago, but the infinite mercy, goodness, long suffering, and forbearance of almighty God, who has been abundantly provoked by the repeated crying sins of a perverse generation among us, and more especially by the dangerous and abominable doctrines and the wicked lives and practices of a number of people; some of whom under the pretended name of christians, have dared to deny the very essence and being of the saviour of the world: It is a strange thing, that such an assembly of men as the representatives of the people of this province are or ought to be, should complain of any thing under the name of hardship, before they had informed themselves whether the thing they had a mind to complain of, were really a hardship or not: This plainly is your case at this time; for if you had asked any man, that knows any thing of the practice of the law in England, you would have found, that if any proceedings had been carried on against any persons supposed to be guilty, they have always paid the court fees, notwithstanding the grand jury have not found the bill; and this is so known a practice, that it is not to be disputed; but when men will intermeddle with, or pretend to things which they neither know nor understand, they cannot fail of misleading themselves, and misleading those that have a mind to be guided by them.

Indeed, if juries in this country were as they ought to be, the supposition might in some measure be allowed; but we find by woful experience, that there are many men who have been admitted to serve upon grand and petty juries, who have convinced the world that they have no regard for the oaths they take, especially among a sort of people, who under a pretence of conscience, refuse to take an oath; and yet many of them under the cloak of a very solemn affirmation, dare to commit the greatest enormities, especially if it be to serve a friend, as they call him; and these are the designing men, and the vindictive tempers, of which all the queen’s good subjects ought to beware, and be protected from; and these are the crying sins which will undoubtedly draw down the vengeance of just heaven upon this province and people, if not timely and seriously repented of.

If I could persuade myself to wonder at any of the denormities contained in this remonstrance (and which I would do if it came from any other men) it should be at this; because no reasonable man can persuade himself to believe, that a number of men chosen by their country to
represent them, would presume to complain of a thing as a grievance, when the thing complained of is in fact not true; for the office of probate of wills is wherever the governor is; consequently not at Burlington only: Ever since the queen has done me the honour to entrust me with the government of this province, I have never failed of being in the province twice every year, once at Burlington, and once at Amboy; except the last year, that I had the unspeakable misfortune of losing a wife, whom I loved as my own soul, after a very long tedious sickness, during which I am persuaded no reasonable man could expect I should leave her for any time; and yet notwithstanding that, I was twice at Amboy last year, where any body that had a will to prove, might have had it done if they had pleased; besides my being twice every year in the province, considering the remoteness of Cape-May county and the county of Salem, I did appoint a surrogate at Burlington, before whom any of the inhabitants of either division might have had their wills proved; I did not think it necessary to appoint one in the Eastern division because the inhabitants of that division who are most remote from New-York, are within a very easy day's journey of my surrogate at Burlington, and much the major part of the people of that division, are within a small day's journey of New-York, where their private affairs daily calls many of them, and where any of them may have their wills proved without any injury to, or encroachments upon their properties, rights or privileges: This is so certain a truth, that I am persuaded all judicious and impartial men will look upon this complaint to be malicious, scandalous, and frivolous, contrived only to amuse poor ignorant people with notions of grievances; when in truth there is no manner or cause of complaint: Besides what you desire, is a direct invasion of the queen's prerogative; for it belongs to her majesty alone to appoint who shall take probate of wills, and grant letters of administration; and that power the queen has been pleased to vest in the governor; and I am sure I will never so far betray the trust her majesty has honoured me with, as to sacrifice her prerogative royal, to the humours of any person or persons whatsoever: But of all the people in the world, the quakers ought to be the last to complain of the hardships of travelling a few miles upon such an occasion, who never repine at the trouble and charges of travelling several hundred miles to a yearly meeting, where it is evidently known, that nothing was ever done for the good of the country, but on the contrary continual contrivances are earned on for the undermining of the government both in church and state.

You have had as little regard to the truth of matter of fact in this complaint, as in some of the rest; for it is certain, that the secretary's office is kept at Amboy, as well as at Burlington, as far as the nature of the thing requires, and it can admit of; for the records of the eastern division, or at least so many of them as the agent for the proprietors of that division could hitherto recover from one Thomas Gordon, into whose hands they were
put in the time of the proprietors government, and who has embezzled several of them, for which he must he answerable: There is a supreme court held once every year at Amboy, there is no more at Burlington; so that one division does not enjoy more privileges and advantages than the other; and you have no more reason to desire a secretary's office to be settled at Amboy, than the people of the county of Cumberland would have to desire a secretary of state's office to be settled in their county, because it is a great way for them to travel to London when they have any business in the secretary's office; the thing is inconsistent in itself; to have two secretaries offices in the same province, and consequently unreasonable, and I am pretty well satisfied without precedent; besides I don't know any body that can claim the right or power of appointing a secretary in this province but the queen, and she has been pleased to appoint one under the great seal of England, and her majesty is pleased to think one sufficient, as undoubtedly it is; but if you had thought that another had been necessary, it would have been much more modest to have acquainted me with it, that I might have humbly represented it to her majesty, rather than to have remonstrated that as a grievance, which is done in pursuance of the queen's commands: But this is of the same nature with the rest of your complaints, contrived on purpose to amuse the poor ignorant people with a notion of grievances, when in truth there is not the least colour or cause of complaint. I could wish, since you had a mind to colour this complaint with the authority of an act of parliament of England, that you had advised with some lawyer, to know whether this could be any ways brought under that statute, or can by any construction in the world be called a monopoly; but where a man engrosses a commodity into his own hands, and imposes what unreasonable price he pleases upon that commodity, or where a man is suffered to enjoy any trade or occupation exclusive of others, to the prejudice of the publick, or particularly the hindering or burthening of trade; the thing now complained of is so far from being of that nature, that it is directly contrary; for by the patent now complained of; the subjects of this province have the conveyeniency of sending such quantities of goods to and from Burlington and Amboy, as their private occasions, or the nature of their trade requires, at reasonable and certain rates, and at certain times, which they never could do before; for before the settling of this waggon, if any persons had occasion to send any goods to or from either of those places, they were forced to hire a waggon, tho' perhaps they had not the tenth part of a load, and were forced to pay such rates as the owners of the waggon thought fit to impose upon them; whereas at present every body is sure once a fortnight to have an opportunity of sending any quantity of goods, great or small, at reasonable rates, without being in danger of being imposed upon at the will of the owner of the waggon; and the settling of this waggon is so far from being a grievance or a monopoly, that by this
means and no other, a trade has been carried on between Philadelphia, Burlington, Amboy and New-York, which was never known before; and in all probability would never have been, had it not been for this certain convenient way of sending such, quantity of goods as people pleased from place to place; and in all the parts of Europe, the having publick carriages for goods has always been esteemed of absolute necessity, and the want of them has been looked upon as a hardship: But it seems those things which in the wisest and best governments in Europe, have not only been thought convenient but esteemed of absolute necessity, are found out by some of our wiser people here, to be grievances and monopolies: This being undoubtedly true, it's plain the patent complained of cannot come within the stat. of the 21 Ja. 1. chap. 3. This I believe will be sufficient to convince all reasonable men, how frivolous and unreasonable this complaint is. I shall observe, that when I was first applied to for a patent for the allowing this waggon, which was by one Dellaman, who in colonel Hamilton's time was permitted to drive a waggon for carrying goods, tho' under no regulation, either with respect to times of going, or prices for carrying goods, and then was no monopoly; before I would grant it, I did acquaint the council with it, and desired them to let me know, if they apprehended any inconveniency in granting such a patent; those gentlemen were all of opinion, there could be no inconveniency in it, but rather a great conveniency; and indeed experience has proved that opinion to be true; nay, Mr. Lewis Morris himself; the chief promoter of these unreasonable and frivolous complaints at this time, who had the honour to be one of her majesty's council, expressed himself very fully to that purpose: Indeed had that gentleman ever been consistent with himself in any two actions of his life, I should wonder how he could so soon alter his opinion in a case of that nature; but his behaviour at all times having fully convinced the world that he never was so, makes me cease wondering: This clause of your remonstrance is indeed of a more extravagant nature than the former, for you presume to call that a great grievance, and affirm it to be directly contrary to magna charta, and contrary to the queen's express directions in the governor's instructions; which is most certainly exactly pursuant to, and in obedience of the express words contained in the queen's instructions to the governor; so that you make the governor's faithful obedience to the instructions the queen has honoured him with, to be a great grievance; which is no less than accusing her most sacred majesty, the best of queens, of commanding her governor to do things which in themselves are great grievances; how grateful a return this is to her majesty, for the repeated favours she has been pleased to shew to this province and people, let the world judge!

That clause of my instructions which you recite in this article, has no manner of relation to fees; indeed there is another clause in my instructions, which directs how, and by whom, all fees shall be settled, and
the queen’s commands have been observed; the words of the clause are those, '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 transmit copies of all such tables of fees to us, and to our commissioners for trade and plantations as aforesaid;' and I challenge every one of you, and all mankind, to shew, how, when, and where, any man’s life, member, freehold, or goods, have been taken away, or harmed in this province, since it came under her majesty’s government, otherwise than by established and known laws, not repugnant to, but as much as may be, agreeable to the laws of England: When I first read this clause, I could not imagine what it was put in for, unless it were on purpose to arraign the queen’s express commands to me. First, Mr. Sonmans is not the pretended agent, but the lawfully constituted agent for the proprietors of the eastern division of this province, and has qualified himself according to the queen’s instructions to me, and he does reside the greatest part of his time in the province; the records are not carried out of the Eastern division, unless it be those which Thomas Gordon has imbezzled; but those that came to the hands of Mr. Sonmans are kept at Amboy, where any body may have recourse to them that will desire it, at any reasonable hour; and the country is not under any disappointment upon that account; besides the records of the Eastern division were put into the hands of the proprietors agent, by an order from England, upon a complaint made in England, that the records were not in the hands of the proprietors agents.

'These, governor, are some of the grievances.'

This is certainly one of the boldest assertions that ever was made, especially when there appears no manner of proof to make it out: When I read these two clauses; for there are two before you come to enumerate these grievances of an higher nature, and attended with worse consequences, I expected to have found myself, or some other persons intrusted with me in the administration of the government over her majesty’s subjects in this province, not only accused, but made plainly appear, by undeniable manifest proofs, beyond the possibility of a contradiction, to be guilty of the most enormous crimes: Who can imagine when such a body of men, as the representatives of a province, venture to say, that they did expect when the government of the Jersies was surrendered, to feel the influences of the queen’s mild government under her more immediate administration, and to be protected in the full enjoyment of their liberties and properties; the last of which they thought themselves a little more secure in, than some of the neighbouring plantations, and had an entire dependance that her majesty’s royal bounty
The Colonial History of New Jersey

Samuel Smith

and goodness would never be wanting to make them easy and happy, even beyond their wishes; it is their misfortune, that they must say, the success has not answered the expectation; and the queen's subjects here have felt the reverse of what they had most reason to hope that the greatest and best of princes is without all peradventure ignorant of their pressures, or they had long since had relief; she is too good to continue even the deserved sufferings of the miserable, and has more of heaven in her, than not to hear the cries of those that groan under oppression and the unkind effects of mistaken power, to whom they owe their misery; who would not, I say, after such assertions, expect to see the governor proved guilty either of treason, or betraying the trust reposed in him by the queen, by depriving the subjects of their lives, their estates or properties, or at least denying them justice, and perverting the laws, to the oppression, instead of administ'ring them for the protection and preservation of the people committed to his charge? These or the like crimes manifestly proved, are the only things that can justify men in the accusing a governor of corrupt practice, and of shaking the liberties and properties of the people; but if none of these things can be proved, but on the contrary, it does appear plainly, that no one act of severity, much less of injustice or oppression, has been done since the government of this province came under the queen, but that there has been an impartial, just and equal administration of justice observed thro' out the whole course of my government, and that many acts of mercy have been extended to persons who deserved to be severely punished; then what sort of creatures must these bold accusers appear to be, in the eyes of all impartial and judicious men! That these are truths beyond all contradiction, and which all the people of this province know, I do challenge you, and every one of you, to prove the contrary: And tho' I know very well, that there are several unquiet spirits in the province, who will never be content to live quiet under any government but their own, and not long under that neither, as appears by their methods of proceeding when the government was in the hands of the proprietors; when many of these very men who are now the remonstrancers, were in authority, and used the most arbitrary and illegal methods of proceeding over their fellow subjects that were ever heard of; yet I am satisfied, there are very few men in the province, except Samuel Jenings and Lewis Morris, men known neither to have good principles, nor good morals, who have ventured to accuse a governor of such crimes, without any proof to make out their accusation; but they are capable of any thing but good.

But that the unreasonableness of these complaints may appear the plainer, let us consider what these enormities of mine are, that have turn'd the benign influences of the queen's mild government into oppression, and the unkind effect of mistaken power: First, by the instructions her most sacred majesty the queen has honoured me with, I am to allow all such
agents as the general proprietors shall appoint, such agents qualifying themselves by taking such oaths as the queen is pleased to direct, and no others; no persons under the name of a council of proprietors have ever tendered themselves to take those oaths, consequently they are not capable of acting as agents; Besides, I say, those people who call themselves a council of proprietors, are a parcel of people, pretending to act by a power derived from certain persons, who have no power to grant; the governor has therefore done in this case; nothing but his duty, in hindering, as far as in him lay, that pretended council of proprietors from acting illegally, which they have long done to the prejudice of her majesty's subjects: This is a truth I cannot doubt of; because besides the other reasons I have to satisfy me in that point, you have voted my putting the records of the eastern division into the hands of Peter Sonmans, to be a grievance; tho' Mr. Sonmans has qualified himself long ago; so that the council of proprietors not having qualified themselves at all, is a much greater grievance. By the queen's instructions to me, she is pleased to direct, that no person shall be capable of being elected a representative by the freeholders of either division, or afterwards sitting in general assembly, 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; two gentlemen of the council informed me, that three persons, whose names they then mentioned, were not qualified; upon which I refused to take their attestations (for they were all Quakers) and in so doing, I did my duty: I recommended it to the assembly at that time to proceed in the first place, to enquire into that matter; but they did not think fit to do it, 'till they had sat about three weeks, and then they sent me a message, to desire those three members might be sworn, for they were satisfied they were qualified; I sent them word, that if they would communicate to me the proofs which had satisfied them, I should be ready to admit them; but that they would not do: In some few days the assembly was adjourned to meet at Burlington, where they met at the time appointed, and sent me the same message as they had done before; I sent them the same answer; upon which they ordered the three members to produce to me the proofs of their qualifications; which having done, I admitted them immediately, which I could not do before, without breaking the queen's instructions; so that it was entirely through their own stubbornness that they were not admitted sooner, and no intent or desire of mine to keep them out: If I had had a mind to keep any members out of the house, I could have made objections which they could never have answered; but such practices are below me; and it is not true, that I have made any violation of the liberties of the people, nor have assumed to myself a negative voice to the freeholders election of representatives, as this house of representatives has lately most notoriously done: But of that more anon.

Indeed the treatment I have met with from this house of
representatives, is far different from what I and all reasonable men expected from most of them, thinking them endowed with reason and common justice to mankind; but it is not different from what I expected from Samuel Jenings and Lewis Morris, two men notoriously known always to have been disturbers of the quiet and peace of this province, men always possessed with passionate heats, and the transports of most vindictive tempers, but never capable of such serious resentments as would become a house of representatives, if there were any occasion given them to shew any; how they have been able to prevail with the major part of the house to join with them, in destroying as far as in them lay, the reputation of a gentleman who has the honour to serve the queen as governor of this province, and is so far from deserving such treatment from them, that he has always done to the utmost of his power, for the good, welfare and prosperity of this province and people, and would have done much more if the assembly would have put it into his power, by preparing such bills as the governor at the beginning of every sessions has recommended to them, and the condition of the country required; but that they must answer for to God and their own consciences, and perhaps one day to me.

Whether many considerable sums of money have been raised or not, I know not; and if they were raised, for what intent and purpose they were raised I know not; but this I know, that if any money was raised, it was not given to me, nor was ever any money offered to me to procure the dissolution of the first assembly, or to get clear of the proprietors quit rents, or to obtain such officers as the contributors should approve of; as is falsly allledged: The reasons why I dissolved the first assembly were evident to all mankind; for it was plain that house never intended to do any thing for the support of the queen’s government, nor for the good of the country; and indeed better could not be expected from an assembly so corruptly chosen as that was; for some of the now remonstrancers, and some other people, prevailed with Thomas Gordon, then sheriff of the county of Middlesex, to refuse a poll when demanded; and when the people, injured by that practice, complained to the house of representatives, they had a day assigned them to be heard, but were limited to bring but twenty witnesses; the people attended at the day appointed, with the number of witnesses they were allowed to bring, but were then by the house refused to be heard, not only by themselves but by their council, and their witnesses refused to be examined; tho’ at the same time they heard Thomas Gordon, who was complained against, and did examine some witnesses on his behalf; upon which the petition of the complainants was dissimt, thereby supporting the illegal proceedings of the sheriff; this was a violalation of the rights of the people with a vengance, and a sufficient reason, (if I had no other) for the dissolving that assembly, that the people might once more have a free choice of their representatives: As for getting clear of the proprietors quit rents, it is such an absurdity to
The Colonial History of New Jersey

Samuel Smith

mention, that no body would be guilty of it but Samuel Jenings and Lewis Morris; for it is evident, that at the beginning of every sessions I have recommended it to the assembly, to prepare a Bill or Bills, for settling the rights of the proprietors; which I suppose will be a full answer to that part; and as I know of no such men as contributors, so can I have no such application made to me: I have not knowingly put any mean or mercenary men into office; indeed at my first coming into the government of this province, I desired the gentlemen of the council, to recommend persons to me fit to be put into offices, military and civil; several of them gave me lists, and amongst the rest Mr. Lewis Morris gave me one, which I have still by me, in which indeed, by experience, I find there are some mean, scandalous men; but I cannot accuse any body else of doing the like. Thus much I thought myself obliged to say, in answer to your remonstrance, to satisfy the world of the falshood of your allegations and the unreasonableness of your complaines. I have said the less in answer to the scandalous reflections you have cast upon me, because I do not doubt, but upon my most humble application to her most sacred majesty the queen, she will be graciously pleased to allow me to take such measures as may be most proper to procure me ample satisfaction, for the great and extravagant injuries you have done me: As for the advice you conclude with, I shall only say, that I can never answer the taking advice from men who do not know how to govern themselves, and who have always opposed the service of the queen, and the interest and good of the country, which are inseparable.

Now, gentlemen, I shall take notice to you of some of your late unaccountable proceedings in this assembly, which I can’t pass by without a breach of the trust reposed in me by her majesty; and first, I shall observe, that at the opening of the sessions, I recommended to you the settling a revenue, and the preparing several bills which I thought might be useful for the country; and I told you, that if you found any thing else necessary to be provided for by a law, you should always find me ready to agree to any thing that might be reasonable; but instead of proceeding upon those things so necessary, that they ought to have employed your first thoughts, you have squandered away your time in hawking after imaginary grievances, for the space of one whole month, without making one step towards the service of the queen, or the country; you have presumed to take the queen’s subjects into the custody of the serjeant at arms, who are not members of your house; which you can’t lawfully do; and is a notorious violation of the liberties of the people; you have taken upon you, to administer an oath to one of your members, and have expelled him the house for refusing to take an oath, which you could not legally administer to him: This is most certainly robbing that member of his property, and a most notorious assuming to yourselves a negative voice to the freeholders election of their representatives; for which there can be
no precedent found: You have arbitrarily taken upon you, to command the high sheriff of this county, to discharge a prisoner who was in his custody, at the suit of one of the queen's subjects; and he has been weak enough to do it, for which he lies liable to be sued for an escape, whenever the gentleman thinks fit to do it; and from which you cant protect him. This is a notorious violation of the rights of the subjects, and a manifest interruption of justice: You have taken upon you, to appoint one of your members to act as clerk of the committee of the whole house, which you have no power to do; and the party officiating is liable to be prosecuted for acting without lawful authority, and without being qualified to act. These, gentlemen, are some of the irregularities you have been guilty of this sessions; some of them are encroachments upon the queen’s prerogative, the rest are all notorious infractions upon the liberties and properties of the people.

I was going to conclude, with giving you some wholesome advice; but I consider that will be but labour lost, and therefore shall reserve it for persons who I hope will make a right use of it.
CHAPTER XVII

THE ASSEMBLY'S REPLY TO LORD CORNBURY'S LETTER TO THEIR REMONSTRANCE.

The assembly did not immediately go upon the consideration of a reply, having before them the treasurer, Peter Fauconier's accounts, in which they found many articles extraordinary in their nature, several of them being paid by Cornbury's order barely, and the whole without vouchers; they sent for him; he attending, refused to lay his vouchers before them without the governor's commands; two members were sent to the governor, to desire him to order the treasurer to lay the vouchers of his accounts, and the orders for the payment of the sums therein mentioned before them; the governor said, he had already ordered it, though it was what he could not legally do, because the lord high treasurer had appointed an auditor general for the province, and he not being in it, had deputed one to audit the accounts, and that the treasurer was accountable only to the lord high treasurer; but if the house was dissatisfied with any articles in the accounts, and thought proper to apply to him, he would satisfy them: This was not done; and the accounts, extraordinary as they were, remained unsettled 'till Hunter's administration several years after. Several bills of consequence were now also under consideration; but Cornbury, apprehensive, that if he suffered the sessions to continue much longer, it would produce something not to his advantage, on the 16th adjourn'd the house 'till the next September, to meet him at Amboy. In the October following they met accordingly: The first thing now concluded on, was a reply to the foregoing answer to their remonstrance; next place, they resolved N. C. D. that they would raise no money 'till the governor consented to redress the grievances of the country; which if he did, they would raise £1500, for support of government for one year.

On the 28th, the house sent a committee to acquaint the governor, that having seen his answer to their remonstrance in print, they thought fit to make a reply to it, and desired to know when he would admit them to wait on him with it; the governor said, he would return an answer in due time; they waited for his message 'till next day, and then concluding he intended to elude giving them opportunity of presenting, it, sent a committee with it, but he would not receive it,134 upon

134 Their message to introduce it he received, and the next day laid it before the council, as follows:

Continued on next page...
The Colonial History of New Jersey

Samuel Smith

which they ordered it to be entered in their journal, as follows:

May it please your excellency,

WE, the representatives of this her majesty's province of New-Jersey, finding her majesty's subjects greatly, and as we are very well satisfied with good reason, aggrieved; thought we could not answer the trust reposed in us by our country, should we not endeavour to get those hardships removed under which they labour.

It was needless to hunt after imaginary grievances, real ones in too great numbers presenting themselves; and though from you we have misrd of obtaining that relief that the justice of our complaints intilted us to; yet we do not dispair of being heard by her sacred majesty, at whose royal feet we shall in the humblest manner lay an account of our sufferings; and however contemptible we are, or are endeavoured to be made appear, we are persuaded her majesty will consider us as the representatives of the province of New-Jersey, who must better know, what are the grievances of the country they represent, than a governor can do, who regularly ought to receive informations of that kind from them; and we do not doubt that glorious queen will make her subjects here as easy and happy as she can.

When we told your excellency, we had reason to think some of our sufferings were very much owing to your excellency's long absence from this province, which rendered it very difficult to apply to your lordship in some cases that might need a present help, we spoke truth; and notwithstanding all your excellency has said of a months or twelve weeks in a year, and the weekly going of a post; we cannot be perswaded to believe, that nine months and upwards in a year, is not a long absence, especially when the seal of the province is carried and kept out of the government all that time; and the honourable colonel Ingoldsby, the lieutenant governor, so far from doing right, that he declined doing any act of government at all; whether he governs himself by your excellency's directions or not, we cannot tell; but sure we are, that this province being as it were without government for above nine months in a year, we must still think it a great grievance, and not made less so by carrying the seal of the province to New-York, and laying her majesty's subjects under a necessity of applying from the remotest part of this province, for three parts of the year and better, to your excellency at fort Ann, in New-York, from which place most of the commissions and patents granted during

134Continued from previous page...

The house of representatives having sent a message to your excellency, to know when your excellency would be waited upon with a reply this house has made to your excellency's answer to their remonstrance; and your excellency having not, as is usual in such cases, assigned them any time, they have appointed us to wait on your excellency with the said reply, and to deliver it to you.
The Colonial History of New Jersey
Samuel Smith

your excellency's absence, are dated, (by what authority we shall not enquire) notwithstanding a lieutenant governor resides in the province, and is by her majesty's commission empowered to execute the queen's letters patents, and the powers therein contained, during your excellency's absence from this province of New-Jersey; without which powers given and duly executed, a lieutenant governor is useless and an unnecessary charge; and we cannot think, that her sacred majesty, who honoured that gentleman with so great a mark of her royal favour, as giving him a commission for lieutenant governor of New-Jersey, did at the same time inhibit him from executing the powers therein exprest.

Things are sometimes best illustrated by their contraries; and perhaps the most effectual way to convince the world, that this complaint is frivolous and untrue, as by your excellency alleged, would be, for your excellency to bring the seal of the province of New-York to Burlington, keep it there, and do all the acts of government relating to the province of New-York, at Burlington, in New-Jersey, for about three fourths of a year, and let the lieutenant governor reside at New-York during that time, without doing any act of government, adjourn their assemblies on the very day, or day before they are to meet, that they may not lose the advantage of travelling to New-York, from the remotest part of that province, and at a time when it cannot be done without the utmost prejudice to their affairs; it's hardly probable they would be pleased under such an administration, notwithstanding the ease of informing your excellency every week by the post, of any emergency that might happen.

We are apt to believe, upon the credit of your excellency's assertion, that there may be a number of people in this province who will never be faithful to, or live quietly under any government, nor suffer their neighbours to enjoy any peace, quiet nor happiness, if they can help it; such people are pests in all governments, have ever been so in this, and we know of none who can lay a fairer claim to these characters than many of your excellency's favorites.

What malice and revenge were in the prosecution of the condemned persons, we don't know; we never heard of any 'till now, and hardly can be persuaded to believe it's possible there should be in both the instances.

It is not impossible, there might be malice in the prosecution of the woman who was condemned for poisoning her husband; there not being (as is said) plain proof of the fact, but it was proved she had attempted it before more than once; and there were so many other concurring circumstances as did induce the jury, who were of the neighbourhood (and well knew her character) to find her guilty, and it is hardly probable their so doing was an act of malice.

The woman who murdered her own child, did it in such a manner, and
so publickly, that it is unreasonable to suppose there could be any malice in the prosecution of her, and we cannot think (notwithstanding your excellency's assertions) that you can or may believe there was. This woman was a prisoner in the sheriff's custody for breach of the peace, and going about some of the household affairs the sheriff employed her in, with a knife in her hand, her child who was something froward, followed her crying; upon which the mother turned back to it and cut its throat; but not having cut it deep enough, the child still followed her all bloody, and crying, O! mother you have hurt me; the mother turned back a second time, and out it effectually, and then took it up and carried it to the sheriff or his wife, at whose feet she laid it: How far such a wretch is entitled to the queen's favour, her majesty can best tell, when she is made acquainted with the fact; but sure we are, she never gave your excellency the power of pardoning willful murder: Whether your excellency has or has not reprieved them, you best know, and are only accountable to her majesty for your procedures therein; tho' we have too much reason to believe, the favourable opinion your excellency has so publickly expressed of her, has been a great reason to induce her to make her escape, which she has done. — We thought it our duty, humbly to represent that matter to your excellency's consideration, and had reason to be apprehensive of the judgments of almighty God, whose infinite mercy has hitherto suspended the execution of his justice, notwithstanding that great provocations have been given him, by impiety, prophaneness and debauchery, under the mask of a pretended zeal for his glory, and love for his church: It is not our business to enter into religious controversies; we leave them to divines, who ought best to understand things of that nature, and who may perhaps inform us what is meant by denying the very essence of the saviour of the world.

We cannot yet be persuaded, that an innocent person should pay fees; what the practice in England is, we did never enquire, but believe, that persons acquitted by a grand jury, do not pay those extravagant fees they are made to pay here; we did not govern ourselves by the practice there, but the unreasonableness of the thing; and your excellency does grant, that what we say is in some measure to be allowed, were the juries in this country such as they ought to be; we hope they are, and our experience has not convinced us, that persons who under pretence of conscience refuse an oath, have yet no regard for the oaths they take, as your excellency says. The temptations to resentment prove often too powerful, and irresistibly engage us in unbecoming heats, and when the characters of men are written with pens too deeply dip't in gall, it only evinces a want of temper in the writer. Our juries here are not so learned or rich as perhaps they are in England; but we doubt not full as honest. We thought the only office for probate of wills was at Burlington; but your excellency has convinced us, that it is wherever your excellency is, and consequently may be at
The Colonial History of New Jersey
Samuel Smith

York, Albay, the east end of Long-Island, or in Connecticut, or New-England, or any place more remote should your excellency's business or inclination call you there; which is so far from making it less a grievance, that it rather makes it more so; and notwithstanding those soft, cool, and considerate terms of malicious, scandalous and frivolous, with which your excellency vouchsafes to treat the assembly of this province; they are of opinion, that no judicious or impartial men, will think it reasonable, that the inhabitants of one province should go into another to have their wills proved, and take letters of administration at Fort Ann, from the governor of New-York, for what should regularly be done by the governor of New-Jersey in Jersey, to which place all the acts of government relating to New-Jersey, are limited by the queen's letters patents under the great seal of England; and when your excellency is absent from New-Jersey, to be executed by the lieutenant governor; and by the said letters patents not the least colour of authority is given to your excellency, to do any act of government relating to New-Jersey, any where but in Jersey; nor is there any instruction (that we know of) contradicting the said letters patents any where upon record in this province, to warrant your excellency's conduct in that affair: If this be not cause, and just cause of complaint, we do not know what is; we are inclined to believe, the province of New-York would think it so, were they to come to Amboy or Burlington, to prove wills, &c.

We do not think, that what we desire, is an invasion of the queen's right; but what her majesty, without infringement of her prerogative royal, may assent to; and their late majesties of blessed memory, did, by their governor colonel Fletcher, assent to an act made in New-York, in the year 1692, entitled, An act for the supervising intestates estates, and regulating the probate of wills, and granting letters of administration; by which the court of common pleas in the remote counties of that province, were impowered to take the examination of witnesses to any will within their respective counties, and certify the same to the secretary's office; and the judges of the several courts in those remote counties, impowered to grant probates of any will, or letters of administration, to any person or persons, where the estate did not exceed £.50; what has been done there may with as much reason be done here, without sacrificing the queen's prerogative royal to the humours or caprices of any person or persons whatsoever.

It is the general assembly of the province of New-Jersey, that complains, and not the quakers, with whose persons (considered as quakers) or meetings we have nothing to do, nor are we concerned in what your excellency says against them; they perhaps, will think themselves obliged to vindicate their meetings from the aspersions which your excellency so liberally bestows upon them, and evince to the world how void of rashness and in consideration your excellency's expressions are, and
The Colonial History of New Jersey

Samuel Smith

how becoming it is for the governor of a province to enter the lists of controversy, with a people who thought themselves entitled to his protection of them in the enjoyment of their religious liberties; those of them who are members of this house, have begged leave in behalf of themselves and their friends, to tell the governor, they must answer him in the words of Nehemiah to Sanballat, contained in the 8th verse of the 6th chapter of Nehemiah, viz. There is no such thing done as thou sayest, but thou feignest them out of thine own heart.

We are so well assured the fact is true, that the secretary's office is kept at Burlington only, that we still are of opinion it is a grievance, for the reasons we have assigned; the proprietors records has not any thing to do with the secretary's office, but is an office wholly belonging to the proprietors, and altogether at their disposal; and is not a secretary’s office kept at Amboy, either as far as the nature of the thing requires or can admit of, or any way at all.

And as the assemblies and courts sit alternately at Amboy and Burlington, so it is highly reasonable the secretary's office should be kept alternately also at both these places, or by deputy in one of them, and may be very well done without making two secretaries.

Both this and the rest of our complaints, are not with design to amuse the people, but are just and reasonable; and we believe, will by the people be thought to be grievances 'till they are redressed; who can no more think it reasonable, that all the inhabitants of the eastern division should come to the office at Burlington, than that all of the western division should go to Amboy.

We are still of opinion, the grant we complain of is against the statute we mentioned, because it is exclusive of others, and to the prejudice of the publick. It can never be thought reasonable to prohibit any body to cart their own goods, or any body’s else, as by virtue of that grant has been done; and not only in the road from Amboy to Burlington, but in the road from Shrewsbury; and a patent may as well be granted to keep horses to hire, by which a man may be hindered to ride his own: It is destructive to the common rights of men, and a great grievance, and we had reason to endeavour to get it redressed.

It’s true, a certain convenience for transportation of goods, is no doubt of great use, and the profit that accrues by such undertakings, is the motive that induces any persons to be at the charge of them, and providing fit carriages for that end, and of ascertaining the times and prices of carrying; and the more providers of such carriages, the more certain and cheap the transportation, and freest from imposition; and consequently the fewer carriages, the less certain and dearer, and the persons under a necessity of using them more subject to be imposed upon by the carrier; now whether
granting by which others are excluded, waving the unlawfulness of it, be a means to increase the number of the undertakers in that kind, or to lessen them, and confine those who have any occasion to transport goods, to give such price as he that has the patent thinks fit to impose, we leave to all men of common sense to judge; and if experience may be admitted to determine that matter, it is plain that transportation of goods, both be land and water, is dearer than it was before the granting of that patent: It’s true, the certainty was not so great as now; for now we are certain that a man cannot with his own carts carry his own goods, but that if he does they will be seized; and if that be one of the conveniences which the wise people in Europe think of absolute necessity, we shall think it no irony to be called wiser, in differing from them, and calling them monopolies as they are, and prejudicial to trade, and especially that between York and Amboy, Burlington and Philadelphia; which did not owe its beginning to your excellency’s patent, but was begun long before your excellency had any thing to do with New-Jersey, and in all probability had much more increased were it not for that patent; and we believe whenever the gentlemen of the law will give your excellency their true opinion of it, you will not be long in doubt whether tis a monopoly or not: We thought it a monopoly, as we do still, and a grievance, as is also both that and other grants made by your excellency at fort Ann in New-York, for any thing in Jersey.

Your excellency has neither by birth nor acquisition, a right to the sovereignty of New-Jersey; nor have you any power of governing the queen’s subjects here, but what her majesty is pleased to grant you by her letters patents, under the great of England; by which letters patents the powers therein contained, are limited to that country, which was formerly granted by king Charles the second, under the name of Nova-Caesaria or New-Jersey, and which has since been subdivided by the proprietors, and called East New-Jersey, and West New-Jersey, and which her majesty is pleased to reunite under one entire government, viz. "The divisions of East and West New-Jersey, in America; and in ease of your excellency’s death, or absence from that country, which was subdivided by the proprietors, and called East New-Jersey and West New-Jersey, the powers of government are lodged in other hands." Now either fort Ann and the city of New-York, is in that country granted by king Charles the second, and sub-divided by the proprietors thereof, and called East New-Jersey and West New-Jersey; or your excellency is absent from New-Jersey, when you are at fort Ann in New-York; that fort Ann is in New-Jersey, we believe, that even your excellency will think impracticable to persuade us to do so much violence to our reason as to believe; therefore your excellency when at fort Ann, or any where in New-York, is absent from New-Jersey; and what the consequence is we need not say, thinking the pretence of a power to do acts of government relating to New-Jersey, at fort Ann, in New-York, to
be so manifestly absurd, as to need nothing further to be said against it.

There is nothing more common in the statutes than the establishing fees, and we are of opinion that all fees have been established by act of parliament; and indeed it seems to us unreasonable they should be established by any other authority; for if a governor, either with or without his council, can appoint what sums of money shall be paid for fees, he may make them large enough to defray the charge of government, without the formality of an act of assembly, to raise a revenue for the necessary support of the same; and if it does not come up to the taxing of the queen's subjects, without their consents in assembly, we are to seek what does.

We cannot think the clause of your excellency's instructions, which we have recited, to be so foreign to the matter of fees, as your excellency says it is, for the enforcing the payment of fees by any authority but that of the assembly's, is taking away a man's goods otherwise than by established or known laws, except the act of a governor and council be a law, which we think is not, nor never intended by the queen it should; nor do we think, by the instructions your excellency mentions, you are to establish fees; but only to regulate those already appointed, and to take care that no exaction was used; but if it did, your excellency has convinced the world, that you do not think yourself bound by the queen's instructions, but where the law binds also.

As in the ease of Ormston, where nothing could be more positive than her majesty's directions; yet your excellency did not think yourself ministerial, or by not complying with her majesty's orders, that you accused the best of queens, with commanding her governor to do a thing which was not warranted by law; nor never enquired, whether the refusing obedience to her commands, was a fit return for the many favours she had bestowed upon you; but govern'd yourself in that singular instance as near as you could by the law. The seventh clause was not put in to arraign the queen's express commands to your excellency; but to complain of the great hardships her majesty's subjects lay under, by your excellency's putting the records there mentioned, into the hands of Peter Sonmans, who is not the proprietor's recorder, nor had no express command from the queen to put the books into his hands; and may in part answer the challenge made by your excellency in the last part of the next foregoing clause; for your excellency had commanded the said records to be put into the hands of Mr. Bass, the queen's secretary; up which; application was made to her majesty, who was pleased to give an order in favour of the proprietors; and without all peradventure, it was intended they should be in the hands of the proprietor's recorder, which Mr. Thomas Gordon was at that time, and regularly is still, being constituted by the majority of the proprietors in the eastern division, and by your excellency sworn; Mr. John Barclay was also
The Colonial History of New Jersey

Samuel Smith

by your excellency sworn, and a proclamation issued in his favour; since
which Mr. Peter Sonmans arrived from England, and upon application to
your excellency, was by your excellency, admitted receiver general of the
quit rents, and the proprietors records by your excellency put into his
hands; which, with submission, we think could not be done regularly by
your excellency: For in the first place, they were constituted by the
majority of the proprietors, whose servants they were, and to whom they
were accountable, and to none else.

2. These places were the properties of Mr. Thomas Gordon and Mr. John
Barclay; and to deprive them of them, without due course of law, is what
your excellency has no authority to do, nor can have.

3. Whether they were made by the greater or lesser part of the proprietors,
your excellency was no ways concerned, nor had any right of determining
in the favour of either one or other, the law being open to any who
thought themselves aggrieved.

4. Those books and records were the properties of the general proprietors;
and if your excellency can dispossess any proprietor of them (for Thomas
Gordon was a proprietor) and put them into the hands of another, you
may by the same rule dispossess any one of their goods, and give them to
who you think fit, and any proprietor of their property, and give it to
which of the proprietors you think fit, as is actually done by your
excellency in the case of Sonmans; and was attempted with the same
violence in favour of Mr. Bass: It will not be a sufficient answer to this, to
say, Sonmans was proprietor’s agent; which whether he was or was not,
your excellency had no right to determine to any other purpose but
administering an oath to him, after which he was of course to be allowed;
and so ought as many agents as the proprietors made, who were not
accountable to your excellency for any procedures in the proprietors
affairs, that were not unlawful.

5. Sonmans neither had, nor pretended to have, at that time (whatever he
has done since) any right or colour of right, to be the proprietors recorder,
not any mention being made of it in that very lame commission he had;
and were he to have the top of his pretences, it would but to be deputy to a
person in England; and whether he has a right or not, is a great question,
and regularly only determinable at the common law; but your excellency’s
shorter method of procedure saves disputes of that kind: If this be acting
according to established and known laws, not repugnant to, but as
agreeable as may be, to the laws of England; if this be administering those
laws for the preservation and protection of the people, we would be very
gladly informed, what perverting of them can be; as to the matter of fact,
we aver it to be truth, that Mr. Sonmans did not reside in the province, had
not given security for the keeping of those records, as by the queen is
The Colonial History of New Jersey

Samuel Smith

positively directed, they were carried out of the Eastern division, and were produced at the supreme court at Burlington at the time of our complaint.

Those things, and that gentleman’s character, are so well known, that it is needless to offer any thing else in justification of that reasonable request we made, that they might be so kept as her majesty’s subjects might have recourse to them, and in the hands of such of whose fidelity there is no reason to doubt.

These, may it please your excellency, were the grievances we complained of; and they were but a small number of many we could with equal justice remonstrate; and which, notwithstanding those soft, cool, and considerate terms of false, scandalous, and malicious, and other bitter invectives which your excellency so often uses to the representative body of a country; we are still of opinion, they are not imaginary, but real grievances, not false, but God knows too true and which it was our duty, in discharge of the trust reposed in us, to get redress’d.

Our sad experience has convinced us, that our endeavours have not met with a success answerable to what might reasonably be our expectations, and that instead of redressing the grievances of the country, their number is encreased: Before we enumerated those grievances of an higher nature, and attended with worse consequences, we first said, the treatment the people of New-Jersey had received, was very different from what they had reason to expect under the government of a queen deservedly famous for her just, equal and mild administration; that the hardships they endured, were not owing to her majesty, who they were well assured, would by no means, make any of her subjects miserable, nor continue their misfortunes were she acquainted with them, and in her power to give them relief; but that the oppressions they groaned under, were the unkind effects of mistaken power; and what these effects were, and who the cause of them, we proceeded to shew; and if the instances we there give, be true, it will then appear to the world, that the expressions we have used, are the softest could be chosen, and very far short of what the nature of the thing could bear, and that these bold accusers are a sort of creatures called honest men, just to the trust reposed in them by the country, who will not suffer their liberties and properties to be torn from them by any man, how great soever, if they can hinder it.

And that the reasonableness of our complaints may appear the plainer, we shall consider what your excellency has said in answer, and leave it to our superiors, and to all just and impartial men, whether we are not a people the most abused of any of her majesty’s subjects.

As to the first instance, your excellency does acknowledge the fact to be true, and offers the following reasons to justify your conduct to the council of proprietors: The first is, that by her majesty’s directions you are
to allow of all such agents as the general proprietors shall appoint, such
agents qualifying themselves by taking such oaths as the queen is pleased to
direct, and no other; that no persons under the name of a council of
proprietors, have ever tendered themselves to take such oaths; conse-
sequently they are not capable of acting as agents.

2. That the council of proprietors are a people pretending to act by a
power derived from certain persons who have no power to grant, and that
this a truth, viz. that they are a people pretending to act by a power
derived from certain persons, who had no power to grant, your excellency
is satisfied; besides other reasons, by this in particular, that the assembly
have voted to put the records into the hands of Peter Sonmans, to be a
grievance; whereas their not qualifying themselves is a greater grievance.
To set this matter in a true light, it will not be improper to produce the
words of the instructions; which are as follows: '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 lands granted by and held of them, to execute accordingly their
respective trusts: And you are likewise to permit, and if need be, to 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 possessor of any tracts or
parcel 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 and 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; as
also the test, and subscribe the forementioned association; all which you
are accordingly to require of them, and not otherwise to admit any person
into any such, office or employment.' After the proprietors had
surrendered their power of government, relating to their soil, they were
under a necessity of employing persons, to survey and record the surveys
of lands granted by and held of them; and in the Eastern division, several
quit rents being due to them, there was a necessity of having one or more
agents to collect and receive those rents; which persons (because the crown
intended, that the proprietors by the surrender of their government,
should by no means be insecure in their properties) your excellency was
directed not only to permit such officers to be and execute their respective
trusts, but also to aid and assist them, if need were; and because such offices
were places of trust, both with respect to the proprietors and the
inhabitants, it was directed, that they should take proper oaths, and give
good and sufficient security; and that they who enjoyed those places of
trust, might be persons well affected to the present government, there was
especial care taken, to direct, that they should take the oaths appointed by
The Colonial History of New Jersey

Samuel Smith

act of parliament to be taken, which your excellency was to require of them, and not otherwise to admit them to execute those trusts: From all which we observe, first, that no agents are concerned in that instruction, but such as were to survey and record the surveys of lands, and collect the quit-rents.

2. That the proprietors were not limited to employ a certain number of agents, but might employ as many as they thought fit; all which your excellency was to aid and assist if need were.

3. Your excellency was not to expect while they tendered themselves to take the oaths appointed, but to require them to take them; and upon their refusal not to admit them; for it was impossible they, or any else, should deem themselves bound by the queen’s instructions to certain performances, except such instructions had been made publick, and they made acquainted with it.

Now in the first place, your excellency never published any such instruction, nor ever did require those agents called the council of proprietors to comply with it by taking any oaths.

2. The council of proprietors are not such agents as the instructions mention.

3. Were that instruction binding, your excellency has by no means complyed with it; for the surveyor appointed by the proprietors of the western division, has several times tendered himself to take and subscribe according to her majesty’s directions, and has been refused.

4. Mr. Sonmans, tho’ a bankrupt, and his powers disputed, admitted to keep the records of the eastern division, and that without any security; and persons who were sworn to those places, and employed by proprietors, and a greater number, not only not permitted to act, but deprived of their places (with which your lordship had nothing to do) without a due course of law, forceably by your lordship’s directions.

Lastly, the council of proprietors are attornies to private men, for the taking care of their several properties, and are neither concerned in that instruction, nor bound by it; if they were, we shall not dispute how far that instruction may be a law to your lordship, but we are sure ’tis so to no body else, but where the laws of the land bind without it; and if so, ’tis no sufficient warrant to destroy any man’s property, or deprive him of the use of it, without the judgment of his peers; for your lordship cannot but know, if you do not, the last clause of the petition of right will tell you, that the queen’s servants are to serve her according to law, and not otherwise; and every gentleman of the law can inform your excellency, if he pleased, that the queen’s authority or warrant produced (if you had done any such thing) cannot justify the commission of an unlawful act;
The Colonial History of New Jersey

Samuel Smith

which this certainly must be, except the law provides that no man must make an attorney but with your lordship’s approbation: As to the second reason, to use your excellency’s expressions, if we could wonder at any thing your excellency has done, it would be at the reason your excellency gives, as much as at the action; it being a plain pretending to a right of judging solely who have a right to their estates, and who not, and according to that judgment to permit them to retain or force them to part with their possessions; for in the first place, that matter was never brought before your lordship, and what information you had (if you had any) was private; and we are told no freeman can be dispossessed of his freehold but by judgment of his peers, or the law of the land; but here is at once a determination, that a number of proprietors, nigh or above nine tenths of the whole, have no right to grant, and accordingly they are prohibited taking up or disposing of their lands; for the council of proprietors, are all proprietors themselves, except Mr. Morris their president; and we cant see, but any freeman, or number of freemen in the province, may be dispossessed by the same measures; for ’tis but your lordship’s saying, the persons they had their lands from, had no right to grant, and then order the possessors to make no further improvements, nor to dispose of any of their lands; and thus conclude them without the tedious formality of the old magna charta way; and who is hardy enough to dispute with a man that commands two provinces?

2. What your excellency asserts, with relation to the council of proprietors, viz. that they were persons deriving a power from those who had no right to grant, is what your excellency neither did, nor could know; that you did not know it, nothing is more plain; because your excellency some days after your lordship’s answer to our remonstrance, summoned some of the council of proprietors before yourself in council, and there asked them the following questions, viz. First, who the late council of proprietors were? Secondly, who were the present council of proprietors? Thirdly, who they derived their powers from? Fourthly, what their powers were? By which it appears, your excellency neither knew who the council of proprietors were, what their powers were, nor who they derived them from; which is very far from knowing whether the persons who gave them those powers, had power to grant or not; and that your excellency could not know, is as plain; because the deeds of what proprietors are in this country, you never did see; and those that are in England, you could not see.

How your excellency is, from our voting the putting the records into Mr. Sonn mans hands to be a grievance, satisfied that the persons from whom the council of proprietors derive their power, have no power to grant; is very much beyond our poor capacities to understand, and may perhaps be of the number of those unanswerable objections your lordship
The Colonial History of New Jersey

Samuel Smith

tells us of in your answer. To the next clause your lordship justifies your proceedings with the assemblymen, as being your duty; and that what you did, was by virtue of the queen’s instructions; how far they will justify your excellency’s conduct is our next business to speak to; but in the first place we are obliged to your excellency, for acknowledging the matter of fact; which tho’ notoriously known, was omitted to be entered in the journals of this house, by your excellency’s faithful servant, Mr. William Anderson, late clerk of this house.

By the queen's instructions, not the least colour of authority is given to your excellency, to be a judge of the qualifications of assemblymen, so as to admit or reject them; which is not only a direct contradiction to the very nature and being of assemblies, but must render the liberties, lives and properties of the people entirely at your excellency’s disposal; which as her majesty never intended, so without doubt she never did intend by any instruction to make so precarious; and how well she’ll be pleased at wresting her instructions to authorize what we are well satisfied she will be very far from countenancing, time may inform us: This house could not be so much wanting to themselves, and the province they represent, as to omit taking notice of a procedure, which tends to destroy the very being of assemblies, by rendering them the tools of a governor's arbitrary pleasure, and the enemies instead of the preservers of the liberties of their country; and we are well assured, that nothing your excellency has said, will perswade the world to believe, that your excellency or any other governor, has that power you pretend to, or that it can be consistent with the liberties of a free people.

That there were considerable sums of money raised; that most of them were raised with intent and purpose to give to your lordship, to procure the dissolution of the last assembly, and procure such officers as the contributors should approve of; that in all probability the money so raised, was given to your lordship; that the assembly was dissolved; that the contributors were complied with as far as could be; that you did receive from doctor John Johnston, two hundred pounds, upon the score of the proprietors of the eastern division of New-Jersey; are such notorious truths, that it is a vanity to deny them; and will be believed, notwithstanding all the force of evasive arts to perswade to the contrary: And since we have mentioned doctor Johnston, it’s not amiss to enquire, whether the services you were to do the proprietors were such as your lordship ought, or ought not to have done; if they were such as you ought to have done, you ought not to have taken money for the doing of them; if they were such as you ought not to have done, much less ought your lordship to have taken money; and had you not been more than ordinarily concerned in those private contributions, without all peradventure would have used all possible endeavours to have detected the thing, and not given
The Colonial History of New Jersey

Samuel Smith

those publick marks of your favour to the persons most concerned in the persuading and procuring of them.

As to what relates to the assembly, as your lordship is not accountable to this house for what reasons you dissolved them, neither is this house to your lordship for their proceedings; they acted as became a house of representatives in the affair of Mr. Gordon, and what they did, was not without your lordships approbation; if that could add any thing to the power they had: As to your excellency's reflections on private men, 'tis below the representative body of a province to take any further notice of them, than to do that justice to the two worthy members of this house, as to say, they both have, and deserve better characters than your excellency gives them; and that the humbllest application you can make to her majesty will never induce her to grant you a power to use any means to procure a satisfaction but what the laws allow of, without such application: We concluded, by acquainting your excellency, that the way to engage the affections of a people, was to let them be unmolested in the quiet enjoyment of those things which belong to them of right, and should have dated our happiness from your excellency’s complying with so reasonable and just a desire; to which your excellency replied, that you could never answer taking advice from men, who did not know how to govern themselves, and who have always opposed the service of the queen, and interest and good of their country: We shall wave the admirable coolness of temper, and considerateness of the reflection; and say, your excellency could hardly have used plainer terms, to tell us, you will not let us be quiet in the enjoyment of what belongs to us of right; and your excellency's proceedings since that, has effectually convinced the world, that we have not put a wrong construction on your excellency's expressions.

Are not her majesty's loyal subjects haul'd to goals, and there lie without being admitted to bail? and those that are the conditions of their recognizances are, that if your excellency approves not of their being bailed, they shall return to their prisons; several of her majesty's good subjects forced to abscond, and leave their habitations, being threatened with imprisonment, and no hopes of receiving the benefit of the law; when your excellency's absolute will is the sole measure of it: One minister of the church of England, dragg'd by a sheriff from Burlington to Amboy, and there kept in custody, without assigning any reason for it, and at last hauld by force into a boat by your excellency, and transported like a malefactor, into another government, and there kept in a garrison a prisoner; and no reason assigned for these violent procedures, but your excellency's pleasure: Another minister of the church of England, laid under a necessity of leaving the province, from the reasonable apprehensions of meeting with the same treatment; no orders of men either sacred or civil, secure in their lives, their liberties or estates; and where
these procedures will end, God only knows.

If these, and what we have named before, be acts of mercy, gentleness and good-nature; if this be doing for the good, welfare and prosperity of the people of this province; if this be the administering laws for the protection and preservation of her majesty’s subjects; then have we been the most mistaken men in the world, and have had the falsest notion of things; calling that cruelty, oppression and injustice, which are their direct opposites, and those things slavery, imprisonment and hardships, which are freedom, liberty and ease; and must henceforth take France, Denmark, the Muscovian, Ottoman and Eastern empires, to be the best models of a gentle and happy government.

Your excellency at last endeavours to persuade the country, that the assembly, instead of protecting are invading the liberties of the people; and if we might have the liberty of using some of your excellency’s cool and considerate terms, perhaps the following instances might justify those expressions; but we leave that to just and impartial men, who no doubt will apply them where they are most due.

Your excellency asserts in the first place, ‘You have presumed to take the queen’s subjects into the custody of the serjeant at arms, who are not members of your house; which you can’t lawfully do, and is a notorious violation of the liberties of the people.’ Answer: There is nothing more known, than that the contrary to what your excellency says is true, and hardly a session of parliament but affords multitudes of instances, nay, several instances can be produced during the time of your excellency’s being in the house of commons; and what your excellency means by asserting a thing, which every body that knows any thing, knows is not so, we can’t tell.

Secondly, ‘You have taken upon you to administer an oath to one of your members, and have expell’d him from the house for refusing to take an oath which you could not legally administer to him; this is most certainly robbing that member of his property, and a most notorious assuming to yourselves a negative voice to the freeholders election of their representatives, for which there can be no precedent found.’ Answer: We never did administer an oath, (tho’ we think we have power so to do) what oaths were administered were administered by justices of the peace before us: We expell’d that member for several contempts for which we are not accountable to your excellency, nor no body else in this province: We might lawfully expel him; and if we had so thought fit, might have rendered him incapable of ever sitting in this house; and of this many precedents may be produced. We are the freeholders representatives; and how it’s possible we should assume a negative voice at the election of ourselves, is what wants a little explanation to make it intelligible.

Thirdly, ‘You have arbitrarily taken upon you to command the high-sheriff
of this country, to discharge a prisoner who was in his custody at the suit of one of the queen's subjects; and he has been weak enough to do it, for which he lies liable to be sued for an escape, whenever the gentleman thinks fit to do it, and from which you can't protect him; this is a notorious violation of the right of the subject, and a manifest interruption of justice.' Answer: The person we ordered to be discharged, was an evidence attending by order of the house, and under the protection of this house; who were only wanting to themselves, in not sending the high-sheriff and lawyers to the same place, for daring to offer so publick an affront to the representative body of a country.

Fourthly, 'You have taken upon you to appoint one of your members to act as clerk of the committee of the whole house, which you have no power to do, &c.' Answer: Your excellency has been so very much mistaken in all the foregoing clauses, that we have great reason to believe you are so in this: This house has always, 'till of late, made their own clerks, and your excellency cannot shew us any law why we may not do it still, should we think fit to insist on it: We have made no encroachments on her majesty's prerogative royal, nor never intended to do it, but shall to our utmost, study to preserve it, and honourably support her government over us, and hope your excellency will think it for the service of the queen to comply with our reasonable desires; which will very much encourage us so to do.

Divers of the members of this assembly being of the people called Quakers, do assent to the matter and substance, but make some exceptions to the stile.

By order of the house,

Sam. Jenings, speaker.

P. M. Die Veneris. 24
Octobris, 1707.
CHAPTER XVIII

MEMORIAL OF THE WEST-JERSEY PROPRIETORS RESIDING IN ENGLAND, TO THE LORDS COMMISSIONERS FOR TRADE AND PLANTATIONS; THE LIEUTENANT GOVERNOR, WITH SOME OF THE COUNCIL, ADDRESS THE QUEEN; THE LAST MEETING OF ASSEMBLY, UNDER CORNBURY’S ADMINISTRATION; THEY CONTINUE THEIR COMPLAINTS; SAMUEL JENINGS’S DEATH AND CHARACTER.

The foregoing proceedings being by connection necessary together, has delayed the following memorial a little out of course as to strict order of time: The western proprietors residing in England, had much resented Cornbury's treatment of the inhabitants, especially in relation to the three members being kept out of the assembly, by which he gained a majority devoted to his measures; and thus they complain:

To the right honourable the lords commissioners for trade and plantations.

The humble memorial of the proprietors of the Western division of the province 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 with his excellency had given us occasion of acknowledging his due observation of the instruction, instead of troubling your lordships with a complaint of his breach of them, which we are fully assured from undoubted testimonies his excellency has made in the following instances; and tho’ he endeavours to palliate his proceedings there, by frequently and publickly asserting, that your lordships consented to no terms upon our surrender; yet were that as great a truth as it is a mistake, and those instructions had been only of grace and favour, we conceive him to be obliged, and ourselves intituled to his punctual observation of them.

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; ten to be chosen by the freeholders of the eastern, and ten by the freeholders of the western division; in which election, every elector is to have one hundred acres of freehold land in his own right, within the division for which he shall choose; and every person elected is to have one thousand acres of freehold land in his own right, within the division for which he shall be
chosen.

This instruction, which we relied on as the chief security of our estates in that province, his excellency has not only violated, but has totally destroyed that part of our constitution; and in such a manner as will render all assemblies a meer piece of formality, and only the tools of a governor's arbitrary pleasure.

For setting which proceeding in a due light, we must crave leave to lay before you lordships the account we have received of it from our agent, and other reputable persons of that province.

An assembly having been called and chosen, in the year 1703, pursuant to your lordships instructions, prepared bills for settling the rights of the proprietors and planters, and for raising a revenue of thirteen hundred pounds per annum, for three years, (which they knew was the utmost the country could bear) for the support of the government; but his excellency requiring a greater sum, several persons, our constant enemies and invaders of our proprieties, and who therefore opposed the bill for settling our rights, undertook to procure an assembly more obedient to his excellency's demands; and by that and other arguments, which out of regard to his honour, we choose to wave the mention of; prevailed upon him to dissolve that assembly, and to call another to sit in November last; the writs were issued, and the election directed to be made, in such haste, that in one of the writs the qualifications of the persons to be elected was omitted, and the sheriff of one county not sworn 'till three days before the election, and many of the towns had not any (much less due) notice of the day of election; but passing by these, and many other illegal artifices used by those undertakers, to obtain an assembly to their own humour; we shall insist only upon one grand instance, which is not to be parrallel'd in any of her majesty's plantations, and could not have been attempted without his excellency's encouragement, nor put in practice without his concurrence.

When this assembly was met, and attended his excellency in council, in order to be sworn, Mr. Revell and Mr. Leeds, (two of the governor's council, and of the undertakers to procure such an assembly as they had promised) suspecting the strength of their party, objected against three of the members, returned, as persons not having each, one thousand acres of land, and therefore unqualified to serve in the assembly; though these persons had such estates in land, and were generally known to have so, and at the time of their election had convinced Revell and Leeds, who opposed them under that pretence, of the truth of it; and this objection was not examinable or determinable by his excellency or his council, or otherwise than in the house of representatives, who are the only proper judges of their own members; yet his excellency, upon this bare suggestion of Revel and Leeds, refused to swear these members, and excluded them from sitting.
to serve their country; this attempt was seconded by another trick of Revell and Leeds, who immediately sent the following note to the house of representatives.

To the honourable the house of representatives.

Gentlemen,

We underwritten, supposing we had good reason to charge three of the persons returned to serve as representatives in this general assembly; but upon due consideration find it difficult to come to a true determination thereof, until we can by further enquiry find the truth of what we have been informed of; we therefore humbly desire fourteen days time further, that we may be able more fully to inform this house therein, which we humbly suppose at present cannot reasonably be expected from us; we subscribe ourselves your humble supplicants,

THOMAS REVELL
DANIEL LEEDS

Nov.15, 1704

The counties for which they were chosen to serve expressed a great dissatisfaction at the exclusion of their members; and these and several other representatives deliver'd an address to his excellency, for having them admitted to their right; which met with no other reception, than being called a piece of insolence and ill manners.

By this exclusion of three members, and the contempt of the address for their admission, the undertakers gained a majority by one in the house of representatives, who adjourned the hearing of this case, until they had reaped the fruits of their iniquity, and accomplished the ends for which it was contrived; for whilst this case was depending, a bill for taking away the qualifications of electors and the elected; and placing the right of choosing and being chosen in the freeholders generally, without any express value of their estates was prepared and pass'd, wherein there is this remarkable and self condemning declaration of his excellency's proceedings, viz. that representatives met in general assembly are and shall be the judges of the qualifications of their own members.

After this and one other act, which we shall hereafter take notice of in its proper place, were passed, a day of hearing was allowed to the three excluded members, and notice of it given to Revell and Leeds, who would not vouchsafe to appear, but having already obtained their ends, graciously signified by a message, their mistake in their objection to those members.

The house proceeded in the inquiry, and by deeds and other authentick proofs, was so fully satisfied of the estates of the excluded members, and that Revell and Leeds had been convinced thereof, at the time of their
elections, that the house unanimously declared them duly qualified, and sent two of their body to acquaint his excellency of it, and to pray they might be sworn; but his excellency, whether out of a desire of assuming the glory of his arbitrary proceeding wholly to himself, or of making the country sensible that notwithstanding the act so lately passed, declaring the house judges of their own members; he was resolved to exercise that power for the future; or for what other reason we know not, told those messengers he must be satisfied of their qualifications, as well as the house; and still keeps them out of the assembly.

This we conceive to be the assuming a negative voice to the freeholders election of their representatives; and such an invasion of the rights of the assembly, as will, if tolerated or connived at, place the whole legislature in the governor; for if he can, at his pleasure, reject three representatives, he may reject all, and make what laws he thinks fit without the formality of an assembly; but if this notorious violation of our constitution had not been made by him, and the assembly had consisted of it’s full proportion of duly elected members; we conceive, and are advised, that his excellency had no authority, nor any probable colour from his instructions for passing this act; for though the instruction relating to the election of general assemblies, allows an alteration by act of assembly, of the number of the representatives, and the manner of their being elected; 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 unalterable part of the constitution, as most agreeable to the constitution of England, where the electors of knights of the counties must have a certain fixed freehold; and the elected are generally the principal landed men of their respective counties; but the alteration now made, was intended to put the election of representatives into the meanest of the people, who being impatient of any superiors, will never fail to choose such from amongst themselves, as may oppress us, and destroy our rights.

It is another term of our surrender, and an instruction to his excellency, that no act should be made to lay a tax upon unprofitable lands; but his excellency has encouragd and assented to a bill in this last assembly, for taxing (without distinction) all lands belonging to the inhabitants there, and to all others not inhabiting there who have settled any plantations, either by tenants, servants or negroes; it is objection enough to this act, that there is no other colony in America wherein uncultivated lands are taxed; and as this act was intended, so none more effectual could have been contrived, to prejudice the country in general, or the proprietors in particular; for if any man who has a thousand or more acres of land, which he can neither manure nor sell (as most of the first planters have) he must pay a tax for this land, which may eat up the greatest part of the profit of what he can and does cultivate; or he must desert the whole; and if we,
who have great tracts of land of many thousand acres to sell, lett or settle but a few acres to maintain our agents or servants, we must pay a tax for all the residue which yields us nothing: In consequence of this act several persons who had agreed with our agent for lands, have renounced their bargains, and removed into other countries, where they can purchase great tracts of land, preserve them for their posterity to settle on and we, unless relieved from this oppression, must deliver up our lands or our purses: This tax is imposed by the act passed in the assembly for raising a revenue of two thousand pounds per annum, for two years, for the support of her majesty's government within that province; and we have great reason to believe it to be part of the return promised by the undertakers to his excellency, for his dissolving the former assembly, and curtailing the last of three members.

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 land granted and sold by us, shall be permitted to execute their 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 lands, and encouraged the planters to dispute our right.

His excellency has ordered all publick books, records and papers, to be delivered by our late secretary to Mr. Bass, our great debtor, and therefore our avowed enemy, and has carried our records of deeds and conveyances out of the province; by this method the proprietors of both the divisions are deprived of all means to justify their past administration of the evidences of their grants of lands to the purchasers under 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 perform his duty in some cases; which by acts of general assembly he is obliged to do.

It is a further term of our surrender, and instructions 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 lordship's appointment.

We are further informed, that his excellency hath put several mean and contemptible persons into the commission of the peace, particularly one **** 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.

It is matter of some wonder to us, that after so many acts of despotic power, his excellency did not assume to himself, or obtain from the last
assembly, an authority of licencing any persons to purchase lands from the Indians; but condescends to apply to your lordships, for an alteration of his instructions in that particular; there wants only the breach of this instruction to compleat the ruin of our interests in New-Jersey, and we humbly hope your lordships will not enable him to give that finishing stroke: This instruction, founded upon the right which the crown of England claims by the law of nations, to all countries discovered by English subjects, was intended to assert that right against the pretences of many planters, who set up the Indians title in competition with it; and if that right be taken from the grantees of the crown, all patents and grants of the whole main land of North-America, have been only royal frauds, under the sanction of the great seal of England, and no man will ever after purchase lands under that title.

His excellency was lately so fully satisfied of the policy and reasonableness of asserting this right to the crown and its grantees, that in the year 1703, he recommended, and assented to an act of assembly, for restraining all persons besides the proprietors, from purchasing lands from the Indians, under great penalties; and for vacating all such purchases formerly made, unless the purchasers took a fresh grant from the proprietors; of which act we humbly pray your lordships perusal.

We are purchasers for ready money, under a grant from king Charles the second, and are willing to sell our lands and the Indians title to it, at reasonable rates, according to the goodness of the soil and situation and ought not to be compelled to accept a quit-rent (much less a quit-rent to be let by other persons than ourselves as his excellency proposes) instead of selling for ready money; nor ought our properties to be at the disposal of a governor: Tis not the want of a power in the planters to purchase lands from the Indians, but the taxing of uncultivated lands, and overturning the constitution for assembly-men, that has occasioned those persons mentioned by his excellency, to remove to Pennsylvania and other colonies.

May it please your lordships,

The usage we have received from his excellency, is so contrary to the terms of our surrender of government, to the assurances we had from your lordships, of the due observance of them, and to the plain instructions given by your lordships to his excellency; that we humbly hope, it will not be thought any immodesty or want of duty in us, to protest, as we protest against all the proceedings of the last assembly, wherein by the arbitrary exclusion of three members without any just exception, the country was not duly represented, and to beg your lordships intercession with her majesty, that the acts passed in that assembly may not be confirmed by her royal assent.
The Colonial History of New Jersey

Samuel Smith

We further pray, that colonel Lewis Morris, who has been a second time suspended from his place in council, by his excellency, only for using the freedom which every member of the council is entitled to, and ought to exercise, of opposing any bill brought before them, if he conceives it prejudicial to the interest either of the country in general, or of any particular persons, may be restored; and that your lordships will please to place in the room of such as are dead, some of the persons following, \textit{viz.} Mr. Miles Foster, Mr. Richard Townley, Mr. Hugh Huddy, Mr. William Hall and Mr. John Harrison, who are men of known integrity and estates; and as a further security of our estates there, and that no persons may at any time be admitted of the governors council, or to be in the commission of the peace, or of the militia, but such who have real estates in the province suitable to their stations, and who reside there.


Two days after Cornbury had refused to receive the assembly's reply, he sent for them, and though several important bills were unfinish'd, adjourned the house to the spring next year: Not receiving the reply in form, he escaped the necessity of attempting to clear up what he could not do with justice or equity: Some of the glaring facts still confirm'd the truth of the charges against him, he thought he had a more effectual way of dealing; that was, to lodge a complaint with the queen; accordingly by an underhand artifice, his trusty friend the lieut. governor Ingoldsby, with some of the council, signed and privately transmitted an address, as follows:

To the Queen's most excellent majesty.

\textbf{The humble address of the lieutenant governor and council of Nova-Caesaria or New-Jersey, in America.}

May it please your majesty;

We the lieutenant governor and council of your majesty's province of Nova-Caesaria or New-Jersey, having seriously and deliberately taken into consideration the proceedings of the present assembly or representative body of this province, thought our selves bound, both in duty and conscience, to testify to your majesty, our dislike and abhorrence of the same; being very sensible, that the unaccountable humours and pernicious designs of some particular men, have put them upon so many irregularities, with intention only to occasion divisions and distractions, to the disturbance of the great and weighty affairs which both your majesty's honour and dignity as well as the peace and welfare of the country
required; their high encroachments upon your majesty's prerogative royal; notorious violations of the rights and liberties of the subjects; manifest interruptions of justice, and most unmannersly treatment of his excellency the lord Cornbury, would have induced us sooner to have discharged our duty to your majesty, in giving a full representation of the unhappy circumstances of this your majesty's province and government; had we not been in hopes that his excellency the lord Cornbury's full and ample answer to a most scandalous libel, called the remonstrance of the assembly of Nova Caesaria or New-Jersey, which was delivered to the governor by the assembly at Burlington in May last, would have opened the eyes of the assembly, and brought them back to their reason and duty; but finding that those few turbulent and uneasy spirits in the assembly, have still been able to influence and amuse the judgments of many well-meaning men in that body; as appears by another late scandalous and infamous libel, called, 'The reply of the house of representatives of the province of New-Jersey, to an answer made by his excellency Edward viscount Cornbury, governor of the said province, to the humble remonstrance of the aforesaid house:' We are now obliged humbly to represent to your majesty, the true cause, which we conceive may lead to the remedy of these confusions.

The first is owing to the turbulent, factious, uneasy, and disloyal principles of two men in that assembly, Mr. Lewis Morris, and Samuel Jenings, a quaker; men notoriously known to be uneasy under all government; men never known to be consistant with themselves; men to whom all the factions and confusions in the government of New-Jersey and Pennsylvania for many years are wholly owing; men that have had the confidence to declare in open council, that your majesty's instructions to your governors in these provinces, shall not oblige or bind them, nor will they be concluded by them, further than they are warranted by the law, of which also they will be the judges; and this is done by them, (as we have all the reason in the world to believe) to encourage not only this government, but also the rest of your governments in America, to throw off your majesty's royal prerogative, and consequently to involve all your dominions in this part of the world, and the honest, good and well-meaning people in them, in confusion, hoping thereby to obtain their wicked purposes.

The remedy for all these evils, we most humbly propose, is, that your majesty will most graciously please to discountenance those wicked designing men, and shew some dislike to this assembly's proceedings, who are resolved neither to support this your majesty's government by a revenue, nor take care to defend it by settling a militia: The last libel, called "the reply, &c." came out so suddenly, that as yet we have not; had time to answer it in all its particulars; but do assure your majesty it is for the most part false in fact, and that part of it which carries any face of
truth, they have been malicious and unjust in not mentioning the whole truth; which would have fully justified my lord Cornbury's just conduct.

Thus, having discharged this part of our duty, which we thought at present incumbent upon us, we beg leave to assure your majesty, that whenever we shall see the people of this province labour under any thing like a grievance; we shall, according to our duty, immediately apply to the governor, with our best advice for the redress of it; and we have no reason yet to doubt of a ready compliance in him; we shall not be particular, but crave leave to refer to his excellency's representation of them to the right honourable the lords commissioners for trade and plantations.

The strenuous asserting of your majesty's prerogative royal, and vindicating the honour of your governor the lord Cornbury, will in our humble opinion, be so absolutely necessary at this juncture, that without your so doing, your majesty will find yourself deceived either in expectation of a revenue for support of the government, or militia for its defence.

In hopes your majesty will take these important things into your consideration, and his excellency the lord Cornbury, with all the members of your majesty's council, into your royal favour and protection. We shall conclude with our most fervent prayers to the most high, to lengthen your days, and encrease your glories; and that ourselves in particular, and all others in general, who reap the benefit of your majesty's most gentle and happy government, may be, and ever continue the most loyal and dutiful of subjects to the most glorious and best of queens.


On the 5th of the month called May, this year, [1708] the assembly met at Burlington: Jenings their speaker being indisposed, Thomas Gordon was chose to succeed him: They received the speech; and delivered their address the 12th; which containing the old story of grievances, so displeased the governor, that he immediately adjourned them to the September following, to meet at Amboy, but in the interval dissolved them and being himself soon after superseded, he met them no more; the business of the last session began by his telling them in his speech.

It was the great desire he had to see the service of the queen, and good of the province carried on, supported and provided for, that induced him to call them together; to prepare and pass such laws as were proper; and that he might not be wanting in his duty, he should point out what he thought required their immediate notice; the first was a bill for support of government; that the revenue the queen expected was £1500, per annum, to continue 21 years; next the reviving
The Colonial History of New Jersey

Samuel Smith

or re-enacting the militia bill, which was likely soon to expire; that he had every session since he had been governor, recommended the passing a bill or bills for confirming the right and property of the soil of the province to the general proprietors, according to their respective rights and titles; as also to settle and confirm the particular titles and estates of all the inhabitants of the province, and others, claiming under the proprietors; that he was still of opinion, such a bill would best conduce to the improvement, as well as peace and quiet of the province; that he had last year recommended the passing of bills for erecting and repairing prisons and court houses in the different counties, the building of bridges in places where they were wanting, by general tax; and as late experience had taught the necessity of settling the qualifications of jurymen, he desired they would prepare bills for these purposes; and revive such of the acts of assembly passed in the time of the proprietary government as would be of use, that they might be presented for the queen’s approbation.

The assembly in their address on this occasion, declare, they then were, and always had been ready and desirous to support the government to the utmost of their poor abilities; that they were heartily sorry for the misunderstanding between the governor and them; that about twelve months ago they had humbly represented to him, some of the many grievances their country laboured under; most of which they were sorry to say, yet remained, and daily increased; that they found the queen's good subjects of the province were continually prosecuted by informations, upon frivolous pretences, which rendered that excellent constitution of grand juries useless; and if continued, would put it in the power of an attorney general, to raise his fortune upon the ruin of his country.

That they found it a great charge to the country, that juries and evidences were brought from remote parts of the province, to the supreme courts at Burlington and Amboy; that it was a great grievance that the practice of the law was so precarious, that innocent persons were prosecuted upon informations, and actions brought against several of the queen's subjects, in which the gentlemen licensed to practice the law, were afraid to appear for them; or if they appeared, did not discharge their duty to their clients, for fear of being suspended, without being convict of any crime deserving it, or reason assigned; as was done at Burlington, in May last, to the damage of many of the queen's good subjects.

That they found the representatives of this her majesty's province so slighted, and their commands so little regarded, that the clerk of the crown had refused to issue a writ for the electing a member wanting in their house; they hoped he would consider, and remove these and many other inconveniences and grievances that the province labor'd under; which would enable them to exert the utmost of their abilities, in supporting her majesty's government, and would make them
The Colonial History of New Jersey

Samuel Smith

happy under the mild and meek administration of a great and glorious queen; that they doubted not, were her majesty rightly informed of the poverty and circumstances of their country, and that their livelihoods depended upon the seasons of the year; their most gracious sovereign would pity their condition, and never expect the settlement of any support of government, further than from one year to another.

That they found the present militia bill so great a grievance to their country, they could never think of reviving or re-enacting it, as it now was; though they were heartily willing to provide for the defence of their country, which they hoped might be done with greater ease to the people; that they had been, and still were endeavouring to answer her majesty’s commands, in confirming the right and property of the soil of the province to the general proprietors, according to their respective rights and titles; and likewise to confirm and settle the particular titles and estates of all the inhabitants, and other purchasers, claiming under the proprietors; but tho' they had several times met in general assembly, they had not opportunity to perfect it; they acknowledge the favour of being put in mind of providing prisons, court-houses, and bridges, where such were wanting, which they should take into consideration.

That they had a bill for settling the qualifications of juries, prepared last sitting at Amboy, and should now present it; and thanking him for reminding them of reviving their former laws; say, they had before appointed a committee for that end; but were impeded by Bass, the secretary, positively refusing to let them have the perusal of them; and that as they had always used their utmost endeavour in the faithful service of the queen, and for the benefit of the country; so they should still continue to do it with all the dispatch they were capable of.

Here we part with lord Cornbury’s administration.\(^{135}\)

\(^{135}\) At a council held at Amboy, 28th of March, 1708. The petition of Edward viscount Cornbury, late governor of this province; setting forth, that he had due to him, sundry sums of money, for which he desired warrants, to enable him, if the revenue of this province was not able to pay the same, he might demand the same of her majesty, was read, and dismissed.

Lord Cornbury, (says a writer, well informd in his character) was no less obnoxious to the people of New-Jersey, than to those of New-York: The assembly of that province, impatient of his tyranny, drew up a complaint against him, which they sent home to the queen.

Her majesty graciously listened to the cries of her injur’d subjects, divested him of his power, and appointed lord Lovelace in his stead; declaring, that she would not countenance her nearest relations in oppressing her people.

As soon as my lord was superceded, his creditors threw him into the custody of

Continued on next page...
The Colonial History of New Jersey

Samuel Smith

Here also we part with his opponent S. Jenings; his indisposition continued about twelve mouths, and then finished his life: His many services have occasioned him to be often mentioned: His profession of religion was that of the people called quakers; he was early an approved minister among them, and so continued to his death; common opinion, apt to limit this sphere of action, will however allow general rules to have their exceptions, as instances now and then, though perhaps but rarely, occur, where variety of talents have united in the same individual, and yet not interfered; such, the accounts of those times (stripp'd of the local uncertainties of faction and party) tell us, was the circumstance with regard to Jenings; that his authority, founded on experienc'd candour, probity, and abilities, enlarged opportunities, rendered him not in one capacity or to one society only, but generally useful: It is mentioned, that he was of an obliging, affectionate disposition, yet of a hasty warm temper; that he notwithstanding managed it with circumspection and prudence, so that few occasions escaped to the disadvantage of his character, or of any cause he engaged in; that he saw the danger to which his natural impetuosity exposed him; knew his preservation lay in a close attention to his cooler prospects, and diligently guarding in that spot, experienced the benefit in many trying events; that his integrity and fortitude in all stations, were acknowledged; that his judgment was the rule of his conduct, and by what can now be gathered, this seems to have been but seldom injudiciously founded; that alive to the more generous emotions of a mind formd to benevolence and acts of humanity, he was a friend to the widow, the fatherless and the unhappy; tender, compassionate, disinterested, and with great opportunities left but a small estate; that abhorring oppression in every shape, his whole conduct discover'd a will to relieve and befriend mankind, far above the littleness of party or sinister views; that his sentiments of right and liberty, were formed on the revolution establishment, a plan successfully adapted to the improvement of a new country, or any country; that he was notwithstanding all this sometimes thought stiff and impracticable, but chiefly on account of his political attachments; yet that there

135Continued from previous page...

death; common opinion, apt to limit this sphere of action, will however allow general rules to have their exceptions, as instances now and then, though perhaps but rarely, occur, where variety of talents have united in the same individual, and yet not interfered; such, the accounts of those times (stripp'd of the local uncertainties of faction and party) tell us, was the circumstance with regard to Jenings; that his authority, founded on experienc'd candour, probity, and abilities, enlarged opportunities, rendered him not in one capacity or to one society only, but generally useful: It is mentioned, that he was of an obliging, affectionate disposition, yet of a hasty warm temper; that he notwithstanding managed it with circumspection and prudence, so that few occasions escaped to the disadvantage of his character, or of any cause he engaged in; that he saw the danger to which his natural impetuosity exposed him; knew his preservation lay in a close attention to his cooler prospects, and diligently guarding in that spot, experienced the benefit in many trying events; that his integrity and fortitude in all stations, were acknowledged; that his judgment was the rule of his conduct, and by what can now be gathered, this seems to have been but seldom injudiciously founded; that alive to the more generous emotions of a mind formd to benevolence and acts of humanity, he was a friend to the widow, the fatherless and the unhappy; tender, compassionate, disinterested, and with great opportunities left but a small estate; that abhorring oppression in every shape, his whole conduct discover'd a will to relieve and befriend mankind, far above the littleness of party or sinister views; that his sentiments of right and liberty, were formed on the revolution establishment, a plan successfully adapted to the improvement of a new country, or any country; that he was notwithstanding all this sometimes thought stiff and impracticable, but chiefly on account of his political attachments; yet that there

were instances, where better knowledge of his principles, and the sincerity with which he acted, totally effaced those impressions, and left him friends where none were expected: Much of his time, we have seen, was long devoted to the publick, with a will to be useful, occasions were not wanting; West-Jersey and Pennsylvania, and New-Jersey after the surrender, for near twenty eight years successively, were repeated witnesses of his conduct in various capacities; he studied peace, and the welfare of mankind; but in some instances met with ungrateful returns; and tho' his endeavours did not altogether succeed to his mind, he survived personal accusation, in a great measure, with respect to himself; and as to the publick, just lived long enough to see it emerging from an unpromising state of litigation and controversy, to more quiet than had been known for many years:

His three daughters, (who were all the children he left) intermarried with three brothers, of the name of Stephenson, whose posterity now reside in New-Jersey and Pennsylvania.

In the latter end of this year [1708] was a new return of members of assembly; their names were:

For the Eastern division:
Thomas Gordon, speaker; Thomas Farmer, Elisha Parker, John Royse, John Harrison, Benjamin Lyon, Gershom Mott, Elisha Lawrence, John Trent, William Morris, Enoch Machelsen, Eldridge.

For the Western division:

This assembly met, but upon the new governor's arrival, was dissolved.

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136 He lived some years, and bore several important offices in Pennsylvania.

137 See various accounts herein, beginning A.D. 1680.
CHAPTER XIX

LORD LOVELACE ARRIVES GOVERNOR; CONvenes A NEW ASSEMBLY;
THEY APPLY TO HIM FOR A HEARING ON THE SUBJECT OF THE LIEUTENANT GOVERNOR AND COUNCIL’S
APPLICATION TO THE QUEEN; HIS DEATH; IS SUCCEEDED BY THE LIEUTENANT GOVERNOR INGOLDSBY;
THE FIRST PAPER CURRENCY; ARRIVAL OF GOVERNOR HUNTER;
A SHORT ACCOUNT OF THE FIRST EXPEDITION TO CANADA;
A NEW ASSEMBLY CHOSEN; THEIR FIRST SESSION IN HUNTER’S TIME.

John Lord Lovelace, baron of Hurley, being appointed to succeed lord Cornbury; he summoned the council to meet him at Bergen, December 20, 1708, published his commission, and met a new assembly138 in the spring, at Perth-Amboy, and informed them by speech:

That he was very sensible of great difficulties attending the honorable employment in which her majesty had placed him, and he hoped they would never fail to assist him to serve the queen and her people; that her majesty had shewn, in the whole course of her reign (a reign glorious beyond example) how much she aim’d at the good and prosperity of her people; having with indefatigable pains united her two kingdoms of England and Scotland, and continued the same application to unite the minds of all her subjects; that this was her great care, and ought to be the care of those whom she deputed to govern the distant provinces not happy enough by situation to be under her more immediate government; that as he could not set before him a better pattern, he should endeavour to recommend himself to them, by following as far as he was able, her example; that he should not give them any just cause of uneasiness, under his administration, and hoped they would bear with one another; that past differences and animosities ought to be buried in oblivion, and the peace and wellbeing of the country alone, pursued by each individual; that her majesty would not be burthensome to her people; but there being an absolute necessity that the government be supported, he was directed to recommend that matter to their consideration; that they knew best what the province could conveniently raise for its support, and the easiest methods of raising it; that the making a law for putting the militia on a better footing than it at present stood, with as much ease to the people as possible, required their consideration; that he should always be ready to


give his assent to whatever laws they found necessary, for promoting religion and virtue; for the encouragement of trade and industry, and discouragement of vice and prophaneness, and for any other matter or thing relating to the good of the province.

The assembly, in their turn, told the governor by address; that they esteemed it their great happiness, that her majesty had placed a person of so much temper and moderation over them, and made no question he would surmount every difficulty with honour and safety.

That her majesty's reign would make a bright leaf in history; that it was the advantage of the present, and would be the admiration of future ages, not more for her success abroad, than prudence at home; that tho' their distance had and might sometimes be disadvantageous to them, yet they experienced the effect of her princely care, in putting an end to the worst administration New-Jersey ever knew, by sending him, whose government would always be easy to her majesty's subjects here, and satisfactory to himself, whilst he followed so great and good an example.

That they had no animosities with one another, but firmly agreed to do themselves and their country justice; that they were persuaded none that deserved publick censure, would have a share in his esteem; and doubted not of meeting with his hearty concurrence in every measure, that conduced to peace and good order.

That they should support the government to the utmost of their abilities, and most willingly so at a time when they were freed from bondage and arbitrary encroachments, and were convinced that vice and immorality would no more receive the publick countenance and approbation.

They assured him, all his reasonable desires would be commands to them; and promised it should be their study to make his administration as easy and happy as they could.

The session lasted a month, in which business went on with unusual smoothness; the assembly obtained from the governor, a copy of the address (before inserted) from the lieutenant governor and council, to the queen, in 1707; they thanked him for the favour, and requested he would desire the lieutenant governor, and all that signed the address, to attend him at such time as he thought fit to appoint, to prove their allegations; and that the house might have leave to be present, and have opportunity of making their defence, in order to clear themselves from such imputations.

The governor shewed a ready inclination to grant this request, and appointed a
day for a hearing; but by the artifices of those concerned, it was evaded from time to time: Whether they at last gain'd their point, does not appear.

Most of the inhabitants of New-Jersey, now pleased themselves with the prospect of happy times: With a change of governors followed a change of measures and favourites; impartiality and candour succeeded trick and design; the tools of the former administration having nothing but the protection of that to support them, sunk into neglect.

It was Cornbury's weakness to encourage men that would flatter his vanity, and trim to his humours and measures; these were sure of his favours; but the case was otherwise now: Such of the former favourites as yet continued in the council, were not without their share of disesteem; even the confidence which had been usually put in that board, on passing the support bill, was discontinued: The assembly declaring to Lovelace, that tho' they had an entire confidence in his justice and prudence, respecting the disposition of the money for support of government, they had not that confidence in the gentlemen that were now of her majesty's council; and that this was the reason they had altered the former method; and therefore requested he would favourably represent it to the queen in their behalf.  

The difference of these administrations will appear on a short comparison.

The first on the subject of a support, makes use of the following expressions:

That I may not be wanting in my duty in the station the queen has been pleased to honour me with; I shall put you in mind of those things, which I think ought to be immediately provided for; the first of which is providing a revenue for the support of government; the revenue which the queen expects is fifteen hundred pounds a year, for one and twenty years.

Lord Lovelace, ten months afterwards, upon the same occasion, speaks as follows:

Her majesty would not be burthensome to her people, but there being an absolute necessity that the government be supported; I am desired to

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89 The law regulating the qualification of representatives to serve in general assembly, now passed, is yet in force; the substance of this and the additional one passed at a different session, but in the same year, is, that every voter shall have 100 acres of land in his own right, or be worth £.50 current money; that the persons elected, shall have 1000 acres in his own right, or be worth £.500 current money, in personal estate; that the representatives and electors shall be freeholders, and have estates sufficient to qualify him or them in the division where electing or chosen; that the house of representatives shall be judges of the qualification of their members; that the same forfeitures shall attend undue returns as in England; and that no person shall be chosen a representative, who with his family, does not reside in the province. See also the laws of 1725 and 1730. Vol, 1, p. 142, 195.
recommend that matter to your consideration; you know best what the province can conveniently raise for its support, and the easiest method of raising it.

Hence may be seen, that the inhabitants had some reason to promise themselves more happy times than heretofore; but to their great disappointment, lord Lovelace died within a few days afterwards, and the administration devolved on the lieutenant governor Ingoldsby, who laid before the assembly the design of the crown, respecting an expedition against Canada, under the colonels Nicholson and Vetch; they immediately voted £3000, for the service, by an emission of paper bills of credit, but did not now pass the bill.

The lieutenant governor adjourned them for a few weeks, and then told them, he had given them another opportunity of doing their duty to her majesty, and what their country required at their hands.

That he found in their votes at last sitting, a resolve for raising £3000, for her majesty's service; that this was now become a debt, and they had only to consider of ways and means of raising it; and that a proper application was made for the paying of their quota of men appointed for reducing Canada.

The assembly prepared three bills, one for raising £3,000, another for enforcing its currency, and a third for the encouragement of volunteers, going on the Canada expedition; these bills having received the governor's assent, the house was adjourn'd to the first of November, to meet at Burlington; in November they

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140 Here began the paper currency in New-Jersey: The care of the legislature respecting it, in this and all the succeeding emissions being to render the funds for sinking, according to the acts that created it, secure, and to prevent the currency failing in value; by changing the bills as they became ragged and torn, and allowing no re- emissions on any other account whatsoever; it has thence from the beginning, preserved its credit, and proved of great service to the proprietors, in the sale of their lands, and to the settlers, in enabling them to purchase and contract, and pay English debts, and go on with their improvements; the securities when issued on loan, were double the value in lands, or treble in houses, and five per cent. interest; but now (1765) there is none current on this footing: The funds for sinking by tax the money created for the expedition and other purposes, are mortgages (secured in the acts that make the respective emissions) on the estates real and personal, in the province; hence they are secured as firmly as the province itself; they are a legal tender to all the inhabitants in the province, and elsewhere, but not to others, except while in the province: The remittances of this province to England, being chiefly from New-York and Philadelphia, and the bills no legal tender there, they can never operate to the prejudice of English debts; let exchange be as it may, because none there are obliged to take them; this is a particularity only belonging to the state of trade, of New-Jersey, and renders a paper currency there, free from the objections usually made against it in England.
met accordingly, but deferred business 'till December, when they sat ten weeks, passed 18 bills, were then adjourn'd, and afterwards prorogued from time to time, 'till dissolved by governor Hunter, in 1710.\footnote{For a few months before governor Hunter’s arrival; William Pinhorne, as president of the council, exercised the office of commander in chief.}

It was in the latter end of the year 1708, that Col. Vetch first applied to the court of Great-Britain, for sea and land forces, to reduce Canada; he, with Col. Nicholson, obtain'd a small force from England, and instructions to the several governors on the continent to give them what assistance they could.\footnote{The instructions to the governor of New-York and New-Jersey, were as follows:}

\begin{quote}
\textbf{ANNE R.}
Right trusty and well beloved, we greet you well: Whereas we are fitting out an expedition with great expence, for the security of our subjects in your government, from the neighbourhood of the French at Canada, which has been very troublesome to them of late years: According to certain proposals laid before us by our trusty and well beloved colonel Vetch, and pursuant to the many applications that have been made to us by our subjects, who have suffered very much from the French in that neighbourhood; we do hereby strictly require and command you, to be assisting to this expedition, after the manner that the said colonel Vetch shall in our name propose to you, and that you look upon those parts of his instructions which relate to you, and our governments under your care, and which we have ordered him to communicate to you, in the same manner as if they were our positive commands directed to yourself, and that you pay the same obedience to them: And whereas there may be some particulars in our above mentioned instructions, as that which concerns the place of rendezvous, in which you who live in the country, may be the most proper judge; we do therefore leave this and the other the like circumstances, to be altered at discretion; provided, that colonel Vetch and colonel Nicholson, do agree with you in any such alteration; and provided you do punctually observe the number of men which you are to furnish, and the time when they are to appear and be on a readiness to enter upon their expedition: And so we bid you farewell. Given at our court at St. James’s, the 28th of February, and in the seventh year of our reign.

By her majesty’s command,

\textbf{SUNDERLAND}
To our trusty and well beloved John Lord Lovelace, our captain general and governor in chief of our province of New-York and New-Jersey, in America, or in his absence to the commander in chief of the said provinces for the time being.
\end{quote}

\footnote{The colonels Nicholson and Vetch both appearing at a council held at Amboy, \textit{the 30th May, 1709}, it was concluded, that George Riscarricks should be forthwith sent to Weequahala, the Indian sachem, to acquaint him, that the lieut. governor Ingoldsby expected his attendance on that board forthwith; and that captain Arent Schuyler should forthwith send for Mahcotouinist, Cohcowickick, Ohtossolonoppe, Meskakow and Teetee, sachems of the Minisinks and Shawhona. Continued on next page...}
instructions, directed to Col. Vetch.

ANNE R.

Instructions for our trusty and well-beloved Col. Vetch, to be observed in his negotiations with the governors of several of our colonies in America: Given at our court at St. James’s, the 28th day of February, 1708-9, and in the seventh year of our reign.

Whereas you have laid before us the proposal of an enterprize on Canada and Newfoundland, which may turn very much to the security and advantage of our subjects in those parts of America, as well as to the prosperity of our kingdoms in general; we having taken the same into consideration, do entirely approve of the said proposal; and in order to execute it effectually, have thought fit to give you these our following instructions.

You shall immediately repair on board the ship appointed by our high admiral for the transporting of you, with officers as shall be sent under your command, to several of our colonies in North-America; upon your arrival at New-York, you are to deliver to our governor of that place a letter from us, and communicate to him these our instructions, acquainting him, that we shall expect from him a punctual and ready compliance in all such as relate to him; you shall represent to him, that out of a great desire to answer the frequent applications which have been made to us, by our good subjects the inhabitants of those parts, to deliver them from the neighbourhood of the French of Canada, which of late years hath been so troublesom to them; we have fitted out an expedition, the particulars of which you shall lay before him, and withal let him know, that we strictly require and enjoin him, to give such an assistance to the said expedition, as is hereafter specified.

You shall signify to him our pleasure, that the governor of New-York do furnish a quota of eight hundred men, including the four standing companies; and that the city regiments of York and Albany do duty in the forts, during the absence of the said standing companies. You shall at the same time acquaint him, that New-Jersey is to furnish two hundred men; Connecticut three hundred and fifty, and Pennsylvania one hundred and fifty; so that the whole force will consist of fifteen hundred effectives;
The Colonial History of New Jersey

Samuel Smith

which are to be disposed into four battalions; each battalion to have one of the four regular companies mixed and incorporated in it, and to be commanded by the captains as colonel whose company is so incorporated in it, and under him by the respective officers of the country troops; the officers that go with you, and are designed for New York, to be distributed among the companies, as the governor in concert with the commander in chief, shall think best for the service.

You shall likewise acquaint our aforesaid governor, in our name, that we do command and expect from him, that the quotas of his government, be ready at Albany, with all things necessary for the expedition, by the middle of May next ensuing, at the furthest; and that he furnish all the troops with what arms and ammunition they want, out of the magazine at New York; and that he do forthwith get together and keep in readiness, three months provision for his quota of those, to be transported an lodged in some convenient place at the wood creek or elsewhere; for the security of which, he shall, in conjunction with the governments of Connecticut and Pennsylvania, cause to be built a large wooden store house; as also six or more large boats, that will carry sixty men each, for the transportation of their heavier stores by water; and also contract with the five nations, to make with all speed, as many canoes as will be wanted for the said expedition.

You shall moreover enjoin the aforesaid governors in our name, to command and engage the aforesaid five nations, as also the river Indians, to join with all their fighting men in the said expedition, and promise them a good present if they do; you shall likewise acquaint them, that it is our pleasure that he give all fitting encouragement to any gentlemen, or others, that shall offer themselves to go as volunteers in this our service.

You shall deliver a letter from us to the governor of Connecticut, and another to the governor of Pennsylvania, for the time being, and signify to them our royal will and pleasure, that they have their quotas of men and provisions ready by the middle of May at furthest; acquainting them withal, that the governor of New-York is ordered to assist them with what arms and ammunition they shall want.

After having finished your negotiations for the foregoing expedition, with all possible secrecy and dispatch, you shall deliver a letter from us to our governor of New-England, and another to the governor of Rhode-Island, for the time being, strictly enjoining and commanding them in our name, to raise at least twelve hundred of their best men, according to their usual proportions; and to give all fitting encouragement to any such as shall offer themselves to go volunteers in the expedition, whether gentlemen or others; as also to have in readiness a sufficient number of transports, with three months provisions and able pilots, whereof capt.
Southwech\textsuperscript{144} is to be one, and to go in his own galley; and that all may be ready to embark by the middle of May, upon the arrival of the fleet from England; and for their greater encouragement, you shall acquaint them, that we have ordered arms and ammunition to be sent with you, for the number of troops they are to furnish; which arms and ammunition you shall accordingly deliver to the several companies, in presence of the governor or commissary of the country, taking a receipt for the same, which you shall transmit to our board of ordnance in this kingdom.

You shall with the concurrence and advice of our governor of New-England, contract with ship carpenters, for the building of ten or more large flat bottomd boats, that will carry sixty men each, for the landing of troops; and also contract with proper persons for the furnishing of eight months provision to the troops that shall be left at Quebec or Montreal, if it shall please God to make our forces masters of those places, and to give us the success that we hope for from this our expedition.

And to the end, that nothing may be wanting on our parts, towards engaging the several governments to act with the utmost spirit and vigour in this expedition, you shall assure them in our name, that such of the governments as contribute towards the reduction of Canada, shall have a preference both with regard to the soil and trade of the country, when reduced, to any other of our subjects; and when they shall have concerted among themselves any reasonable proposals, for securing to their respective colonies the benefit of the said soil and trade, we shall not be wanting to give our royal sanction to the same.

You shall communicate these our instructions to colonel Francis Nicholson, who hath offered himself to go as a voluntier in this expedition; and further, out of regard to his known abilities and zeal for our service, we do require, that you should admit him into your private consultations with our several governors, on the methods for putting this your proposal into execution; and if by reason of the distance of time and place, any other preparations may be necessary for the carrying on this expedition, which we could not here foresee, and which is not contained in these your instructions, you shall, with the concurrence of the governor, who is to assist in any such service, and of colonel Nicholson, make any such preparations, tho' it is not in your instructions; provided, that it appear to you absolutely necessary for the carrying on of the expedition aforesaid, and that the governor and colonel Nicholson do entirely concur in judging it to be so.

A. R.

SUNDERLAND.

\textsuperscript{144}He was master of the province galley, belonging to the Massachusetts government.
The Colonial History of New Jersey

Samuel Smith

Being arrived, they did their best at raising forces on the continent; but a difference arising among the ministry at home, the ships of war expected from thence, came not: They waited without doing any thing 'till the winter, and then Nicholson went back to England, to solicit further assistance, and forward what had been proposed; to do this with more probability of success, four Indian sachems of the Five now Six Nations, were prevailed upon to take a voyage to England, to assist what they could in persuading this Expedition: With these went over Col. Schuyler: They sail’d early in the year; had several conference with the lords of trade; and with Nicholson and the forces he brought, returned in the summer, and arrived at Boston.

According to the instructions to the governments on the continent, for getting their assistance in readiness, a considerable armament was raised, and set out from Boston September 18. The fleet consisted of the Dragon, Falmouth, Leostaff, Feversham, men of war, the Star bomb, and the Massachusetts province galley, with transports, in all thirty-six sail; the forces on board were, one regiment of marines from England, two regiments of Massachusetts Bay, one regiment of Connecticut, and one of New-Hampshire and Rhode-Island, commissioned by the queen, armed and victualled in part by her gift, and part by the several colonies, towards which New-Jersey was £3,000; they arrived at Port-Royal, now called Annapolis-Royal, in six days sail from Boston; after some small canonading and bombarding, the French governor Subercasse, capitulated; October 5, the fort was given up, and Col. Vetch, according to the instructions for that purpose, became governor; the terms of the capitulation were, that all the French, being four hundred and eighty

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145 Indians in England were then a strange sight; these sachems were also considered in proportion to the faithfulness and importance of the nations they belonged to, and accordingly much taken notice of: The court was in mourning for the death of George prince of Denmark, the sachems at the queen’s expence had under-cloaths of black, covered with a scarlet mantle, edged with gold; they were carried to court in coaches, and introduced in form to the queen; one of them made a speech, setting forth, that they doubted not the queen was acquainted with their long and tedious war against the French, in conjunction with her children, (subjects) that they had been a strong wall for the security of these, even to the loss of their best men, as Quider and Anadagarjaux (Schuyler and Nicholson) could testify; that they were glad an Expedition to Canada had been undertaken, and had assisted in the preparations on the lake, whilst Anidiasia (Vetch) at the same time was raising an army at Boston; that as some important affair had prevented the expected fleet, and rendered the design for that season abortive; they were left much exposed; and if the Queen was not still mindful of them, they with their families must forsake the country, and seek other habitations, or stand neuter; either of which would be much against their inclinations; they concluded with presenting some belts of wampum.

After this they were magnificently entertained by several of the nobility, and were once present at the review of the guards in Hyde-Park, with the duke or Ormond at their head; to him they made a speech, and presented him with three skins, to enforce a request, that he would forward their business with the queen. On their return, at Southampton, Admiral Aylmer, who commanded a fleet there, sent his yacht to bring them on board; they dined with him, and then sailed for America.
one persons, within three miles of the fort, should be under the protection of Great-Britain, upon taking the oaths of allegiance; the other French settlers were left at discretion; that in case the French made incursions upon the frontiers of New-England, the British should make reprisals upon the French in Nova-Scotia, by making some of the chief of their inhabitants slaves to their Indians; notwithstanding this, the French of L’Accadia, soon after committed hostilities; tho' the Port-Royal and Cape-Sable Indians desired terms of amity and alliance might be settled with them; which was accordingly done. The men of war and transports sailed again for Boston, October the 14th, leaving a garrison in Port-Royal of two hundred marines and two hundred and fifty of the new raised voluntiers from the continent; which were the next year relieved by four hundred of the troops destin’d for Canada.

Nova-Scotia had continued with the French from the year 1662 (except the momentary reduction and possession of it by sir William Phips, in 1690\(^{146}\) ) until now; this acquisition afterwards confirmed to Great-Britain by the treaty of Utrecht, hath so remained ever since.

The design respecting Canada, was for this year laid aside; the earl of Dartmouth, secretary of state, wrote to governor Hunter upon the subject, and to encourage an attempt upon Port-Royal, as follows:

Whitehall, August 1710

Sir,

The queen commands me to acquaint you, that as she has formerly taken into consideration the sending over into New-England, such a number of land forces, that joined with those under your command, and such as the neighbouring colonies could have furnished, might have been of strength sufficient to beat the French out of Canada and North-America; so her majesty had caused this year all necessary preparations to be made, for this expedition; which her majesty has been forced to lay aside for the present, by reason of the contrary winds which happened, when the season was proper for the fleet to sail, and in regard of other important services which intervin’d; the queen commanded me to add, that she hopes to receive a good account of the expedition against Port-Royal; having sent away last spring Col. Francis Nicholson, with such commissions, instructions and dispatches, as were necessary for that purpose; and that she is very well pleased with the accounts she has received of the zeal with which her subjects under your government embraced this undertaking, and the forwardness they expressed to promote it; her majesty therefore for this season, out of her tender care for their good and prosperity, intends to pursue this design as soon as the state of her affairs will permit it, being

\(^{146}\) Vid. lieut. governor Hutchinson’s *hist. of the Massachusetts Bay*, p. 397, &c.
very sensible of the great advantages which may be thence expected. And as her majesty will not be wanting of her endeavours to promote whatever may conducin the welfare and security of the colony under you government; so her majesty doubts not, but that proper measures will be effectually taken there for the common safety and interest, which her majesty earnestly recommends to your care.

This is what I have in command from the queen, who would have you to communicate this letter in the usual manner, to her loving subjects.

I am, sir, your most humble servant,

DARTMOUTH

Brigadier Hunter arrived governor in the summer this year [1710],\footnote{147} called a new assembly\footnote{148} to meet the 6th of December; they chose John Kay, of Gloucester, speaker, received the governor's speech; we give it in his own words:

Gentlemen,

I am little used to make speeches, so you shall not be troubled with a long one; if honesty is the best policy, plainness must be the best oratory; so to deal plainly with you, so long as these unchristian divisions which her majesty has thought to deserve her repeated notice, reign amongst you, I shall have small hopes of a happy issue to your meeting.

This is an evil which every body complains of; but few take the right method to remedy it; let every man begin at home, and weed the rancour out of his own mind, and the work is done at once.

Leave disputes of property to the laws, and injuries to the avenger of them; and like good subjects, and good christians, join hearts and hands for

\footnote{147} The members of council in his instructions were, Lewis Morris, William Pinhorne, George Deacon, Richard Townley, Daniel Coxe, Roger Mompesson, Peter Sonmans, Hugh Huddy, William Hall, Thomas Gordon, Thomas Gardiner, Col. Robert Quarry.

\footnote{148} The Members were, 
**For the town of Burlington:** Isaac Decow, Robert Wheeler. 
**The county of Burlington:** Thomas Lambert, Joshua Humphreys. 
**Gloucester:** John Kay, John Kaighn. 
**The town of Salem:** Hugh Middleton, John Mason. 
**The county of Salem:** Bartholomew Wyat, Isaac Sharp. 
**Cape May:** Peter Fretwell, Jacob Spicer. 
**The town of Perth-Amboy:** John Johnston, John Reid. 
**The county of Middlesex:** Thomas Farmer, Adam Hude. 
**Essex:** Joseph Marsh, John Trent. 
**Bergen:** Andreas Vanbuskirk, William Sanford. 
**Monmouth:** Gershom Mott, William Lawrence. 
**Somerset:** Cornelius Longfield, John Tunison.
The Colonial History of New Jersey

Samuel Smith

the common good.

I hope you all agree in the necessity of supporting the government, and will not differ about the means; that it may the better deserve your support, I shall endeavour to square it by the best rule that I know, that is the power from whence 'tis derived; which all the world must own to be justice and goodness itself.

There are several matters recommended to you by her majesty, to be passed into laws, which I shall lay before you at proper seasons; and shall heartily concur with you in enacting whatsoever may be requisite for the publick peace and welfare, the curbing of vice, and encouraging of virtue.

If what I have said, or what I can do, may have the blessed effect I wish for, I shall bless the hour that brought me hither; If I am disappointed, I shall pray for that which is to call be [me?] back, for all power except that of doing good is but a burthen.

The assembly's address:

May it please your excellency,

We sincerely congratulate your accession to the government of this province, and hope the long wished for time is come, in which the unchristian causes of our divisions will be taken away, which we persuade ourselves you will be as willing, as we conceive you are able to do, by divesting a few designing men of that authority, which they use to the worst purposes.

We have experienced repeated instances of her majesty's care over us; among which one was, the sending the good lord Lovelace, who put an end to an administration the then assembly of this province, with great justice, stile the worst New-Jersey had ever known; that good man lived long enough to know how much the province had been oppressed, tho' not to remove the causes: Another instance of her majesty’s royal favour, we esteem, is the sending your excellency to govern us, and we persuade ourselves your conduct will evince it so to be.

We hope great things from you, and none but what are just; let not ill men be put or continued in power to oppress; let her majesty's subjects enjoy their liberties and properties, according to the laws, and let not those laws be warpt to gratify the avarice or resentment of any, and then we may safely leave disputes of property to them; this we are humbly of opinion, is the greatest honesty, and we make no question you esteem it to be the best policy.

We always thought it equally reasonable to support a government, and to deny that support to tyranny and oppression; we should be glad our abilities would come up to what we esteem your merits; what we are able
The Colonial History of New Jersey

Samuel Smith

to do, shall be sincerely done, and in as agreeable a manner as we are capable; all your desires, which we doubt not will be reasonable, shall be commands to us, who will be always ready to join in any thing that may conduce to the publick benefit, and your own; and hope you may never want will and power to punish wickedness and vice, and encourage true religion and virtue; which if you do, we shall esteem you our deliverer, and posterity shall mention your name with honour.

Divers members of this assembly, being of the people called quakers, concur to the substance of this address, with their usual exception to the stile.

This session continued better than two months; the governor and assembly agreed cordially, but a majority of the council differed from both, notwithstanding an accession of divers new members.

Ever since the surrender, the province had been involved in great confusion, on account of the people called quakers being denied to serve on juries, under the pretence that an oath was absolutely necessary; the inhabitants in many parts, were chiefly such, and juries could not be got without them; the assembly seeing the confusion that had and would unavoidably follow such refusal, passed a bill for ascertaining the qualification of jurors, and enabling the people called quakers to serve on them, &c. and another respecting the affirmation: The reports of the committee, will, among other things, shew the conduct of the council on this occasion.

The house, according to order, resolved itself into a committee of the whole house, to consider farther of the papers laid before this house by his excellency; and after some time spent therein, Mr. speaker resumed the chair, and doctor Johnston reported from the said committee, that the 43d article of her majesty's instructions being read, requiring an act to be passed, for settling the properties and possessions of all persons concerned in this province; they do think it to be a matter of the greatest concern, for the quieting the minds of the people and making the province happy, and do think it will be to no purpose at present to spend time about such a bill, seeing the council has put them out of all hopes of having any such act to pass.

Doctor Johnson also reported from the said committee, that the 60th article of her majesty's instructions being read, requiring an act to be passed, for those people that make a religious scruple of swearing, to the like effect of that passed in the 7th and 8th of king William the third in England, so far as may be consistent with good order and government; that the house have already sent up such an act to the council for their concurrence, as near to the like effect as the circumstance of this colony
The Colonial History of New Jersey

Samuel Smith

will admit; which the council rejected without committing the same.

And further, that the 94th article of her majesty's instructions being read, requiring an act to be passed ascertaining qualifications of jurors; that the same was included in the bill, entitled, 'An act for ascertaining the qualifications of jurors, and enabling the people called quakers to serve on them, &c.' which the council rejected without committing the same, as is reported before to the 60th article.

And that he was desired to move, that they might have leave to sit again.

By this report, it seems the assembly had no expectation of obtaining these matters this session; they took into consideration the militia act, passed in Cornbury's time, by which the quakers in many parts of the province had been greatly oppressed; they appointed doctor Johnston, Isaac Sharp, Jacob Spicer, William Sandford, John Reid, and Robert Wheeler,\(^{149}\) a committee, to prepare and bring in a bill, for explaining an act of this province, past in the third year of her majesty queen Anne, entitled, 'an act for settling the militia of this province, and for relieving persons aggrieved thereby.'

A Bill was brought in, and divers officers who had been more rigorous in distressing, than the law warranted, were sent for, to answer for their conduct at the bar of the house, and ordered to render account of the goods distrained; this gone through, the bill passed, in which provision was made for the relief of the sufferers; but the council rejected it, as they had done the other bills.

Next came on the consideration of the charges made against a former assembly, to the queen, whose vindication they undertook.

A copy of a paper entitled, The humble address of the lieutenant governor and council of Nova-Caesaria or New-Jersey, in America, to the Queen's most excellent majesty,\(^{150}\) signed by Richard Ingoldsby, William Pinhborne, Roger Mompesson, Thomas Revell, Daniel Leeds, Daniel Coxe, Richard Townley, William Sandford, and Robert Quarry, in the year 1707; was read in the house; and being taken into consideration, the question was put, whether the said humble address (as it is called) of the lieutenant governor and council to the queen's most excellent majesty, be a false and scandalous representation of the representative body of this province, or not? it was carried in the affirmative. A motion being made, and the question being put, whether this house do address her majesty for the justification of the

\(^{149}\) The two last had left the quakers, with G. Keith, and Sandford had distinguished himself against them.

\(^{150}\) See above.
proceedings of the representative body of this province, in the present and
former assemblies, or not? it was carried in the affirmative.

A motion being made, and the question being put, whether any person
that has signed the above mentioned false and scandalous representation of
the representative body of this province, be a fit member to sit in this
house, unless he acknowledge his fault to this house, or not? it was carried
in the negative.

Major Sandford, one of the members of this house, having
acknowledged that he signed the above mentioned address to her majesty,
was asked if he would acknowledge his fault to this house for the same? his
answer was, he signed it as he was one of her majesty's council, and was
only accountable to her majesty for the same; wherefore the question was
put, whether major Sandford be expelled this house for the same, or not? it
was carried in the affirmative.

Ordered, that major Sandford be expelled this house, for signing a false
and scandalous paper, called the humble address of the lieutenant governor
and council, to her majesty, in the year 1707; and he is expelled this house
accordingly.
The Colonial History of New Jersey
Samuel Smith

CHAPTER XX

REPRESENTATION OF THE ASSEMBLY TO GOVERNOR HUNTER; AND HIS ANSWER.

Pursuant to the resolutions of the house, an address was prepared, and sent to the queen, and a representation to governor Hunter: This last is a particular answer to the charges, and was as followeth:

The humble representation of the general assembly of her majesty's province of New-Jersey.

To his excellency Robert Hunter, Esq; captain general and governor in chief of the provinces of New-Jersey and New-York in America, and vice-admiral of the same, &c.

May it please your excellency;

When the lord Lovelace was pleased to let the representative body of this province know, that her majesty desired to be informed of the causes of the differences between the gentlemen of the council and them; nothing could be more satisfactory; because they entirely depended, that a person of so much justice and veracity, would put things in their true light; and had he lived long enough to have complied with her majesty's commands, we had not now been under the necessity of laying the following representation before your excellency.

We are very sorry we have so much reason to say, it was lately our misfortune to be governed by the lord Cornbury, who treated her majesty's subjects here not as freemen who were to be governed by laws, but as slaves, of whose persons and estates he had the sole power of disposing. Oppression and injustice reigned every where in this poor, and then miserable colony; and it was criminal to complain or seeth any way sensible of these hardships we then suffered; and whatever attempts were made for our relief, not only proved ineffectual, but was termed insolence, and flying in the face of authority: the most violent and imprudent stretches of arbitrary power, were stamped with the great name of the queen's prerogative royal; and the instruments and strenuous assertors of that tyranny, were the only persons who in his esteem and their own, were for supporting her majesty's government: Bribery, extortion and a contempt of laws, both human and divine, were the fashionable vices of that time; encouraged by his countenance, but more by his example; and those who could most daringly and with most dexterity trample upon our liberties, had the greatest share both in the government of this province
and his favour: This usage we bore with patience a great while, believing, that the measures he took proceeded rather from want of information or an erroneous judgment, than the depravity of his nature; but repeated instances soon convinced us of our mistaken notions; and that he was capable of the meanest things, and had sacrificed his own reputation, the laws, and our liberties, to his avarice: No means were left unessay’d, that gave hopes of gratifying that sordid passion: The country was filled with prosecutions by informations of the attorney general, contrary to law. Those of her majesty’s subjects who are called Quakers, were severely harrassed, under pretence of refusing obedience to an act of assembly for settling the militia of this province, when neither the letter nor meaning of that act justified the severities used on that account; the measures that were then taken, being chiefly such as the implacable malice of their adversaries suggested: The rights of the general proprietors, which upon the surrender of the government, were promised to be preserved inviolable to them, and which her majesty, by her instructions, had taken all possible care to do, were by him invaded in a very high degree; their papers and registers being the evidences they had to prove their titles to their lands and rents, violently and arbitrarily force from them, and they inhibited from selling or disposing of those lands; by which means their titles were made precarious, the value of lands through the whole province fell very much, and a great stop was put to the settlement and improvement of it: To be short, all ranks and conditions of men grossly abused, and no corner of the country without complaints of the hardships they suffered from the exercise of a despotick and mistaken power: An administration so corrupt, so full of tyranny and oppression in all its parts, induced the assembly to have a regard to the cries of that unhappy country they represented, and accordingly, in a most humble manner, remonstrated to his lordship their grievances; who was of opinion, their remonstrance lay open to a very ready answer; but that he might give them no occasion to say he had done it with heat and passion, he took some few days to do it; but with what coolness and temper it was done, those who have seen it can judge; they both lie before your excellency (No. 1 and 2). Sometime after the assembly were adjourned; and when we met again, made a reply to that answer; which reply (No. 3) lies before your excellency; but neither the one nor the other procured the desired effects; on the contrary, the number of our grievances were increased, some of the most considerable of our inhabitants deserted the province, and many of those that remained thought themselves unsafe in it; the only hopes they had, was the arrival of the lord Lovelace, which supported their sinking spirits, and gave them an expectation of better days.

Upon the first sitting of the assembly, after his arrival, he communicated to them a paper, called, The address of the lieutenant governor and council of New-Jersey. It was no surprise to us, to find any thing
The Colonial History of New Jersey

Samuel Smith

indecent or virulent proceeding from such men; but it was with some concern, we beheld what endeavours they had used, to render her most gracious majesty disaffected with her honest and loyal subjects here, by accusations which were not only false, but what they knew to be so, at the time of their writing of them, and which we had made appear to be so, had they not used evasions and shifts to avoid coming to the test, in the time of lord Lovelace, and while the assembly was sitting; then they seemed to be for reconciling matters, and burying every thing in oblivion, in hopes their own deeds of darkness might partake of the same covering; and hoped the sweetness of that noble lord's temper, and inclinations to peace, might secure them from that examine which was necessary to expose them in their true colours; and how much on that occasion they fawned and flattered, appears by an address of theirs to him, which for the peculiarity of the language (and we might say the unintelligibleness of the terms) ought never to be forgotten: It begins thus, Your lordship has not one virtue or more, but a complete accomplishment fall perfections, &c. and at the same time they were deifying him (if such an address could do it) they were caballing and articling against him, triumph'd in his death, and have barbarously treated his memory; and notwithstanding the laws of heaven and nature, (as they are pleased to express themselves) and all the fine things they say of you, added to the justness of your administration, they'll give you the same treatment when they can; the knowledge we have of their practices, has made us trespass a little longer on your excellency's patience than we at first designed: But to return to the address; be [we?] believe the gentlemen of the council have transmitted something to one of her majesty's secretaries of state, which they called proofs, and with all the secrecy they could, hoping it may obtain at that distance, especially when backed by some whose interest it is, that all they have said be credited: To prevent the ill consequences that may attend the belief of what they have said, or indeed can say, we shall endeavour to prove every article of the said address false; and that the subscribers knew several of them to be so at the time of their signing; what we say is publick, not carried on in darkness, to prevent that reply, which the gentlemen concerned to justify themselves, and upon the spot, may make if they can.

We begin with the title of the address; which is, The humble address of the lieutenant governor and council of Nova-Caesaria or New-Jersey in America.

This carries a falsehood in the very front of it; for it was no act of council; but signed by some in the western, and by others in the eastern division of New-Jersey, by one or two in New-York, at different times, being privately carried about by a messenger of my lord Cornbury's; and some were raised out of their beds to sign it; it never pass'd the council; was never minuted in the council books, and the lieutenant governor has
The Colonial History of New Jersey

Samuel Smith

several times protested he signed it without ever reading it: The gentlemen of the council cannot deny the truth of this; if they do, we can prove it; but to justify themselves they say, it was signed by the lieutenant governor and the gentlemen of the council, though not in council: So that it’s plain, they designed to abuse the queen, by giving it the stile of an act of council, which her majesty and every body that reads it would take to be so, when they knew in their consciences it was not so; but that their malice or servile fears induced them to sign it, and may not improperly be called, forging an act of council; it’s apparent that Roger Mompesson, esq; signed it by himself; that it was brought to him as an act of council, and that as such he thought himself obliged to sign it, as by his reasons for signing it appears; which reasons could have had no weight, had he not understood it to be so; for he owns he never examined into the particulars of it.

The first article is, We the lieutenant governor and council of her majesty’s province of Nova-Cæsaria or New-Jersey, having seriously and deliberately taken into consideration the proceedings of the present assembly or representative body of this province, thought our selves bound, both in duty and conscience, to testify to your majesty our dislike and abhorrence of the same. This is true, if signing any thing without reading or examining into the particulars of it, and by some between sleeping and waking, be arguments of seriousness, and deliberation, otherwise not; except by the words seriously and deliberately, be meant, their resolutions on all occasions to do what the lord Cornbury commanded them; as indeed their signing this address, and their conduct in every other thing, did but too plainly evince, to be the only seriousness and deliberation they were capable of: When Col. Quarry sign’d that address, we believe he was misled, and depended too much on the credit of others; we must do him the justice to own, that he has of late declined joining with them in many of their hot and rash methods, and behaves himself at present like a man of temper, who intends the service of the queen and good of the country. These addressors tell her majesty, that they were in duty and conscience bound to testify their dislike and abhorrence of the same to her: Had they abhorred falsehood, and discharged their duty as in conscience they were bound to do, in refusing to join with the lord Cornbury, in all his arbitrary and unjust measures, and particularly in that scandalous address, (pardon the expressions) the country would not have had that just cause to complain, as now they have, and in probability always will, while they continue in their present stations: There were no proceedings in that assembly that any honest man had reason to dislike; and their endeavours for the good of the country, deserve the highest praise, and ought never to be forgotten by New-Jersey.

The second article is, That the unaccountable humours and pernicious designs of some particular men, have put them upon so many irregularities,
The Colonial History of New Jersey

Samuel Smith

with intention only to occasion divisions and distractions, to the disturbance of the great and weighty affairs which her majesty's honour and dignity, and the peace and welfare of the country required: The so many irregularities are, we suppose, what the lord Cornbury mentioned in his answer to their remonstrance; which that house replied to; as may be seen in their reply (No. 3) and whether they were irregularities or no, the world can judge; but be they what they will, the addressors are never able to prove, that the unaccountable humours of some particular men put them upon them; they may indeed boldly say they did, and if that will do, they may say again, that it was with intention to occasion divisions, &c. but that neither proves, that any particular men influenced that assembly, nor that the intentions of doing so, were as they say; that being impossible for them to know; and if we may be allowed to know the intentions of that assembly, they were far otherwise than what the addressors represent them to have been.

The 3d article was, That we had highly encroached upon her majesty's prerogative royal.

The 4th, That we had notoriously violated the rights and liberties of the subject.

The 5th, That we had manifestly interrupted justice.

These three articles are what the lord Cornbury, in his answer to the remonstrance, charges that assembly with, which are fully answered in the aforesaid reply, and proved to be false charges; and this the addressors knew when they signed the address, if ever they read the reply or address (which is very much to be questioned) and we believe, if the truth were known, notwithstanding their pretensions to seriousness and deliberation, they had little more hand in it than setting their hands to it, as we shall endeavour to evince: It is undeniably true, that it was signed at different times, and in different places; it then must be true, that it was brought ready drawn to the signers, and its very probable that they did not read it, certainly not with any consideration: The lieutenant governor, as we observed before, has owned he did not, and the late chief justice, Roger Mompesson, Esq; a man as likely to read and consider as any of them, owns under his hand, he never did examine the particulars of it; which is, in other words, owning he did not read it; and its not very likely the rest should: These three articles are the very words used by the lord Cornbury in his answer: the whole address seems to be an abridgment of that answer, several sentences the same, the stile the same, and the same vein of intemperance and ill nature through them both; and in all likelihood done by his lordship, who made the addressors father whatever his lordship was ashamed to own.
The Colonial History of New Jersey

Samuel Smith

The 6th article is, That the remonstrance was a most scandalous libel.

The 7th, That the lord Cornbury made a full and ample answer to it.

The 8th, That the reply of the house of representatives of the province of New-Jersey, was a scandalous and infamous libel; and they add on that head, this last libel came out so suddenly, that they had not time, as yet, to answer it in all its particulars.

Certainly it is impossible, that ever men in their right wits, after reading such an address, should sign it! Was it ever known, that any book or paper wrote by a house of commons, was called a libel, and a most scandalous and infamous libel? If the gentlemen had intended to shew their talents of railing and abusive language; they could hardly have taken a more effectual way, than by that address, which if it prove nothing else, proves them to be very much masters of those qualifications; but we cannot be of opinion, that their calling the remonstrance or reply a libel, proves them to be so; nor had they any reason to expect it would be taken by her majesty, for any thing more than a demonstration of their want of temper; for if those two papers were libels, then the house of representatives might have been punished for them, or at least prosecuted; and if so, any vote, resolve, address or remonstrance that they made, or any other house of representatives could make, would subject the said house of representatives (the authors of them) to the same inconveniency, whenever the gentlemen of the council were pleased to call them so: This is so contrary to the known practice of England, to the laws, to the rights and privileges of the house, that it is a needless labour to prove, either that the gentlemen never read what they signed, or knew what they signed to be false at the time of their signing of it: But to say a little more, the remonstrance and reply are so far from being false, that they are most true: Several of the facts are owned by the lord Cornbury, and where he either evades or denies them, they are made out in the reply: His bribery was proved by a cloud of evidences in the house; and whatever else is charged upon him, he knew to be true; and it is neither in the power of his full and ample answer nor even of the address itself, to persuade the contrary: The assembly say indeed in their remonstrance, Had the affairs of New-York admitted his lordship oftener to attend those of New-Jersey, he had not then been unacquainted with their grievances; and that they were inclined to believe they would not have grown to so great a number. This, perhaps, may be one of the falsehoods the addressors mean; and truly it ought to be acknowledged, that the then assembly had no reason to believe his lordship’s presence in this province would have any other effect, than the increasing, instead of diminishing their grievances; but when the addressors say that the reply came so suddenly out, that as yet, they had not time to answer it in all its particulars: They seem to imply, that they had answered it in some of them; which has not been done, no, not as yet, though it has been out
above three years: And, its coming out so suddenly, &c. is a great mistake, to say no worse of it; for it had been out above six months before their address was signed: This is another proof that they never read the address before they signed it; or if they did, that they knew what they signed to was false, at the time of their signing.

The 9th article is, That these disturbances are owing wholly to Mr. Lewis Morris and Samuel Jenings, men of turbulent, factious, uneasy and disloyal principles; men notoriously known to be uneasy under all government, and men never known to be consistent with themselves.

The 10th article is, That to these men are owing all the factions and confusions in the governments of New-Jersey and Pennsylvania.

These articles are not only the stile of the lord Cornbury’s answer to the remonstrance; but for the most part the very words. If Mr. Morris, and Mr. Jenings, were such men as the addressors say they are, viz. turbulent and factious, uneasy under all governments, and the causers of the factions and confusions of New-Jersey and Pennsylvania; then certainly to continue thus turbulent, &c. evinced they were not inconsistent with themselves, but constantly pursued the same measures: This was an expression the lord Cornbury was very fond of, and very much used, and the addressors here have been but the parrots of his thoughts; and all they have said of these gentlemen (one of whom is in his grave, viz. Mr. Jenings) is a notorious abuse; for whatever was done by the assembly (if it’s their proceedings they call disturbances) was not done either by the influence of Mr. Morris or Mr. Jenings, but from a just sense of their duty, in discharge of the trust reposed in them by the country, and to prevent the ill effects of an arbitrary and unjust use of power, by the lord Cornbury, so much encouraged by the slavish complaints of the addressors, men never known to be inconsistent with themselves, nor we fear never will.

We should not trouble your excellency longer on this head, did we not know this is an article which the addressors think they can justify, and which they suppose will prove a sufficient defence for all they have said; therefore, to put this matter in some measure out of dispute, we say, in the first place, that should they be able to prove what they say in that article, yet it would not justify their other accusations, nor the severe reflections they have unjustly made on the representative body of this province: 2dly, It plainly appears by the journals of the house, that the assembly insisted on the same things, when neither Mr. Morris nor Mr. Jenings were among them; and now endeavours to evince to your excellency, that their proceedings were reasonable. 3dly, The disturbances in Jersey or Pennsylvania, ascribed to Mr. Morris or Mr. Jennings, were no other than the opposition of an unlawful and unjust authority, and that during the proprietors government, before it was surrendered to the queen; so not a
The Colonial History of New Jersey

Samuel Smith

fit matter to have been at that time seriously and deliberately meddled with by the addressors, and could be done with no other intent but to mislead the queen, into a belief that Pennsylvania and New-Jersey, were then disturbed by these gentlemen; 4thly, We do not find, that ever Mr. Morris was concerned at all, even during that time, in the western division of New-Jersey or Pennsylvania.

The 11th article is, That this is done with design to throw off the queen’s prerogative royal, and consequently to involve all her majesty’s dominions, in this part of the world, and the honest and good well meaning men in them, in confusion, hoping thereby to obtain their wicked purposes.

It is evident from this article, that the accusations of Mr. Morris and Mr. Jenings, were to mislead the queen into such a belief as we have instanced; 1st, from their using the terms (is done) being in the present tense: 2dly, they assign the reason why tis done, viz. not only to encourage this government, but all the governments in America, to throw off her majesty’s prerogative royal, and as a consequence of that, to involve all her dominions in this part of the world, &c. in confusion; which is in plain English, throwing off our allegiance, and revolting from the crown of England; the addressors in the first place, suppose all the plantations on the continent of America inclinable to a revolt, whenever they have an opportunity; or at least if they don’t believe it themselves, would have the queen believe so, and be apprehensive of some danger from it; which if she had, it’s natural enough to suppose such severe methods would have been taken, as would prevent any such thing; so that what the addressors have said, is not only an accusation of all the plantations in America, of want of loyalty and affection to her majesty; but an endeavour to alienate her affections from them: We thank God it has not had the ill effects they intended, and hope no representation founded on the malice of any men, ever will; but that the authors of them may always meet with as little credit as they deserve: Can it be thought, or could the addressors themselves ever seriously and deliberately think, that the province of New-Jersey, (one of the most inconsiderable of all her majesty’s colonies, and the most incapable of making any defence, having no fortification that exceeds a stone house, and of them but very few; a great part of whose people are quakers, who by their principles are against fighting, would be so unaccountably mad, as to throw off their allegiance (especially to be the first in doing it) and expose themselves to unavoidable ruin and destruction? Whoever can seriously think this, and with deliberation assert it, ought very seriously, and without much deliberation, be confined to the society of mad-men, as persons that can seriously and deliberately believe and say any thing; which is all we shall say to this ridiculous, as well as malicious charge, and pass to the 12th article; than which nothing more untrue, and knowingly so, could be asserted, as we shall by what follows,
make out; the article runs thus: *That the assembly are resolved neither to support the queen's government with a revenue, nor defend it by settling a militia.*

Now it is plain, that this house never did deny to raise a sufficient support for the government, and took proper care concerning the militia, as by the several acts for those ends does more largely appear; nay, when the expedition against Canada, was on foot we gave three thousand pounds for that end, over and above the support of government; and the casting vote for the raising that money, and the settling the militia now, was given by Mr. Hugh Middleton, one reputed a quaker; so that it will very easily appear, that accusation of the addressors, was not only very untrue, but that they knew it to be so at the time of their signing of it; nay more, we shall make it appear, that the gentlemen of the council have used their utmost endeavours to defeat the government of a necessary support, and to frustrate, as much as in them lay, the expedition against Canada; so that the accusation lies most justly against them, and not against us; for the acts for the support of the government, and settling the militia, made in the time of the good lord Lovelace, was pass'd by them with the greatest difficulty; and the act for raising three thousand pounds, towards carrying on the expedition against Canada, was at their direction, by Elisha Lawrence and Gershom Mott, two of their tools, who were members of this house, (and were not quakers) voted out, and who on the first and second reading, voted for it, concealing their design of voting against it, 'till the time of their voting; and not being quakers, were not suspected of voting against it, otherways care had been taken to put it out of their power; and to make it appear, that it was done with design, by direction of the lieutenant governor and council, to cast a reflection on the house, and to justify their allegations in their address, even at the expence of defeating the expedition; the lieutenant governor colonel Ingoldsby, tho' assured by the speaker, and other members of the house, that if the house was prorogued but for twenty four hours, care should be taken the bill should pass; who presently after did, notwithstanding, adjourn the house, from the thirteenth of June to the twenty eighth of July following; a time so long, that if the house and council had been never so willing, the season would by that time have been so far advanced, that it had been of no use then to have raised either men or money towards that expedition; as the lieutenant governor and council very well knew; and had not the honorable colonel Nicholson, and Col. Vetch, in an extraordinary manner, prest the calling the house sooner than the time appointed, *viz.* on the twenty third day of June, neither money nor men had been raised on that account: *This we think comes up to a demonstration, that these gentlemen, rather than not gratify their resentments, and give some colour of justifying what they had said, chose to sacrifice the service of the queen, and the common good, on so extraordinary an occasion, to their private piques; and indeed their*
procedures ever since, have confirmed the country in that opinion, and exposed their conduct to a just censure, and shewed that they have been so far from endeavouring (as they say, in the last article) by application to the governor, to remove the grievances, if any were; that if their best advice was at any time offered, it was rather how to continue and render them more intolerable: We are sorry we have so much reason to say this as we have; but a long and uninterrupted series of despotick and arbitrary government exacts it from us; and which we are sure they will, to their power, continue as long as to the great misfortune of this colony, they remain in any places of publick trust.

To enter into a detail of their several mal-admistrations, t'would take up more time than we can at present spare, and stretch the bounds of this representation to too great a length: We have already laid before your excellency some proofs against Mr. Hall, one of the council, of his extortion, and imprisoning and selling the queen's subjects; who, if they had been guilty of the crimes allledged against them, ought to have been prosecuted accordingly and not discharged on any hopes of private gain; and if not guilty, ought not to have been laid in prison and in irons, and by those hardships forced to become his servants, rather than endure them: But a man that could, after taking up adrift several cask of flour, deny them to the owner, and sell 'em, is capable of any thing that is ill; and how fit for so honourable a post as one of her majesty's council, or indeed any other place of trust in this government, is most humbly submitted to your excellency's consideration.

Were there nothing against Mr. Peter Sonmans, but his being indicted for perjury; from which by a pack'd jury he was cleared, as appears by the memorial (No. 4) there being but too much reason to believe he was justly accused; it would be no mean reason to lay him aside from her majesty's council; it being some sort of reflection to continue a person even supposed guilty of so heinous a crime, in so high a post, which her majesty in a particular manner has endeavoured to secure the honour of; by directing in her instructions, that no person necessitous or much in debt shall be of it; much less a person known to be a bankrupt, as Sonmans is, and who at this time, and for some years past, has lived in open and avowed adultery, in contempt of the laws, which his being in power not only protects him from being punish'd, but enables him to carry on his wicked designs, by imposing on the honest and simple people, who suspect no trick from a person of his rank; as appears by the depositions (No. 5) relating to the Amboy petition against Dr. Johnston and Mr. Reid; and to stretch and warp the laws, to the manifest prejudice, ruin and undoing of many of her majesty's subjects, whose complaints from the several parts of the province, (so unfortunate as to be under his direction,) we make no doubt has long e'er this reach'd your excellency's ears; and which, we persuade
ourselves, will, when your excellency is satisfied with the truth of them, have their proper effects.

The courts of law in which the gentlemen of the council were judges, instead of being a protection and security to her majesty’s subjects, of their liberties and properties, in disputes that came before them, became the chief invaders and destroyers of them both; and what should have been the greatest benefit, proved the greatest grievance; as we shall instance in a few of the many things we could: And first, notwithstanding her majesty, for the ease of her subjects here, has been pleased to appoint the supreme court of this province to be held alternatively at Amboy in the eastern, and Burlington in the western division of this province; yet the causes of one division are tried in the other, and juries and evidences carried for that end, at the great and needless charge of those concerned, as well as great expence and loss of time to the people in general; who can receive no benefit by the courts being held alternatively, if the ends for which they are so held, be not answered, and causes tried in the same division to which they do belong; besides it is a practice of very mischievous consequence, making the people entirely depend on and be subject to the judges of the said court, who can by that method, lay any persons they do not like, under the necessity of being at the beforementioned charge, and make them that way sensible of their resentments; which, as we have instanced, they have been too ready and willing on all occasions to do: Secondly, the writ of habeas corpus, the undoubted right, as well as great privilege of the subject, was by William Pinhorne, Esq; second judge of the supreme court, denied to Thomas Gordon, Esq; then speaker of the assembly; and, notwithstanding the station he was in, was kept fifteen hours a prisoner, until he applied by the said Pinhorne’s son, an attorney at law, and then, and not before, he was admitted to bail; which fact as well as other things, may appear by the said Gordon’s case (No. 6) now laid before your excellency. The proceedings against a person in that station, and at that time, made it but too evidently appear, that the said Pinhorne would not stick to join with the lord Cornbury in the most daring and violent measures, to subvert the liberties of this country; and cannot be look’d on by this house, or any succeeding assembly, duly considering the procedure and the address abovementioned, afterwards signed by him, but as a person ready and willing on any occasion, to attempt upon their liberties, and overthrow them if he can; and how safe we can think ourselves while he continues in power to hurt, is most humbly submitted.

Many persons prosecuted upon informations, have been, at their excessive charge, forced to attend court after court, and not brought to tryal, when there was no evidence to ground such informations on; but they kept prisoners in hopes that some might be in time procured; and two of them, to wit, David Johnston and his wife, after some weeks
imprisonment, not admitted to bail 'till they entered into a recognizance, the condition of which was, That if the lord Cornbury was dissatisfied with admitting them to bail, upon notice thereof signified to them, they should return to their imprisonment: His lordship was dissatisfied, and Leeds and Revell, who took the recognizance, sent their orders to them to return according to the condition of it.

Actions have been suffered to continue, after the persons in whose names they were brought, have in open court disavowed them, declaring they had never given orders for any such actions to be brought.

Actions upon frivolous pretences have been postpon'd, and the tryals delayed to serve particular persons, when the juries and evidences were all ready, and attending on the tryals.

Though it be the right of the subject, by proper writs, to remove actions from any inferior to a superior court; yet at the court of sessions held at Burlington, in December 1709, colonel Daniel Coxe, colonel Hugh Huddy, colonel Thomas Revell and Daniel Leeds, esquires, justices of the said county, did reject a writ of certiorari, obtained by Mr. George Willocks, and allowed by Roger Mompesson, chief justice, and committed said Willocks 'till he entered into recognizance, to appear at the next court of oyer and terminer.

The case of Peter Blackfield, who by a mistake or design, was divested of his estate, and ruined; is so well known to your excellency, that we need say nothing more about it.

The people called quakers, who are by her majesty admitted to places of the most considerable trust within this province, are sometimes admitted to be evidences; as one Mr. Beaks, a quaker, was in a capital case against one Thomas Bates, at a court of oyer and terminer, held by justice Mompesson, Col. Coxe, Col. Huddy, and others; on which evidence, he was condemned to be executed; and sometimes they have been refused to be jurors or evidences, either in civil or criminal cases; so that their safety, or receiving the benefit of her majesty's favour, seems not to depend on the laws, or her directions, but the humours and capricios of the gentlemen who were judges of the courts: We, with all humanity, take leave to inform your excellency, that the western division was settled by those people, who combated with all the inconveniencies attending a new settlement; and with great difficulty and charge, have from a wilderness improved it to be what you now see it is; there are great numbers of them in it, and should they not be admitted as evidences or jurors, they would be very unsafe; for it is in the power of ill men, to come into their religious assemblies, and murder as many as they please, and with impunity, tho' look'd on by hundreds of quakers; or break open their houses and rob with safety; and the encouragement the gentlemen of the council have given to
The Colonial History of New Jersey
Samuel Smith

the meanest of the people, to abuse them, confirms us in the opinion, that there wants not those who have will enough to perpetrate the greatest mischiefs on that people, when they can escape the punishment due to their crimes.

The procedure of the whole body of the council, in relation to Mr. Barclay, is a demonstration of their arbitrariness and partiality, as by his case, (No. 7) now laid before your excellency, will more fully appear: When he produced a commission before them, from the proprietors in England, which superceded that lame one given to Mr. Sonmans; they (as appears by an order of council) took the said commission from him; than which nothing could be more arbitrary and unjust; for that commission was the property of Mr. Barclay, and he had the right of executing the powers of it; and if any persons was aggrieved, or the commission not good, the law was open to dispute it; and a copy of it sent to the queen would have answered all the just ends that sending the original could do: It was indeed a short way of determining in favour of Peter Sonmans, and putting it out of the power of Mr. Barclay, to right himself, during that administration: The gentlemen may call this a strenuous asserting of the queen’s prerogative royal; but we can call it by no other name than an open robbery, committed in their judicial capacity, under a pretence of authority; than which nothing could be worse, or of more pernicious consequence.

To conclude, all persons not friends to the gentlemen of the council, or some of them, were sure in any tryal at law to suffer; every thing was done in favour of these that were: Justice was banish’d, and trick and partiality substituted in its place: No man was secure in his liberty or estate; but both subjected to the caprices of an inconsiderate party of men in power, who seemed to study nothing more than to make them as precarious as possible. Your excellency’s coming, has put a check to that violent torrent of injustice and oppression, that bore down every thing before it; and we hope, that during your administration, ill men will not have authority to hurt, nor their representations gain any credit with a person so able to discern the motives of them; which are no other, than the gratification of their own resentments, even at the price of the publick safety, as we have in great measure already proved; and their proceedings now does plainly confirm what we have offered; for what can be the intent of rejecting our bills without committing of them, but to irretate us to that degree, that nothing might be done, either towards the support of the government, or the settling of a militia, that they might have wherewithal to justify themselves in what they have said of us? What was the cause of their rejecting the bill for preventing of corruption in courts of justice, but the consciousness of their own crimes, and the fears they had of that examine, which must necessarily have exposed their conduct to a due censure? What
was it that made them throw out the bill against bankrupts (though made by her majesty's express direction) and profess themselves against any bill whatsoever on that head, but the dread they had of feeling the just consequences of it themselves? Nay, one of them, William Pinhorne, esq; by name, was pleased to say, it was with horror and amazement he beheld a bill with that title; we are not so fond of the bill as it was drawn, but that we would have readily joined with the council in any reasonable amendments, had they offered them; but we think no honest man could be against a bill that makes the estates of persons becoming bankrupts, liable to pay their just debts; and we hope New-Jersey won't long be a sanctuary for such. The bill, entitled, *An act for enabling persons aggrieved by an act for settling the militia of this province*, was, to make the distresses unreasonably and illegally made on pretence of the militia act, returnable to the owners, and to punish the persons that did it; but this they will not pass, knowing that so just an act would be attended with consequences they can by no means bear; the instruments of that oppression being to be protected by them at any rate, and nothing to be heard against them, because they were officers of the government, tho' their practices were never so unreasonable or unjust, and her majesty's subjects left remediless, and must patiently sit down, after having their houses and plantations plundered, and their persons abused by a crew of needy and mercenary men, under pretence of law; but it was such persons that were useful to them, and such they must for their own safety, protect: 'Tis for this reason they combine together, to secure, as far as they are able, Jeremiah Bass, their clerk, the secretary of this province, and prothonotary of the supreme court; in all these offices his pen is to be directed by them; they dread an honest man in these offices: How he has behaved himself, is in some measure known to your excellency, especially in the case of Dennis Linch, the Maidenhead people, and Peter Blackfield; the two last are notorious malversations in his office, and appear under his hand, and by the minute books of the supreme court; and it is no excuse in him, when men are turned out of their estates and ruin'd, to say, it was a mistake; if such an excuse would do, it is very easily made on any occasion; and in this province, can be safe, when such a person continues in offices of so great trust. All the original copies of the laws passed in the time of the just lord Lovelace, are somehow or other made away with; Bass offers to purge himself by his oath, that he has them not, nor knows any thing of them; and it may be so for aught we know; but in this province where he is known, it is also known, that few men ever believed his common conversation, and several juries have refused to credit his oaths; he corroborates what he says with the evidence of Peter Sonmans, one of the council, a person once indicted for perjury; and how he was cleared, the aforesaid memorial makes out; so that we do not think him a person of sufficient credit to determine that point. It is certain, that the secretary’s
The Colonial History of New Jersey

Samuel Smith

office is the place those laws ought to be in, and he ought not on any pretence to have parted with them out of the province: It is certain, the lieutenant governor ought, within three months after the passing of them, to have sent copies of them to the lords commissioners for trade and plantations, and duplicates of them by the next conveyance after; and this under pain of her majesty’s highest displeasure, and the forfeiture of that year’s salary, on which he should on any pretence whatsoever omit the doing of it; how comes it then about, that neither the secretary Bass, nor Mr. Cockrill, private secretary to the lord Lovelace, and who lived six months after his master’s death, was never examined about them? Mr. Cockrill could have cleared up that matter while alive, if the lieutenant governor could be thought so grossly to neglect what he knew to be his duty; why did not Mr. Bass apply to him in all that time for those laws? If he had parted with them, as he pretends, so much against his will, it was very natural to suppose he would have used the utmost application to get them again; yet no one enquiry is said to be made after them, either by Bass or the lieutenant governor, of the lady Lovelace, who staid in New-York long after the death of her lord, or of his secretary; nor no noise at all made about them ’till this time, so long after the arrival of your excellency; can any body think it was the interest of either the lord or lady Lovelace, or his secretary, or any of his lordship’s friends, to destroy a law which gave the lord Lovelace eight hundred pounds, and without which he could not have it? but it does appear to be the interest of the lieutenant governor and his friends to destroy it; for they had got an act passed, which took from the lord Lovelace three hundred and thirty pounds of that money, and gave it to the lieutenant governor; and two hundred and seventy pounds more of it was given to him for the support of the government. Had he sent the act made in favour of the lord Lovelace, to the queen for her approbation or disallowance, and her majesty had approved of it, as in all probability she would have done, then the act made in colonel Ingoldsby’s favour had been void; but had the other gone home first, there was an expectation it might pass, the queen knowing no more about the first act, than that a vote had passed in favour of the lord Lovelace. And to make it plainly appear, that colonel Ingoldsby, and the gentlemen of the council, were apprehensive of the danger of sending those acts to England; to the act we have now past, for making the printed copies as effectual as if the originals were in the secretary office, that your excellency may be enabled to transmit them to her majesty; they have added a providing clause, that the act made in Col. Ingoldsby’s time, (which takes that money from the lord Lovelace) shall not by this act we have past, be made void in the whole or any part thereof; but continue in full force and virtue, as if this act had never been made: This amendment they insist on, tho’ they knew, and do know, we will never agree to a clause so foreign to the title and intent of the bill; but this is done by them, with design that the bill shall not pass;
by which means her majesty will be without authentick copies of the acts, during that good lords administration; and they hope will confirm the acts past in colonel Ingoldsby's time: What we have said on this head, shews very plainly who are the persons that ought, with most reason to be charged, with the making away those original laws.

We are concerned, we have so much reason to expose a number of persons, combined to do New-Jersey all the hurt that lies in their power: Her majesty has been graciously pleased to remove colonel Richard Ingoldsby from being lieutenant governor, and we cannot sufficiently express our gratitude for so singular a favour; and especially for appointing your excellency to be our governor: We have all the reason in the world to be well assured, you will not forget that you are her subject; but will take care that justice be duly administered to the rest of her subjects here; which can never be done while William Pinhorne, Roger Mompesson, Daniel Coxe, Richard Townley, Peter Sonmans, Hugh Huddy, and William Hall, or Jeremiah Bass, Esqrs, continue in places of trust, within this province; nor can we think our liberties or properties safe while they do; but if they are continued, must with our families desert the province, and seek some safer place of abode: We shall wait 'till your excellency can transmit accounts of the state of this colony, to her majesty; and assure you, that we will on all occasions very readily, to our power, comply with her majesty's directions, and be wanting in nothing that may conduce to make your administration happy, both to yourself and us.

Signed by order of the house of representatives.

WILL. BRADFORD, Clk.


This representation was received kindly by the governor; he answered, "that her majesty had given him directions to endeavour to reconcile the differences, that were in this province; but if he could not, that he should make a just representation to her; and that he did not doubt, but that upon the representation he should make, her majesty would take such measures, as should give a general satisfaction."

The governor accordingly backing the remonstrance to the queen, got all the councellors removed, that were pointed out by the assembly, as the cause of their grievances, and their places supplied by others: The business of this session being finished, the governor prorogued the house.
Governor Hunter, convened the assembly in the summer, 1711, and, opened business, with telling them, That her majesty's instructions which he was commanded to communicate, would discover the reason of his calling them together, at this time; and that he doubted not the matters therein contained, would be agreeable to them, and the success profitable.

That the fleet and forces destined for the reduction of Canada, were arrived in good health and condition, and would proceed in a little time; that what was required on their parts, was the levying in each division 180 effective private men, besides officers, and to provide for their encouragement, pay, and provisions, as well as transportation over the lakes, and other incidental charges attending the service.

The assembly resolved to encourage this expedition, by raising to the value of 12,500 ounces of plate, in bills of credit,\textsuperscript{151} to be sunk, together with the former £3000, by a subsequent tax; and provided bills for raising volunteers to go on the expedition, and for emitting the money.

The governor passed the bills, and dismissed them with thanks, for the chearful dispatch they had given.

This was a second expedition against Canada, and made a formidable appearance: Nicholson's designs having hitherto, by various disappointments, failed; he now, under the scheme of reducing all Canada, and thereby engrossing the cod fishery, so prevailed on the new ministry, that the regiments of Kirk, Hill, Windress, Clayton, and Kain, from Flanders; Seymours, Disney's and a battalion of marines from England, under the command of brigadier Hill, were sent to him, on this occasion; they came in 40 transports, under convoy of 12 ships of the line of battle, commanded by admiral Walker; several frigates, two bomb vessels; and

\textsuperscript{151} Equal to £5000 currency, at that time.
brought a large train of artillery, under Col. King, with forty horses, and six store ships; they arrived at Boston early in the summer.

By orders from home, a congress was held at New-London, of all the plantation governors, north of Pennsylvania, with Nicholson, to adjust the measures to be fallen upon: Two regiments from the Massachusetts, Rhode-Island, and New-Hampshire, joined the British forces; while the militia from Connecticut, New-York, and New-Jersey, with the Indians of the five nations, under Nicholson, marched by land from Albany, to attack Montreal: The fleet being retarded at Boston for want of provisions, occasioned admiral Walker, in a letter to governor Dudley of Boston, to write, "I concur with the opinion of all the sea and land officers here, that the government of this colony have prejudiced the present expedition, instead of assisting it." The fleet consisting of 68 vessels, and 6463 troops; anchored in the bay of Gaspee, on the south side of the entrance of the river St. Lawrence, to take in wood and water, on the 18th of the month called August, and the 23d in the night, contrary to the advice of the pilots, weighed anchor in a fog, fell in with the north shore, and lost 8 transports and 884 men upon the island of Eggs: A council of war was called, who resolved, that by reason of the ignorance of the pilots, it was impracticable to proceed, and that advice should be sent to recall general Nicholson from proceeding to Montreal; which done, and the fleet Fleet returning, anchored in Spanish River, off Cape Breton, September 4; and there, in a council of war it was resolved, not to attempt any thing against Placentia, but to return to Great-Britain: They sailed for England September 16, and arrived at St. Helens the 16th of October: The Edgar, with the admiral's papers, was blown up: This prevented other particulars of the expedition transpiring; thus concluded, at a great expence of men and treasure, an affair above three years in agitation.

In 1712 died Thomas Gardiner, of Burlington, several times mentioned before; he was well acquainted with publick business, a good surveyor, and useful member of society; several years one of the council, treasurer of the western division, and the first speaker of assembly after the union of the governments, East and West Jersey.

The 7th of December, 1713, the governor called the assembly, and next day informed them, that he was glad to see them after so long absence, and believed they were not sorry to meet him in so good company: that the tender regard her majesty had to their quiet, in particular at a time when she had blessed the world with a general peace, called for their pious endeavours and could not fail of

152 Meaning the change of councellors, William Pinhorne, Daniel Coxe, Peter Sonmans and William Hall, had been suspended, and a mandamus since arrived, appointing John Anderson, Elisha Parker, Thomas Byerly, John Hamilton, and John Reading.
meeting the returns due from the most grateful people, to the best and most indulgent princes; that he was persuaded the efforts of such as had been removed from places of trust by the queen, at their request, would be too impotent to destroy the peace, by breaking that mutual confidence, or disturbing that harmony, that then subsisted between the several branches of the legislature; that full of this confidence, he recommended to their immediate care, the providing for past arrears, and future support of her majesty's government, the discountenancing vice and immorality, the improvement of trade and encouragement for planting and peopling the province; that this could not be better effected than by a law to affirm and ascertain the respective properties of the proprietors and people, if they thought it practicable.

That the gentlemen of the present council, having no views or interests differing from theirs, if they would agree to frequent and amicable conferences with them, or a number of them, upon all matters under deliberation, it would save much time and effectually disappoint all contrivances of their enemies; "who in return for their being at present no councellors, had ridiculously endeavoured to persuade some that they were no assembly."

The assembly replied, That they were indeed glad to meet him in such good company, and as the persons who had hitherto obstructed the welfare of their country, were removed, they presumd on the favour oftener than heretofore; they acknowledged themselves under the greatest obligations to the best of queens, and hoped their actions would demonstrate they were not ungrateful.

Among other bills passed this session, was that 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 for qualifying and enabling the said people to serve as jurors, and to execute any office or place of trust or profit within this province."

This bill was introduced by the governor's communicating to the house the queen's instructions on that head, after it was fully adjusted by the council and assembly; the second enacting clause was thought to be designedly left out by the secretary, who had it to engross, it so passed the council without being perceivd; but on reading it again in the assembly it was discovered, and the secretary making his acknowledgement at the bar of the house, it passed over: This act continued till the year 1732, and then was supplied by that now in force.

Other laws also passed; this session concluded to mutual satisfaction.

I thank you, says the governor in his concluding speech to the house, for what has been done this sessions for the support of this her majesty's government, and do not doubt, but that you will receive ample thanks from those who sent you, for the many good laws that have been passed;
some things that in their nature were acts of favour, I have agreed that they should be made acts of assembly, that your share may be greater in the grateful acknowledgment of your country.

I hope my conduct has convinced the world, (I cannot suppose you want any further conviction) that I have no other view than the peace and prosperity of this province; if such a few as are enemies to both, are not to be reduced by reason, I shall take the next best and most effectual measure to do it.

No historical occurrences intervening, we pass on to the year 1716.

Governor Hunter met a new assembly at Perth-Amboy, in the spring, who chose Col. Daniel Coxe, speaker;\(^{153}\) being presented and accepted, the governor by speech informed them,

That the dissolution of one assembly by the demise of the late queen, of another by the arrival of a new patent from the present king, constituting him governor of the province, and of a third by reason of a circumstance well known, together with the long sessions at York, and his necessary attendance on the service of the frontiers, had been the occasion of putting off their meeting 'till now; that on his part he brought with him a firm purpose for the advantage of the subject and service of the crown; which, (says he) I have ever pursued, and now bid a fair defiance to the most malicious to assign one single instance in which I have acted counter to what I now profess, notwithstanding the false and groundless accusations and insinuations to the contrary, from two persons on the other side, who pretended to have been instructed from this; which though they met with that contempt at home they deserved, I could not without injustice to myself let pass unmentioned here.

The assembly being now conven'd at Amboy, when it ought in turn to have been at Burlington, were determined to remonstrate against the infringement of the usual custom of alternately meeting at each of those places, and accordingly

\(^{153}\) The members:
- **Town of Burlington**: Daniel Smith, Samuel Smith.
- **County of Burlington**: Jacob Doughty, Jacob Hewlings.
- **Gloucester**: Colonel Daniel Coxe, Richard Bull.
- **Town of Salem**: William Hail, Henry Joyce.
- **County of Salem**: William Clews, Dickinson Shephard.
- **Cape May**: Jacob Spicer, Jeremiah Bass.
- **Perth-Amboy**: William Eirs, John Harrison.
- **Middlesex**: John Kinsey, Charles Morgan.
- **Essex**: Josiah Ogden, Joseph Bonnell.
- **Bergen**: David Akernian, Henry Brockholst.
- **Monmouth**: Elisha Lawrence, William Lawrence.
- **Somerset**: Benjamin Clark, Thomas Hall.
represented to the governor, that in the year 1709, an act was passed, entitled, *An act for ascertaining the place of the sitting of the representatives*, to meet in general assembly; that in March, 1710, the aforesaid act was confirmed, finally enacted and ratified by her late majesty, with the advice of her privy council, and transmitted to him (the governor) by the lords commissioners for trade and plantations, the 16th of said month.

That as they found themselves entirely inclinable to pay all due regard and obedience to his majesty's and the governor's commands, so they could not but think it their duty to maintain the known establish'd laws of the province.

And as that law had the royal sanction, and had gone through all the usual forms both here and in Great-Britain, necessary to the confirming and perpetuating of it, they were of opinion it was still in force.

The governor replied, That his majesty's instructions, which were laws to him, having restored that affair to the just and equal footing upon which it was put by, and at the time of the surrender of the government by the proprietors, he could not give his consent to any alteration, or give way to anything that might elude the intent and purpose of that instruction without giving juster grounds of complaint against him, than he had hitherto given; and that he had reasons of great weight, made it impracticable for him to hold either council or assembly at Burlington, at this time.

The dispute being principally founded on the new commission to the governor, upon the accession of K. George the first to the throne; the assembly thought proper to let it drop, and pursue what was before them at the place where they were then conven'd; matters however went heavily on; the speaker disliked the governor, and influenced many of the members: The governor saw there was no prospect of their answering the design of their meeting at that time, so prorogued them.

He summoned them to meet again at Amboy on 14th of May, when only nine members appearing they waited five days, and then presented an address, requesting the governor would take such methods as he should see meet, to cause the absent members to attend the service; he sent warrants to several of them, commanding their attendance, as they would answer the contrary at their peril; four presently appeared, and there being now thirteen met, the governor sent for them, and recommended their meeting at the house and choosing a speaker, (for their speaker was absent among the rest) in order to enable themselves to send their serjeant at arms for those that were still absent.

The thirteen met the 21st, but the speaker still absent; they proceeded to a new
choice, and placed John Kinsey in the chair.

This done, and the new speaker presented, the governor delivered his speech:

Gentlemen,

The last time you were here upon the like occasion, I told you, that I thought fit to approve of whatever choice you thought fit to make of a speaker: I now tell you that I heartily approve of the worthy choice you have made.

As the conduct of that gentleman who last filled the chair, sufficiently convinced you of a combination between him and his associates, to defeat all the purposes of your present meeting: I hope, and can not doubt but it will open the eyes of all such as by his and their evil acts, and sinistrous practices, have been misled and imposed upon; so that for the future, here they will not find it so easy a matter to disturb the peace of the country.

I must refer you to what I said at the opening of the assembly; but harvest drawing near, I am afraid youll hardly have time for more business than what is absolutely and immediately requisite; that is the support of the government, and the publick credit, you know that the date of the currency of your bills of credit is near expiring, so there will be wanting a new law to remedy the evil that must attend the leaving the country without a currency for ordinary uses, as well as trade.

ROBERT HUNTER.

The house then examined into the conduct of their late speaker, and the absent members, who on the question, were all at different times severally expelled, for contempt of authority and neglect of the service of their country, and writs issued for new elections.

The 8th of next month soon after the speaker’s exclusion, but before the other members were expelled, the assembly presented their address as follows:

May it please your excellency,

Your administration has been a continued series of justice and moderation, and from your past conduct we dare assure ourselves of a continuation of it, and we will not be wanting in our endeavours to make suitable returns, both in providing a handsome support of the government, and of such a continuance as may demonstrate to you and the world, the sense we have of our duty and your worth.

The gentleman, our late speaker, has added this one instance of folly to his past demeanour, to convince us and the world, that in all stations, whether of a counsellor, a private man, or a representative, his study has been to disturb the quiet and tranquility of this province, and act in
contempt of laws and government; we are sensible of the effects it has had, and may have on the publick peace; and our expulsion of him, we hope evinces that we are not the partisans of his heat and disaffection to the present government; we are very sorry he has been capable to influence so many into a combination with him, to make effectual his ill purposes; but we hope it is rather the effect of weakness than malice, and that their eyes are now so much opened that they’ll return to their duty, and join with us in providing for the publick credit, and whatever else may make this province happy, and your excellency credit, and whatever else may make this

Next the assembly resolved, "That the late members whom they had expelled, should not sit as members of the house if they should be returned on a new election, during this sessions of assembly." Notwithstanding this resolve, several of the same members were returned; but refused seats in the house and the electors obliged to choose over again.

The governor then prorogued them to the 3d of October. In November the same house met at Croswicks,\textsuperscript{154} the small-pox being at Burlington; the governor opened the business of this session by telling them, That supporting government and publick credit, required their immediate deliberation; that they knew the funds for the first had expired fifteen months ago, and that the other had suffered much by the obstinacy of some in refusing the payment of taxes, or remisness in others in collecting or putting the laws in execution, sufficient (if duly executed) to have answered the end, and in a great measure prevented or remedied that evil; that he doubted not they were now met with a good disposition, as well as in full freedom, all clogs and bars being removed, to pursue to effect the good ends of their meeting, and to make good their engagements and promises in several addresses; that the true interest of the people and government were the same; to wit, a government of laws, that no other deserved the name; that this was never separated or separable but in imagination by men of craft, such as were either abettors of lawless power on the one hand, or confusion and anarchy on the other; that the first was not the case of this province, and we had well grounded hopes, that all endeavours towards the latter were ceased.

This session proved long and fruitful: It held above two months; sixteen publick and private bills received the governors assent.

In 1718 died Samuel Smith one of the members of assembly for Burlington; he had sought happiness in the quietts of obscurity, but being against his inclination

\footnote{154 The true Indian name of this place is supposed to be Clossweeksung, \textit{a separation}.}
called to this and other publick stations, he passed thro' them with a clear reputation: In private life he was inoffensive, benevolent, steady and respected. 155

This year was remarkable for an uncommon storm of hail: It fell larger than had been remembered before in the provinces, it killed many wild pigeons, and other birds, and did considerable damage.

In the beginning of summer 1742, another happened with a strong gust of wind, accompanied with some rain and hail of very uncommon bigness; in one house it was said to have struck 28 holes through the roof; the damage to the grain in some places was so great, that the farmers began to forbear selling their last year's stock, lest they should want bread; at Amwell, a boy was said to be killd, and others very much hurt.

Such another happened in the spring 1758: It came from the north, the hail in large stones continued for 8 or 10 minutes, and abated gradually; it drifted in some places 6 inches think, it went in a vein (as it commonly does) about a mile and a half broad: The destruction of green corn and gardens were great, and the trees had their young leaves shattered to pieces.

In the spring governor Hunter again met the assembly at Perth-Amboy; but at the desire of the members, their private affairs interfering, they were adjourn'd to the winter, when meeting he made a speech, setting forth: That the revenue was sometime since, expired; that when this came under consideration, he desired an augmentation of the officers salaries; that in former acts they were so scanty and so retrench'd from what they had been, that the officers were not enabled to perform their respective duties; that the assembly of New-York, had passed an act for running the division line, betwixt this province; and that upon supposition, that another for the same purpose would be passed here; that the justice due to the proprietors and the disturbances among the people, made such a law immediately necessary; that he had formerly recommended their providing for an agent at the court of Great Britain, and now repeated it; that the lords commissioners for trade, had in several of their letters complained of the want of one; that this was the only province in his majesty's dominions, that had none; that by means of this omission their business in England stood still; that what could not be delayed without danger or loss to the publick, since his administration had been negotiated by persons employed by him, at his own very great expence, which he hoped they would consider; that as to projects of trade, he had no reason to change his opinion since they last met; that to this subject he referred them on what he them

155 He with five of his brothers, John, Daniel, Joseph, Emanuel and Richard, and one sister, removed from near Bramham, in Yorkshire, at different times; but mostly in and about the year 1691. Daniel served the publick several years faithfully in assembly, and died in 1742. Richard was 12 years one of the council, and died the latter end of 1750.
spoke.\footnote{The paragraph was as followeth:}

The assembly said in their address, That they were not insensible the present circumstances of the government as well as of the country, made their meeting necessary, notwithstanding the rigour of the season; that they were not unmindful that the revenue was expired, nor of their duty in a reasonable support; that they were willing to pass an act for running the division line betwixt this province and New York; but conceived the expence of that affair belonged to the proprietors of the contested lands; that they were very sensible an agent for the province at the court of Great Britain, was very necessary, but were sorry the circumstances of the province, were such, that they could not make a suitable provision for so useful an officer; and that they would readily come into any measures that might be effectual to promote the trade and prosperity of the province.

This session produced eleven publick and private bills, among them was one for running and ascertaining the division line betwixt New-Jersey and New-York; but this act was never put in execution further than fixing the north partition point; this was done by indenture made the 25th of July 1719, between R. Walter, Isaac Hicks and Allane Jarrat, surveyor general, on the part of New-York; John Johnston and George Willocks, on behalf of East-Jersey; Joseph Kirkbride and John Reading, on behalf of West-Jersey, and James Alexander, surveyor general, on behalf of both East and West-Jersey; these commissioners and surveyors duly authorized, met at the place, and after many observations of the latitude, unanimously by the deed aforesaid, fixed the north partition point on the nothermost branch of Delaware; which they found to be that branch called the Fish-Kill: This done, the commissioners for West-Jersey thought they were not further concerned; the others, though both greatly interested in having it settled, left it an uncertainty 'till 1764, when by acts of assembly of both colonies, it was referred to be finally settled and determined by commissioners to be appointed by the crown.

Another act passd now, was that for running and ascertaining the line of

\footnote{As for the measures of advancing or rather for giving a being to trade amongst you, the generality of you has shewn such aversion to solid ones; and others such a fondness for imaginary or ruinous ones, that without a virtue and resolution of serving those you represent against their inclination, your endeavours will be to little purpose; but if anything of that nature fall under deliberation, I cannot think of a better guide, than a just inspection into the trade in other provinces, where it is in a good and flourishing condition, the means by which it became so, can be no mystery; where it is otherwise, or has decayed, you will find the true cause of such decay conspicuous: And it is but a rational conclusion, that what has form'd trade or that on which it depends, credit in one place cannot but be the most proper means either to begin it or preserve it in another.}
division between East and West Jersey, the conditions here not hitherto complied with, this line remains in the same uncertainty the act left it; still a subject of inconvenience and anxiety to many, and seems to call for exertion in those with whom the powers to settle it, are properly lodged.

The beginning of the summer this year afforded a fair prospect of a plentiful harvest, much was expected from a great crop in the ground; a day or two in the beginning proved good weather, but before the grain was secured, showers of rain and a few hours sunshine constantly succeeded each other; clouds at first small in appearance, spread widely and filled the furrows: the intervals of sunshine encouraged opening the shocks, but were not long enough to dry them; after several weeks came two days and a half fair weather; what could be dried and sav'd was now done, the rain then began again, and continued day after day as before, alternate rain and sunshine for near three weeks, so that single ears of corn standing, grew; thus it continued 'till the grain was generally reaped, several lost their corn entirely, others saved but little; this was what is called the wet harvest.

We are now come to the end of governor Hunter's administration, he resigned in favour of William Burnet (son of the celebrated bishop) and returned to England; he had a ready art at procuring money, few loved it more; this foible 'tis said drew him into schemes, gaming, and considerable losses; tho' not in all respects accomplished: His address here was engaging and successful, he assented to most of the laws the people wanted, and fill'd the offices with men of character. He had before, so early as the year 1705, been appointed lieutenant governor of Virginia, under George earl of Orkney, and was on his voyage thither taken prisoner to France.

The assembly at the sessions last mentioned, fixed for salary and incidental charges 600l. per annum, for two years this had been the accustomed support, since the surrender, except once in lord Cornbury's time, 500l. was provided in the succeeding administrations, 'till Lewis Morris, came governor of New-Jersey, separate of New-York; when it was augmented to 1000l. per annum, and 60l. house rent, with 500l. addition the first year, for expences attending his voyage, &c.

Governor Burnet met the assembly soon after his arrival, but little business was then thought necessary, nor did they very well agree; that house had been continued a long time, and were now dissolved, and writs issued for a new


158 The members of council in his instructions were: Lewis Morris, Thomas Gordon, John Anderson, John Hamilton, Thomas Byerly, David Lyell, John Parker, John Wills, John Hugg, John Johnston, Jun., John Reading, Peter Bard.
The Colonial History of New Jersey
Samuel Smith

election.

The members returned, were convened early in the 1721; they chose Dr. John Johnston, speaker.\(^{159}\)

The governor’s speech:

Gentlemen,

The choice which the country has made of you to represent them, gives me a happy opportunity of knowing their sentiments; now when they have been fully informed of mine in the most publick manner, I have no reason to doubt, that after so much time given them to weigh and consider every particular, you bring along with you their hearty resolutions to support his majesty’s government, in such an ample and honourable manner as will become you to offer, and me to accept; and in doing this, I must recommend to you, not to think of me,\(^{160}\) so much as of the inferior officers of this government, who want your care more, and whose salary have hitherto amounted to a very small share of the publick expence. I cannot neglect this occasion of congratulating you upon the treasures lately discovered in the bowels of the earth, which cannot fail of circulating for the general good, the increase of trade, and the raising the value of estates; and now you are just beginning to taste of new blessings, I cannot but remind you of those which you have so long enjoyed and without which all other advantages would but have encreased your sufferings, under a Popish king, and a French government.

You can ascribe your deliverance from these, to nothing but the glorious revolution, begun by king William the third, of immortal memory, and compleated by the happy accession of his present majesty

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\(^{159}\) The members of this house were:

*Town of Perth-Amboy:* John Johnston, Andrew Redford.
*County of Middlesex:* John Kinsey, Moses Rolph.
*Somerset:* Robert Lettis Hooper, Thomas Leonard.
*Essex:* Josiah Ogden, Joseph Bonnel.
*Bergen:* William Provost, Isaac Vangezon.
*Monmouth:* William Lawrence, Garrat Schank.
*Town of Burlington:* John Allen, Jonathan Wright.
*County of Burlington:* William Trent, Thomas Lambert.
*Gloucester:* Samuel Cole, John Mickell.
*Town of Salem:* John Mason, Thomas Mason.
*County of Salem:* Isaac Sharp, Bartholomew Wyatt.
*Cape May:* Humphrey Hughes, Nathaniel Jenkins

\(^{160}\) Whether an alteration in sentimt, or instructions, or both was the cause, must be left to conjecture; but while governor of the Massachusetts Bay, his conduct was different; there he insisted for several years with the greatest firmness on an indefinite support, and pursued it through the plantation board, privy council and to the parliament, where his death prevented its coming to a conclusion.
The Colonial History of New Jersey

Samuel Smith

king George, to the throne of Great-Britain, and his entire success against his rebellious subjects at home, and all his enemies abroad.

To this remarkable deliverance, by an over-ruling hand of providence, you owe the preservation of your laws and liberties, the secure enjoyment of your property, and a free exercise of religion, according to the dictates of your conscience: These invaluable blessings are so visible among us, and the misery of countries where tyranny and persecution prevail, so well known, that I need not mention them, to raise in your minds the highest sense of your obligations to serve God, to honour the king, and love your country.

W. BURNET.

The assembly's address:

May it please your excellency:

We gladly embrace this opportunity, to assure your excellency, that our sentiments and those we represent, are one and the same, cheerfully to demonstrate our loyalty to our sovereign king George, and submission to his substitute, and readiness to support his government over us in all its branches, in the most honourable manner the circumstances of this province will allow; which we hope your excellency will accept of; tho' it fall short of what the dignity of his majesty's governor and the inferior officers of the government might expect, were the province in a more flourishing condition.

We thankfully acknowledge your excellency's congratulation, and doubt not when the imaginary treasures (except Mr. Schuyler's) becomes real, the country will not be wanting in their duty to his majesty in making your excellency, and the officers of the government partakers of the advantage.

We doubt not but your excellency will extend your goodness to countenance any proposal that may tend to the publick utility.

We hope your excellency will excuse us in falling short of words, to express our thankful acknowledgements to God Almighty and those under him, who have been instruments in working deliverance to that glorious nation to which we belong, from popery, tyranny and arbitrary power, wishing it may always be supplied with great and good men, that will endeavour their utmost to maintain his majesty's royal authority, and assert and defend the laws, liberties and properties of the people, against all foreign and domestic invaders.

We beg your excellency to believe the sincerity of our thoughts, that there are none of his majesty's subjects that entertains hearts more loyal and affectionate, and desire more to testify their duty, gratitude and
obedience to their sovereign king George, his issue, and magistrates in their respective degrees, than doth the representatives of his majesty's province of New-Jersey.

JOHN JOHNSTON, speaker.

Sundry bills were prepared this sessions, among these, one had a title too singular to be omitted, *An act against denying the divinity of our saviour Jesus Christ, the doctrine of the blessed trinity, the truth of the holy scriptures, and spreading atheistical books:* Assemblies in the colonies have rarely troubled themselves with these subjects, perhaps never before or since; it probably arose from the governor's motion, who had a turn that way, and had himself wrote a book to unfold some part of the apocalypse; the bill was however rejected on the second reading in the assembly: The sessions continued near two months, the support was settled 500l. a year, for five years; the governor after passing that, and several other bills, dismissed the house with the following speech:

Gentlemen,

I have so many reasons to thank you for your proceedings in this affair, that should I mention them at all, time would not suffice me; two I cannot but acknowledge in a most particular manner; the acts for the cheerful and honourable support, and for the security of his majesty's government in this province.

I cannot but say, that I look upon the latter as the noblest present of the two; as I think honour always more than riches: The world will now see the true cause of our misunderstandings in the last assembly, and that we met in the innocency and simplicity of our hearts; that the enemy had sown such seeds of dissention among us, that defeated all our good purposes, and made us part with a wrong notion of one another.

It has pleased God now to discover the truth, and no man in his sober senses can doubt that the hand of Joab was then busy, as it is now certain that it has at this time. It is a peculiar honour to me to be thus justified in all my conduct by the publick act of the whole legislature; and God knows my heart, that I am not fond of power, that I abhor all thoughts of revenge, and that I study to keep a conscience void of offence towards God and towards man.

After the publication of the acts, I desire you to return to your house, and after having entered this speech in your minutes, to adjourn yourselves, to the first day of October next; that tho' it is not probable we should meet so soon, it may not be out of our power if occasion should be.

W. Burnet

May 5, 1722.
Governor Burnet, after this, continued to preside over New-York and New-Jersey, 'till 1727; when he was removed to Boston, and succeeded by John Montgomerie, Esq; he continued 'till his death, which happened in the summer 1731: To him succeeded William Cosby, Esq; he continued 'till his death in 1736: The government here then devolved on the president of the council, John Anderson, Esq; he died about two weeks afterwards, and was succeeded by John Hamilton, Esq; (son of Andrew Hamilton, governor in the proprietors time) he governed near two years. In the summer, 1738, a commission arrived to Lewis Morris, Esq; as governor of New-Jersey, separate from New-York; he continued 'till his death in the spring 1746; he was succeeded by president Hamilton; he dying, it devolved upon John Reading, Esq; as the next eldest councillor; he exercised the office 'till the summer 1747, when Jonathan Belcher, Esq; arrived; he died in the summer 1757, and was succeeded by John Reading, Esq; president. Francis Bernard, Esq; arrived governor 1758; was removed to Boston, and succeeded here by Thomas Boone, Esq; in 1760; he was removed to South-Carolina, and succeeded here by Josiah Hardy, Esq; in 1761; he was removed, and afterwards appointed consul at Cadiz, &c. and succeeded here in the spring 1763, by the present governor, William Franklin, Esq.
CHAPTER XXII

OCCURRENCES SINCE THE YEAR 1721.

Having now gone through the accounts proposed to the limited period; what follows are partly matters incidental; the rest tho' not a regular course of events, nor perhaps more important than others omitted, may nevertheless assist in a future Volume, and in the mean time possibly be of some historical service here.

December 29, this year [1724], died William Trent, Esq; chief justice of New-Jersey: He was several years member, and part of the time speaker of the assembly; and being a large trader at Trenton, when that place was laid out for a town, it from him took its name, being before significantly called Little-Worth: He had been also speaker of the assembly of Pennsylvania; he bore the character of a gentleman.

In November [1726] a small earthquake was felt, it began between the hours of ten and eleven at night.

In this year [1727] the following act was passed, which, tho' but short, will probably hereafter be found of great importance.

An act for the limitation of actions, and for avoiding suits in law.

For quieting men’s estates, and avoiding of suits:

Be it enacted by the governor, council, and general assembly of this province, and it is hereby enacted by the authority of the same, That all the statutes now in force, in that part of Great-Britain, called England, concerning the limitation of actions, real and personal, shall, and are hereby declared to be in force in this province from the publication hereof, as fully and effectually, as if every of them were herein at length repeated and enacted; any law, usage or custom to the contrary in any wise notwithstanding.

Extracts from the proceedings of the house of assembly of the colony of New-Jersey, John Montgomerie, Esq; governor.

Die Jovis, 9th of January, 1728: A motion being made, whether the having a distinct governor for New-Jersey, be in the opinion of the house for the advantage of the province, or not? A debate arising thereon, and the question being put, the previous vote was demanded, whether that question be now put or not? it was carried in the affirmative; and then the question was put, whether the having a distinct governor for New-Jersey,
be in the opinion of the house, for the advantage of the province, or not? it was earned in the affirmative: Then the house adjourned 'till three, o'clock, P. M.

Three o'clock, P. M. the house met according to adjournment. Resolved *nemine contradicente*, that the house will enter into consideration, what may be the most effectual method for obtaining a distinct governor for this province hereafter; and it is ordered, that Mr. Kinsey, Mr. Stacy, Mr. Lambert, Mr. Eaton, Mr. Sonmans and Mr. Bonnell, wait on his excellency and council, with this and the last resolve, and desire their concurrence therein, and a conference touching the manner most likely to effect it; and withal, to signify to the governor and that board, that it is in no wise the intention of this house, to give him the least uneasiness (were it in their power) during the time he may continue in commission; but only to take such measures as may best conduce to the end aforesaid, when his commission may determine by the king's pleasure or otherwise; and this they conceive a duty incumbent upon them: Then the house adjourn'd 'till to-morrow, nine o'clock, A. M.

And

To the king's most excellent majesty.

**The humble petition of the representatives of the province of New-Jersey, in America, in general assembly convened.**

Most gracious sovereign,

We, your majesty's most loyal and dutiful subjects, the representatives of your province of New-Jersey, in general assembly convened, by the early care your majesty has been pleased to shew for the general benefit the of all your people, are animated to believe, that nothing which may contribute to the advantage and prosperity of this, (though small and distant) part of your dominions, will be denied us; we therefore beg leave thus to approach your royal presence, in discharge of that duty we owe to your majesty and to our country, in the most humble manner here to represent:

That the inhabitants of this colony, (formerly a proprietary government) since the surrender thereof to the crown, have always been under the same governor with your majesty's province of New-York; that we humbly apprehend it would much more conduce to the benefit of this province, and no prejudice to that of New-York, were their governors, as are the governments, distinct.

It is a peculiar happiness many of our fellow subjects enjoy, to be near your royal person, and to partake of the immediate influence of so good a government; but since our distance deprives us of that great benefit, it might, (we humbly conceive) in some degree be recompenced, by having a
person cloathed with your majesty’s authority constantly residing amongst us: This we cannot expect while under the same governor with New-York; that government necessarily taking up so much of our governor’s time, that but a small part of it can fall to our share; and his residence being chiefly there, renders applications to him from hence, on ordinary occasions, difficult and in extraordinary cases (however willing) he may be unable to relieve until the affairs of that province will permit his coming into New-Jersey.

Under the like difficulties, (and, for the like reason) we have laboured in respect to our principal officers, who have formerly been inhabitants of that colony; which not only renders them less useful in their several stations, but by spending their salaries there, drained us of money, which would otherwise have circulated amongst us.

Our having the same governor with the colony of New-York at first, was (as we humbly conceived) because this province was then in its infancy, the inhabitants few, and it might justly have been thought too heavy a burthen to maintain a governor of our own; but since we are now much more numerous and are as able and willing to support one, as divers of our neighboring colonies, who enjoy that benefit, we are humbly of opinion, the granting this colony such a governor, might tend to encrease our wealth, and put us in a condition to emulate our neighbours in trade and navigation.

We entreat your majesty to believe, that nothing we here say, proceeds from any dissatisfaction to our present governor; on the contrary, we are well pleased with his government, and desire it may continue during your royal pleasure; but all we humbly ask, is, that when your majesty shall think fit to put a period to his government, you will then graciously condescend to bestow a distinct governor on this your colony of New-Jersey.

That your majesty may long live to enjoy the crown you wear, with ease and delight, exceeding in honour your illustrious ancestors; that when you part with an earthly diadem, it may be to receive a crown more permanent and glorious, and that Great-Britain and these your dominions, may be always happy in a sovereign, whose virtues are so conspicuous (as in duty we are bound) shall be the prayers of; may it please your majesty, Your majesty’s most dutiful and most loyal subjects.

By order of the house,

JOHN KINSEY, jun. speaker.

*Divers of the members of this assembly being of the people called quakers, concur to the matter and substance of this address but make some exception to the stile.*
The Colonial History of New Jersey

Samuel Smith


To the right honourable the lords of the committee of his majesty’s most honourable privy council.

My Lords,

We have considered the humble petitions of the president and council, the speaker, and several members of the assembly, of his majesty’s province of New-Jersey; of the grand jury of the said province, and Mr. Richard Partridge, agent for New-Jersey; together with two other papers annexed to the last mentioned petition; all of them referred to us by your lordships on the 24th day of May last; humbly praying, for the reasons contained, that when his majesty shall nominate a governor for the province of New-York, the province of New-Jersey may not be included in his commission, but that his majesty would be graciously pleased to appoint a separate governor for the said province of New-Jersey.

We have considered the reasons given by the petitioners for this separation, and upon the best information we have been able to procure, we take leave to acquaint your lordships, that the allegations of the several petitions appear to be of great consequence; and we cannot doubt but that a separate governor, whom the province is willing to support, would be a means to give a quicker dispatch to their publick affairs, to increase their trade and number of people, and very much advance the interest of the province.

Wherefore we are humbly of opinion, that his majesty may be graciously pleased to comply with the prayer of these petitions.

We are, my lords, your lordships most obedient and most humble servants.

T. PELHAM.
ORL. BRIDGMAN.
JA. BRUDENELL.

Whitehall, Aug. 5, 1736.

In this year [1730] died John Hugg, Esq; of Gloucester County: He was about ten years one of the council: Riding from home in the morning, he was supposed to be taken ill about a mile from his house; when getting off his horse, he spread his cloak on the ground to lie down on; and having put his gloves under the saddle girth, and hung his whip through one of the rings, he turned the horse loose, which going home, put the people upon searching, who found him in this circumstance speechless; they carried him to his house, and he died that evening.

In the spring this year [1731], died in an advanced age, John Barclay, brother of
Robert Barclay the apologist; He bore the character of a good neighbour, and was serviceable to the publick in several capacities; but more particularly in Amboy, where he lived and died: He came over early among the Scotch settlers to East-Jersey.

On the 5th of September 1732, about noon, a small shock of an earthquake was felt.

On the 6th of September [1732], died in the seventy-first year of his age, Dr. John Johnston, of Amboy: He was an early settler in East-Jersey; 13 years member of assembly, and ten of the time speaker; he went through several other important offices with reputation. In his practice as a physician, he was knowing and useful, and did many charitable acts; for the poor were generally the object of his particular care.

In the spring this year, died Peter Sonmans [1734]: He was sometime one of the council for New-Jersey, appointed by queen Anne; but being suspended, he was afterwards twice chosen in the assembly for Bergen; he was agent to some of the proprietors of East-Jersey, surveyor general there, receiver of the quit rents, and ranger of the forests, as well as sea costs, &c. He was son to Aarent Sonmans, one of the states of Holland; who having purchased a considerable share of propriety in East-Jersey, had intended to have come over; and embarking for that purpose, arrived in England; and riding in company with Robert Barclay for London, was shot by a highway-man, supposed to be an effect of the party confusion in Holland, relating to De Wit: His estate falling to Peter, he became a great proprietor: He had before finished his studies at Leyden, and had borne considerable offices in England, under king William: About 1705 he came over hither to settle, it being his second voyage: He continued much engaged in the business of his offices; but being no oeconomist, he was greatly embarrassed in his private affairs: We have before seen by the publick charges, other imputations he lay under. He published a long vindication of his character; but with what success, is a question not now easily resolved.

In November this year [1737], came to these provinces, by land from Boston, (where he had arrived from London) Sheck Scidit, a native of Berytus, in Syria, (about 60 miles north of Jerusalem). He was said to be Prince of Syria; but the credentials he produced under the sign manual and privy signet, called him Unus ex nobilibus civitatis Berytus; having letters of safe passport, and recommendation to the charity of those where he past. He was reported to have suffered much for his religion in his own country, being by profession a member of the eastern church, tho' situate under the Mahometan or Turkish government, and a tributary prince of that empire: His pretence was: That a greater quota of soldiers was exacted from him than he was able to furnish, having other tribute to pay, and his
country, by several years distress from locusts, and blasts of other kind, so
impovershed, that both quota and tribute could not be collected; That the grand
seignior taking umbrage at this, sent for his head; of which he, by means of the
Czarian ambassador, having received private intelligence, fled to the Czarina's
court; That in the mean time his country was seized, and his wife and children
kept prisoners: while there, the Czarina gave him expectations, that in her treaty
with the Turks, she would take care and provide for him when peace was made:
That after some stay at the Russian court, he obtained letters recommendatory to
their ambassador at London; and being by his means, taken notice of; he obtained
the credentials aforesaid, with which he travelled through most of the
corporations in England, where it was thought he collected two thirds or three
fourths of what was due from him to the grand seignior; but was nevertheless
encouraged to come to America, where he also received considerable.

Contributions were made for him in New-York and New-Jersey; he was every
where received with distinguished respect; it was said, he received from the
different congregations in and about Philadelphia, two hundred and fifty pounds.

He was a well proportioned lusty man, with a grave aspect, and clothed after
the eastern manner, with a turbant on his head, and wore whiskers, spoke and
wrote the arabick language; his conversation and deportment was graceful and
easy, and seemed to be-speak him of a noble education. At Philadelphia he met
with a handsome entertainment, his expences were borne while he stayed, and
provision was made for him in the vessel he went.

The 7th of December [1737], this year, at night, was a large shock of an
earthquake, accompanied with a remarkable rumbling noise; people waked in their
beds, the doors flew open, bricks fell from the chimnies; the consternation was
serious, but happily no great damage ensued.

In this year [1738] died Robert Lettice Hooper, Esq; chief justice of
New-Jersey; in which post he had continued many years with a good character.

In the spring this year [1739], died at Trenton, Daniel Coxe, Esq; one of the
justices of the supreme court: He was son of the great proprietor and governor
Dr. Coxe, of London: He had gone through several other publick offices in
New-Jersey, to which, from his father's character and influence, he came with
great advantages: His differences with governor Hunter, and the assembly, and the
share he had in the publick transactions, being all occasionally related before,
renders further addition here unnecessary.

About the 22d of the month called February [1741], appeared to these
provinces, in the east, and continued upwards of six weeks, a comet or blazing star,
with a long bright tail; it was supposed to be near the equinoctial at its first
appearance, but moved five degrees near north, in twenty-four hours, and continued moving 'till it disappeared; towards the last it was very much encreased in length of tail and bigness.

In the spring this year [1746]; died Lewis Morris, Esq; governor of New-Jersey: To our relief, we find his character in great part already drawn, by an able hand, to whom we have before been obliged: He was a man of letters, and tho' a little whimsical in his temper, was grave in his manners, and of penetrating parts; being excessively fond of the society of men of sense and reading: He was never wearied at a sitting, 'till the spirits of the whole company were dissipated. From his infancy he had lived in a manner best adapted to teach him the nature of man, and to fortify his mind for the vicissitudes of life: He very early lost both his father and mother, and fell under the patronage of his uncle: Being a boy of strong passions, he gave frequent offence to his uncle, and on one of these occasions, through fear of his resentment, strolled away into Virginia, and thence to Jamaica, in the West-Indies; where to support himself, he set up for a scrivener: After several years spent in this vagabond life, he returned again to his uncle, who received the young prodigal with joy. In New-Jersey, he signalised himself in the service both of the proprietors and the assembly; the latter employed him to draw up their complaint against my lord Cornbury, and he was made the bearer of it to the queen: Tho' he was indolent in the management of his private affairs, yet through the love of power, he was always busy in matters of a political nature; and no man in the colony equalled him in the knowledge of the law, and the arts of intrigue. He was one of the council of New-Jersey, and a judge of the supreme court in 1692. Upon the surrender of the government to queen Anne, in 1702, he was named to be governor of that colony, but the appointment was changed in favour of lord Cornbury, the queen's cousin.

He was several years chief justice of New-York, and a member of assembly there; in whatever post he is named, activity must be supposed; for he was among the foremost on all occasions; he was the second councillor for New-Jersey, named in lord Cornbury's instructions; suspended by him in 1704; restored by the queen, and suspended a second time in the same year; was chosen in the assembly here in 1707, re-appointed of the Council in 1708; suspended by the lieutenant governor Ingoldsby in 1709; appointed again in 1710, and so continued 'till 1738, when he succeeded Cosby as governor of New-Jersey, separate from New-York: The proceedings during his administration in this capacity, will be found the labour of many pages; but too voluminous to have justice done them in an abridgement here; his favourite monopoly of doubts and disputation, however amusing in mechanical and metaphysical subtilties, but illy agreed with the dispatch and

161 History of New-York, p. 125, 126.
management necessary in a publick station; accordingly the whole transactions of that period are chequered with great variety of debates, some of them curious; qualified to hold up a side from long experience, no argument he thought proper to espouse, was to be yielded, unless mathematically wrong; in this but few apparent convictions attended, either for want of candour in acknowledging, or antagonists sufficiently skilled in the science: Had those who managed the controversy against him, found patience enough to have let his own arguments gone to their proper lengths, they had probably sometimes gained their points, and saved themselves great fatigue in attendance, and the expence it often occasioned; but having a trust, they opposed, refused, and disputed his measures; he replied, rejoined, and demurred, and kept them in unmanly suspense and attendancies for months together, with scarce a prospect or means of accommodation; and yet nothing but that to do; frequent formal angry dissolutions ensued, in which nothing was gained but increasing firmness in the points contested, and a popular turn against the government. In this uncertainty things were left at his death, and restored to their original footing in the next administration: But whatever were his faults, it must be remembered, that the province owed much to his early patriotism and abilities; scarce an instance of inordinate love of money is to be found in his private conduct; he inherited a large estate from his uncle, and appeared moderate in adding to it: He was besides in his way, a kind husband, and indeed had uncommon cause to be so; an affectionate parent; had the satisfaction of a promising offspring, and lived to see most of them married: The following are extracts from the singular preamble of his will:

IN THE NAME OF GOD AMEN: God's will be done; but what I will or desire should be done after my decease, and how I would have what estate God has been pleased to bless me with, disposed of; is contained in what follows: But before I give any directions concerning the disposition of my body or estate, I think it my duty to leave the following testimonial of my sense of the goodness of God to me, in protecting and wonderfully preserving of me, from my infancy to this present time, now in an advanced age. My mother died when I was about six months old, and my father not long after, in New-York, where I was left an orphan, entirely in the hands of strangers, who were appointed by the government to take care of me. Sometime after that, the Dutch took the place, and I was put by their magistrates into the hands of trustees, by them appointed to take care of me, and of what effects their soldiers had left unplundered; and after the surrender of New-York to the English, my uncle came into these parts of America, and kindly took care of me until I came to man’s estate; and he then dying, what he had fell into my hands, being his sole and only heir. He had made a will, in which were found several material interlinations and erasures; which will, when exhibited before the governor and council of New-York to be proved, of six subscribing witnesses to the said will,
only two of them could make oath in due form of law; and they knew nothing of those erasures and interlinations; and one William Bickley, a quaker, who wrote the will, said, that he wrote the will, and made them; but knew not why they were made. My uncle by that will having bequeathed his plantation over against the town of Haerle, to his wife; but for what estate, did not appear; the words being scratched or erased out so as not to be read, and instead of what was so erased, there was after the words, Mary Morris, (which was the name of his widow) these words, viz. *(her heires and assigns forever, the lands thereof)* interlined. The widow died about a week after her husband, (the will having been in her and Bickley's keeping all that time) and after, or about the time of her death, I was told of this erasure by Miles Forster, one of the executors in the will named. This will was dated the 12th of February, 1690, but a little before my uncle's death, and exhibited for proof the 15th of May following, at which time the erasure, and reason for making of it, must have been fresh in the memory of the writer, who declared he knew of it; and must have been fresh in the memory of the witnesses, had any such thing been shewn unto them. That Bickley should know of; and make this erasure and interlination, and not know or remember the reason of making it in so short a time after it was done, appeared strange to all present; and most were of opinion, that the words erased out, were of different import from those interlined, or there had been no necessity for making the erasure and interlination; but as the writer of the will, either could not, or would not tell for what end they were made, tho' it appeared to be done with intent to vest an estate in fee simple in the widow which it is probable the words erased did not do; and only two witnesses being able to make oath in due form, and these not knowing anything concerning it; administration was committed to me, with the testament annexed; and I have since purchased releases from the heirs and legatees of the widow, and have been in quiet possession above fifty three years. Thus, by the sole goodness of almighty God, my benign creator, the designs against me were rendered ineffectual, without any contrivance or act of my own. Whether my uncle was persuaded, or really intended to give that estate to his wife and her heirs; or whether he had given it to her for life, and so intended, and the words interlined were done after his death; or if he did intend to give it her in fee, and the writer had not made use of proper words for that purpose (tho' he had done it in every other case where an estate was given to me in fee) and discovered it to my uncle, and made the alteration during his life, and by his consent; or discovered them after his death, and then made the erasure and interlination; is what I know nothing of; and what the writer of the will either could not or would not say any thing about; but it is evident on the face of the will, that every bequest to me, either of lands or chattels, even of my mother's jewels, and what in the will was mentioned to belong to her, and did only belong to me, was given (as the writer of the will
called it) with restriction and limitation (meaning as I suppose with this condition) that I should submit myself wholly and absolutely to every thing contained in that will; and it was therein determined, that if I, or any body claiming under me, should under pretence of right from my father, whether by partnership with my uncle or otherwise, make any claim or demand of the estate left by my uncle, or any part of it; that in such case the bequests to me were to be void. The drawer of that will had purchased and read (with all the judgment he had) a book, entitled Orphan’s Legacy, in order to qualify him for that performance; and so apprehensive was the contriver or contrivers of that will of my making such claim and that the law might determine in my favour; that by a clause in that will it was directed, that if any doubt or controversy should arise, by reason of imperfection, defect, or any other cause whatsoever of; or in any words, clauses and sentences in his last will and testament, or about the true intent and meaning thereof; that in such case, his executors, or any three of them, should expound, explain, interpret, and finally decide the same, according to their wisdoms and discretions. There had been articles of agreement and partnership entered into between my uncle and my father, and executed by both the parties; in which amongst other things, it was covenanted and agreed between them, that if either of them died without issue, the survivor, or issue of the survivor (if any) should take the estate. Upon the death of my father, that part of the agreement executed by my uncle, with other my father’s papers, came into the hands of my uncle, and upon his death into Bickley’s (as I suppose) who kept the keys of his scruitore: That part of the agreement executed by my father, I had seen often, and it came into my hands; but that part executed by my uncle, was made away with; who destroyed it, I can’t say; but believe my uncle was too just a man to do any thing of that nature. It appears from all this, that there was a design formed to deprive me of the greatest part of the estate my uncle died possessed of; and that this design was defeated. That this might be accounted for from natural and obvious causes, such as the erasure of the will and the like, may be; but what confounded the understanding of the writer so as to make the erasure in that particular place, and in the manner he did, and to pretend not to be able in so short a time after it was done, to give any account why it was done, I attribute only to the over-ruling providence of the Almighty, who has wonderfully protected and preserved me hitherto; and I doubt not will continue his goodness to me ‘till he thinks fit to call me hence, tho’ I am unworthy of the least of his favours. I now proceed to directions concerning the disposal of my body and estate; and first, I will, that my body shall be buried by the bodies of my uncle and my children that lie at Morrisania, if it can be conveniently done. I would be buried in a plain coffin of black walnut, cedar, or mahogany, without covering or lining with cloth, or any other material of linen, woollen, or silk; my age and the time of my death may be put upon it in
such manner as my executors shall think fit: I forbid any rings or scarfs to be given at my funeral, or any man to be paid for preaching a funeral sermon over me: Those who survive me, will commend or blame my conduct in life as they think fit, and I am not for paying of any man for doing of either; but if any man, whether churchman or dissenter, in or not in priest’s orders, is inclined to say anything on that occasion, he may, if my executors think fit to admit him to do it. I would not have any mourning worn for me by any of my descendants; for I shall die in a good old age; and when the divine, providence calls me hence, I die when I should die, and no relation of mine ought to mourn because I do so; but may perhaps mourn to pay the shop keeper for his goods, should they comply with (what I think) the common folly of such an expence. I will, (if it be not done before my death) that a vault of stone be built at or nigh the place at Morrisania, where my good uncle lies buried; and that the remains of my relations lying there, be collected and put into coffins in it; and my executors may get a tomb stone for me if they think fit. - - - - -

What the state of the dead is, I know not; but believe it to be such as is most suitable for them, and that their condition and state of existence after death, will be such as will fully shew the wisdom, justice, and goodness of their great creator to them. As to what estate it has pleased God to entrust and bless me with, I will and dispose of it as follows: First, I will as the law wills, that all my debts and funeral charges be justly paid and discharged, &c.

In this year died Joseph Cooper [1749]: He was at eight successive elections chosen to represent Gloucester county in assembly, and continued in that station 19 years; he had steady principles, and a nobility of disposition and fortitude, superior to many: At one of the tedious sessions, in Col. Morris’s time, when contrariety of sentiments had long impeded business, that governor casually meeting him in the street, said, "Cooper, I wish you would go home and send your wife." "I will," says he, "if the governor will do the same by his:" An anecdote deservedly expressive as to those good women.

In the summer this year [1749], three natives of Greenland, passed through the province, dressed in seal-skins, with the hair on after the manner of their own country; they were two young men and a young woman, converted to the christian religion by the moravian missionaries: They had left Greenland about two years before, in a Moravian ship (which had carried a house ready framed, for worship, to be erected there, that country affording no wood for building) and had since visited the brethren in several parts of Europe; as England, Holland, and Germany: Their eyes and hair were black, like the Indians here; but their complexion somewhat lighter: Two Indian converts from the moravian mission, at Barbice, near Surrinam, were also with them: They together went to the
Moravian settlement at Bethlehem, in Pennsylvania; there they met with some Delaware and Mohickon Indians; converts also of the Moravians; and tho' their native lands are so vastly remote as the latitude of 5, 41, and 65 [degrees] north; yet what they observed of each other's hair, eyes, and complection, convinced them that they were all of the same race; they could find however, no similitude in their several languages.

The 9th of November [1751] died, in the 53d year of his age, Richard Smith: He represented Burlington in assembly near twenty years, through a great variety of difficult business: He maintained a fair reputation, was instrumental in procuring considerable provincial benefits; and hence acquired the love of many, who had no opportunities of knowing him, but in a publick character. He was cool and even in his temper, impartial and conscientious in the discharge of his duty, kind and careful in every paternal relation, and generous in both sentiment and conduct.

The 18th of November [1755], at four o'clock in the morning, was a considerable shock of an earthquake, which lasted about two minutes; the weather for seven days successively before, had been remarkably clear and still, and all that night was so, with a clear full moon-shine; the two days following, continued also very still and clear, not a cloud to be seen, 'till towards evening of the second day after it happened: It did not begin with so much of a rumbling noise as that in 1737, but was thought not to fall short in the concussion.

Early in this year [1756] died at New-York, James Alexander, Esq; where he had long borne the office of provincial secretary, and afterwards many years one of the council. He was also long surveyor general of both East and West-Jersey, and several years of the council in New-Jersey. He was bred to the law, and tho' no speaker, at the head of his profession for sagacity and penetration; and in application to business, no man could surpass him: With his knowledge he was ready and communicative; and having by candid practice, and ingenuous industry and diligence, acquired a great estate in his latter years, remained a generous source of instruction for the advantage of younger practitioners, and many others.

In this year [1757] died, in the seventy-sixth year of his age Jonathan Belcher, Esq; governor of New-Jersey: In this station he arrived in 1747. He was a native of New-England, and in his youth falling heir to great acquisitions, got early upon the wing, in the gay world; a handsome exterior, a fondness for it, and for dress, equipage, and popular eclat, insensibly betrayed him into a scence of show and
expence, which at length proved inconvenient to his patrimony; with this turn he travelled, kept the first rate entertainments and company, and received marks of distinguished notice and respect in the electorate of Hanover. He went over agent for the Massachusetts Bay, on the long contest with governor Burnet, on the subject of an indefinite support; on his death came over governor of that colony, and long insisted on the same demands his predecessor had done, and with the same success: He continued governor there for a considerable time, and had great opportunities of indulging his favourite taste; but carrying a high hand in the administration, disgusted men of influence; and at one time putting a negative on several councellors, occasioned so many voices to unite in their applications against him, that he was removed from his government. Here he witnessed a reverse of fortune, being obliged to wait at a great expence several years before an opportunity presented of getting again into office; at length the government of New-Jersey falling vacant, early notice, properly used, procured him that: He was now advanced in age, yet lively, diligent in his station, and circumspect in his conduct, religious, generous and affable: He affected splendour, at least equal to his age and fortune; but was a man of worth and honour; and tho' in his last years, under great debility of body from a stroke of the palsy, he bore up with firmness and resignation, and went through the business of the government in the most difficult part of the late war, with uuremitting zeal in the duties of his office.

In this year [1762] died Andrew Johnston, esq; aged 67: He succeeded his father in representing Amboy in assembly, and was speaker several years; long one of the treasurers: The last 15 years of his life he was in the council, and a diligent attender on the business there, he had great equality of temper, circumspection of conduct, an open, yet grave engaging mein, much goodness of heart, and many virtues both publick and private.

The 30th of October [1763], between four and five in the afternoon, was a very

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Prince, in the dedication to him, of his chronology, speaks of this in the following strain:

Upon this occasion his excellency will forgive me, if for the honour of his country, as well as for his own; we boast of one among us, who inspired with zeal for the succession of that illustrious house, even in the joys of youth, twice brake away, viz. in 1704 and 1708, and passed a double ocean; that he might with rapture see, and in his country's name, express the ardour of their vows to that most important family; in which under Heaven, all the welfare of three mighty nations, and even of all the protestant states and kingdoms in the world, as well as the liberty, religion and felicity of these colonies and provinces were involved. A celebrated instance peculiar to himself alone, that I presume no other American can pretend to; and for the fatigue and pains, I suppose no other subject of the whole British empire; which redounds to the glory of the land that bred him, that parted with him, and received him with applause; and the happy consequence whereof, at the head of his country, he now enjoys.
considerable shock of an earthquake; which directed its course to the eastward.

In the beginning of this year [1764] died Robert Hunter Morris, Esq: He was near twenty-six years one of the council, and chief justice of New-Jersey, and some time lieutenant governor of Pennsylvania: He had strong natural powers, an elevated quickness of apprehension, a memory tenacious, read much, and was uncommonly furnished in conversation on most subjects; he gloriéd in the rational privilege of free disquisition; in his motives to action, disdain'd to resemble the floating log[^163] that went with the tide; yet the other extrem had a snare of too delicate concealment to be always avoided: He came young into the office of chief justice, stuck to punctuality in the forms of the courts, reduced the pleadings to precision and method, and possessed the great qualities of his office, knowledge and integrity, in more perfection than had often been known in the colonies: Had no other stations engrossed his attention, his character had remained without dispute, more light than shade; inheriting from his father,[^164] or imbibing a turn at starting more difficulties, than himself or others could easily solve, introduced debate, in which often appeared a seemingly constitutional delight; but being brought up under the tuition of an excellent mother, the bias here was qualified in part, with the advantages of this, the father’s experience, and much of his own, in variety of situations: He had a liberal education, a comely respectable person, easy address, smooth flow of words, a commanding influence in his manner, and was a warm friend, but formidable enemy, not partial or oppressive as a judge, in several private relations generous and manly, in none avaricious, in some inconsiderate, in many his own original or his father’s copy, often singular, sometimes whimsical, always opinionated, and mostly inflexible.

The 20th of the month called July [1764], at about 40 minutes past seven in the evening, an uncommon ball of fire was seen in the north-east, about fifty degrees above the horizon; it took its course near north-west; its diameter seemed as large or larger than the sun, especially at one time, when it opened so as to seemingly separate: It appeared like sheets of fire inclining together; its sound as it went in some places, was said to resemble that of a great fire urged by a strong wind; it kept near one height all the way, ’till it had crossed the meridian to the north about twenty degrees; there a small cloud seemed to attract it; mounting higher, just as it appeared the outward edge of the cloud, it appeared to shatter into innumerable pieces.

[^163]: He was apt to apply this expression in contrast to a sentimental choice.

[^164]: See above, &c.
CHAPTER XXIII

THE PRESENT STATE OF INDIAN AFFAIRS IN NEW-JERSEY.

To the accounts before given respecting the Indians, we now add other particulars, as far as New-Jersey hath been concerned.

For nigh a century, such of them as were natives of that province, had all along maintained an intercourse of great cordiality and friendship with the inhabitants, being interspersed among them, and frequently receiving meat at their houses, and other marks of good will and esteem: When the troubles broke out among the back Indians, it was observed, that some who had usually resided there, were missing, and supposed to have retired among them.

In the year 1758, for a considerable time after the first hostilities had commenced in Pennsylvania, the family of Nicholas Cole, in Walpack, nigh the frontier of New-Jersey, were at two in the afternoon unexpectedly attacked, and most of them murdered and carried off; this, and a few other murders alarmed the province, as it was not known or supposed they had any complaint against it. 165

The legislature appointed commissioners to examine into the treatment the Indians had received; they first met them at Crosswicks, in the winter 1756, and heard what they had then to allege as grievances, and promised to lay them before the legislature; which they did at a session in 1757; when an act passed to remedy them, by laying a penalty upon persons selling strong drink; so as to intoxicate them, and declaring all Indian sales or pawns for drink, void; that the person of no

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165 They had, to one of the messengers sent from Pennsylvania, complained of the death of the sachem Weequhelehah; but this was looked upon as meer pretence to colour their attempts with the appearance of justice; as that Indian was known to have been executed for actual murder, and to have had a legal trial: The fact was, he was an Indian of great note and account both among Christians and Indians, of the tribe that resided about South-river, where he lived with a taste much above the common rank of Indians, having an extensive farm, cattle, horses and negroes, and raised large crops of wheat, and was so far English in his furniture as to have a house well provided with feather beds, calico curtains, &c. He frequently dined with governors and great men, and behaved well; but his neighbour, captain John Leonard, having purchased a cedar swamp of other Indians, to which he laid claim, and Leonard refusing to take it on his right, he resented it highly, and threatened that he would shoot him; which he accordingly took an opportunity of doing in the spring 1728, while Leonard was in the day time walking in his garden or near his own house, at South-river aforesaid.
Indian should be imprisoned for debt, and that no traps larger than to weigh three pounds and a half should be set, &c., and making all sales of lands or leases void, not obtained according to the direction of the act.\textsuperscript{166}

They afterwards, by another act, gave the commissioners power to appropriate sixteen hundred pounds, in purchasing a general release of Indian claims to New-Jersey; one half to be laid out in a settlement for the Indians residing in the province to the south of Rariton river, whereon they might reside, raise the necessary subsistence, and have always in view the consideration they had received for the remainder of their lands; the other half was to be applied to purchase any latent claims among the back Indians not resident in the province.

The commissioners accordingly procured a second conference\textsuperscript{167} with the first mentioned; which was held at Crosswicks in the second month (February) 1758.

They first reminded them, that they had above a year since informed them, that the disorders committed in the back parts of Pennsylvania and this colony, had not lessened the regard they entertained for their friends the Indians, who in this time of trial lived peaceably and quietly among the inhabitants, and assured them of the governor’s protection; that they had then desir’d they would make known any burthen that lay upon their minds; that the Indians then signifying some abuses they were subject to by private sales made by some of their own people, and the inconveniencies they had suffered from setting iron traps for deer, being cheated of their goods when in drink, and that they thought they had still a right to some pieces of land, which they had not sold; that in consequence of these demands, they, the commissioners, had faithfully reported to the legislature, who had passed a law to prevent all future abuses of that kind; and that they were now impowered fully to hear the particulars of any claims they had to lands in the colony, which was determined to do them strict justice: The Indians informed the commissioners, that the lands they claimed, could not be by them described by

\textsuperscript{166} Vide vol. 2 of laws, p. 127.

The Colonial History of New Jersey

Samuel Smith

lines, very intelligible to persons not on the spot, as they went to hollows, and small brooks, which had no certain names; but that they had described them as well as they could: And then they delivered lists of the tracts they esteemed unpurchased, as follows:

No. 1: A power of attorney from Capoose and Telaman, to Moses Totamy, dated the 30th of January, 1743-4, for lands on the south and southwest side of the south branch of Rariton, joining thereto; as explained by the said power.

No. 2: A paper declaring the lands from the half way from the mouth of Metetcunk, to Tom’s river, from the sea to the heads of the rivers, belong to Capt. John, Totamy Willockwis; and from John Eastel's to Hockanetcunk, on Crosswicks; then on a strait course to Mount-Holly, and so up Ranchocas creek, to the head; and from thence to the heads of Wisteconk creek, and along the said creek to Jarvis Farrow’s Mill, and so to the sea. Pompshire and Stephen Calvin, say, they are concerned in the tract.

No. 3: A power of attorney to Totamy, and Capt. John, dated the 21st of February, 1742, from Tawleyneymun, Tohokenum, Gooteleck, to sell lands on Egg-Harbour, between Mount-Holly and Crosswicks.

They have a tract of land beginning at the Old-Ford, by John Fowler’s; then on a line to Doctor’s creek above, but in sight of Allen-Town; then up the creek to the lower end of Imlay's town; then on a line to Crosswicks creek, by Duke Horseman’s; then along the said Creek to the place of beginning. Teedyescunk and Totamy are concerned in the above lands. Then they said, that from the Mouth of Squan, to No. 2. belongs to Sarah Store, to whom it was given by her husband, to the heads of the branches, and so across from one branch to the other.

Tom Store and Andrew Wooley, claim a tract between Cranbury and Devil’s Brook, possessed by Josiah Davison’s sons, that has two new houses built thereon, in which is included the whole tract of the late president Hamilton, and also Mr. Alexander’s surveys, where Thomas Sowden lives; he has sold part of this tract to Hollinshead, where M’Gee lives; also has sold some to Josiah Davison, to Doore Marlet, John and James Wilson: He claims lands from Cranbury brook, to the cross roads, lying on the right hand of the road, and is claimed by William Pidgeon; James Wall and John Story lives upon one corner of it; also a piece upon Pompton river, the livers upon it he knows not; it lies in one piece, and is the same that Mr. Woodruff and company, were about purchasing of him.

They also claim from the mouth of Squan, to the mouth of Shrewsbury river, by the streams of each, to their heads, and across from one head to the other.

Also Vanot’s place, an the west side of Squan river. Also a piece at Topanenus
bridge: In this piece Ben Claus is concerned.

Tom Store and Andrew Wooley, also claim a piece on the north side of South River. Polly Ritchie's place

Also a piece between Allen-Town and Millstone brook, where Hockan Gapee used to live, joining on the east side of the post road to Amboy; part of Dunstar's tract.

Also, Vanse's place, joining to Millstone brook, on Amboy road; part of Fullerton's tract.

Also a swamp near Gawen Watson's place, belonging to the Johnston's family, and the Furmans.

Isaac Still claims from the mouth of Great Egg-Harbour river, to the head branches thereof, on the east side; so to the road that leads to Great Egg-Harbour; so along the road to the sea side, except Tuckahoe, and the Summers, Steelman, and Skull's places.

Robert Kecott, claims in Piles grove, the places whereon John Mayhue's sons live.

Also the township of Deerfield, in the county of Cumberland, where the presbyterian meeting house stands.

Also the tracts of James Wasse, Joseph Peck, and Stephen Chesup.

Jacob Mullis claims the pine lands, on Edge Pillock Branch, and Gosben Neck Branch, where Benjamin Springer and George Marpole's mills stands; and all the land between the head branches of those creeks to where the waters join or meet.

Abraham Loques claims the Cedar-Swamp, on the east side, Tuckahoe Branch, which John Campion and Peter Campbell have, or had in possession.

Also Stuypons's island, near Delaware river. Tom Store claims 30 acres adjoining Richard Parks, wheelwright in Middlesex county.

Teedyescunk claims a tract; in Hunterdon, called Neshannock, beginning at Philip Ringoe's house, which stands near a corner of it; and so along the road that leads from thence to Brunswick, as far as Neshannock creek; thence up the same to George Hatten's; thence on a strait course to Petit's place, and so on to a hill called Paatquackettung; thence in a strait line to the place of beginning; which tract was reserved at the sale, and marked out by Wauhaway, who is alive.

The Indians in general, claim their settlements near Cranbury, on Menolapan river, in Falkner's tract, whereon many of the Indians now live.

And also a few acres below the plantation of Robert Pearsons, on the north side
of Crosswicks creek.

Having delivered these claims to the commissioners the Indians present executed a power of attorney, appointing Tom Store, Moses Totami, Stephen Calvin, Isaac Still, and John Pompshire, or the major part of them, to transact all future business with the government, respecting lands; and then they released all claims for themselves, and their heirs, to the proprietors of the respective divisions, and the purchasers under them, to all the lands in New-Jersey, not included in the above list; and to such of these likewise, as could be proved to be conveyed by deed from the Indian inhabitants, except the claims of the Minisink and Pompton Indians, on the northern parts; which power was acknowledged by all the parties, before John Imlay, Esq; one of the judges of Burlington county, in order to be first recorded, and then delivered to the Indian attorneys.

Teedyescunk, the next day told the commissioners that he was very well pleased with what was done, and esteemed the methods concluded on to be just and equitable; and to this all the Indians gave their assent.

Thus things rested, 'till the latter part of the summer; when governor Bernard procured a treaty with several of the back Indians, by means of the following message:

To Teedyescung, king of the Delaware Indians; by Moses Tetamy and Isaac Stille, messengers deputed by me:

Greeting:

I was surprised, on my arrival here with his majesty's royal commission as governor of this his province, to find that invasions have been lately made on the inhabitants of this colony, and much blood shed by Indians, supposed to be those of Minisink or Pompton, who have resided within this colony, and have sometime since withdrawn themselves; and as I have no knowledge of any reason they, or any of them, have, for being discontented, or offering violence to the inhabitants of his majesty's colony under my government; and no public complaint have been made by the Indians of Minisink or Pompton, formerly inhabitants of this colony, at any of the conferences held between the commissioners of New-Jersey, and the Indian inhabitants of the same; to prevent any further hostilities, I hereby send you this power, to go to the Indians of Minisink and Pompton, formerly inhabitants of this colony; and in my name, to desire them to desist from hostilities, and kindly to invite them to a conference with this colony; and to assure them they shall be received in the most friendly manner, and every endeavour shall be used to establish and confirm a friendship between the subjects of our great king George, our common father, and them, as a thing of the greatest use. You are to enforce the natural affection between us and them, and how much it is for
their interest to be at peace with a people, who have the means of making
them happy and easy, and have, by the blessing of providence, provisions,
and every necessary of life in plenty, sufficient to supply their friends in
distress.

As I have named a time, most convenient for them to be down here, it
would give me pleasure to see them then: But if unavoidable accidents
should put it out of their power to attend at that time; I have left the time
and place to themselves, so that it be in my government; and that they
come by Fort Allen, and enter New-Jersey, below the falls at Trenton, and
send an account of their arrival, that I may appoint persons to receive and
conduct them to me. I prescribe this path, because the people above, who
have lost their friends and relations, are so inflamed, as to render it unsafe
for them to enter this colony above Trenton.

If you cannot go to the places of residence of the Minisink and
Pompton Indians, you are (or in case of your death or absence, that Moses
Tetamy and Isaac Still are) empowered to employ two good and faithful
messengers, to find out the chief place of the residence of these Indians, and
to deliver to them the message from me, with the belt and four strings of
wampum, and the safe conduct and flag given you herewith; and you are
desired to report to me, your proceedings herein, with all convenient
speed. Given under my hand and seal at arms, the 25th day of June, in the
thirty-second year of his majesty’s reign.

(L. S.) By his excellency Francis Bernard, Esq; captain general governor
and commander in chief of the colony of New-Jersey, &c.

And

Brethren, the Minisink, or Munsy Indians, and those of Pompton:

It is with great pain I am to tell you, that some Indians have invaded
our province on the upper parts of the Delaware, and shed much blood,
and that you are suspected to be concerned in it. A string.

Brethren, if you have been instigated to this by the false suggestions of
our enemies, the French, we pity you; for these proceedings, if not
immediately prevented, must cause a discord between us, which though it
may be greatly hurtful to our people, must in the end entirely ruin yours.
A string.

Brethren, the throne of the great king is founded on justice, and
therefore if you had received any injury from any of his people living
within our province, you should have made your complaints to me, who
am ordered to do justice to all men, and I would have heard you with open
ears, and given you full satisfaction. A string.
The Colonial History of New Jersey

Samuel Smith

Brethren, if therefore you have any anger boiling in your breasts, I, by this belt, invite you to Burlington, in five weeks, at which time our great council will be together; there to unburthen your minds, and root out of your hearts the seeds of enmity, before they take too deep a root. And I will kindle a council fire, and bury all the blood, that has stain’d our ground, deep in the earth, and make a new chain of peace, that may bind us and our children, and you and your children, in everlasting bonds of love, that we may live together as brethren, under the protection of the great king, our common father. A belt.

Brethren, if these words shall please you, and you should choose that we should be your friends rather than your enemies, let all hostilities immediately cease, and receive this passport, and go to fort Allen; from whence you shall be conducted to Bristol, where you will find deputies, who will take you by the hand and lead you to me at Burlington: But if the time and place I have mentioned, be inconvenient to you, I shall be ready to receive you in this government when you can more agreeably to yourselves, attend. A string.

At a conference held at Burlington, on Monday, August 7, 1758.

PRESENT: His excellency Francis Bernard, Esq; governor. The honourable James Hude, Andrew Johnston, Peter Kemble, Richard Saltar, Lewis M. Ashfield, Samuel Woodruff, esquires, of his majesty’s council; Charles Read, John Stevens, William Foster, Esqrs, commissioners for Indian affairs. Indians: Otawopass, or Benjamin, Coallins, or Goatshank, messengers from the Minisink or Munsey Indians; Apewyet, or John Hudson, a Cayugan; Samuel, a Delaware Indian; messengers from the Mingoians; Taudakass, a Delaware Indian, who came with the Munsey Indians. John Pumpshire, interpreter. Moses Totamy, Stephen Calvin, assistants.

His excellency sat, holding four strings of wampum in his hand, and spoke to them as follows:

Brethren,

As you are come from a long journey, through a wood full of briars: with this string I anoint your feet, and take away their soreness: With this string I wipe the sweat from your bodies: With this string I cleanse your eyes, ears and mouth, that you may see, hear and speak, clearly; and I particularly anoint your throat, that every word you say may have a free passage from your heart: And with this string I bid you heartily welcome. Then delivered all the four strings.

His excellency then informed them, that he should be ready to hear what they had to say, in answer to the message he had sent to their chiefs,
as soon as would be convenient to them; when they informed him, they
would be ready in the afternoon: And thanked his excellency, for using
the customs of their fathers, in bidding them welcome.

Monday afternoon.

PRESENT: As in the morning.

The Indians being informed, that the governor was ready to hear them,
Benjamin, on behalf of the Munsey Indians, holding a belt in his hand, spoke
sitting, not being allowed to stand 'till the Mingoian had spoke.

Brother,

At first when your messengers came to us at Assinske, twenty seven
days since, our ancient people were glad to hear them, and our young men,
women and children rejoiced at the tidings. We know you are great and
strong, and we took it kindly. All our friends and relations were in
sorrow, and pitied the condition of the women and of the children, who
are growing up. The kind words of our brethren the English, we sent to
our uncles the Mingoians; and one of them is come down here to the place
of our meeting, to be a witness of what passes between us.

Then John Hudson, the Cayugan, abovementioned, stood up, and spoke as
follows:

Brother,

In confirmation of what has been said to you, I, who am the Mingoian,
am, by this belt, to inform you, that the Munseys are women, and cannot
hold treaties for themselves; therefore I am sent to inform you, that the
invitation you gave the Munseys, is agreeable to us; and we have taken
hold of your belt; and I desire you may write down my attending here;
' tho' while I am here, I left my family in danger of being cut off by our
enemies the French.

Further, brother, I have told you your belt was agreeable, and received
by us as an earnest of your friendship: But tho' we are glad of this
opportunity of speaking with you, yet I am to inform you, that it is not
agreeable to our chief men and counsellors, to have a new council-fire
kindled, or the old one removed to this side of the river, from
Pennsylvania, where it hath always been kept burning; the reason is this,
we know the strength of the water, and that when the wind and tide is
strong, it roars, that our people cannot hear: so that it is proper we should
have the council-fire on the other side of the river nearer to us.

Brother, I think this is a good reason why it should be so: For, though
we should speak loud, the distant nations will not hear us, if the roaring
The Colonial History of New Jersey

Samuel Smith

waters are between us and them. We therefore hope, as the council-fire is kindled, and kept burning in the forks of Delaware, by the desire of all our nations we shall see our brother the governor there.

Brother, we attend to the words we have heard from you: You say you are a man of strength, and we believe you are. I am a man as well as you: I know of no nation stronger than you; and our chief men and old counsellors are willing to meet you at the forks of Delaware, and to confirm our alliance, and brighten the chain of friendship more clear than it has heretofore been. This belt confirms what I have said.

He then delivered the governor a belt, on one side of which are three figures of men in black wampum, representing the Shawanese, Delawares, and Mingoians, living on the Ohio; on the other side, four figures representing the united councils of the six nations, in their own country: By their being now joined in this belt, he declared it expressed their union. That the western Indians having consulted their uncles, now joined in sending it, in pursuance of a belt of invitation sent them above a year since, by George Croghan, on behalf of the English.

Then Benjamin, on behalf of the Munsies, stood up, and said:

Brother,

Our ancient people, and chief men, are glad to hear of the kind disposition of the English. We believe you are wise and strong; and for the good of our wives and children, for whose protection we are concerned, that they may have some good and lasting settlement made for them to the latest posterity, in order to obtain it, we should be glad of the opportunity, to see all our brethren the English together. Our chief men, and old counsellors, are making ready to come to the council-fire, in order to settle all matters which have been the cause of uneasiness between us. We believe your professions are sincere, and that you will agree upon what is most for the good of both you and us; and we shall be ready to be advised by you, as we think you are wise. We are glad to have an opportunity of conversing with you, without interruption, tho' the sun is low: But we hope our and your ancient and wise men, will have the happiness of consulting freely together, for the good of one another, before it be dark; and that we shall meet one another with sincerity and truth, as we expect the blessing from above to attend us therein.

And I am directed to inform you, that the Indian nations will be next full moon after this, at the forks of Delaware, and will send the governor word before hand, of the particular day they will be there, and of their nations and numbers: And so you may make it known to whom you think proper, that they may be present at our meeting.

There are two nations besides the Munseys, parties to this message: The
The Colonial History of New Jersey

Samuel Smith

Senecas, whose chief man is Tageeskata, and lives at Mahahensink; the Cayugas, whose chief man is Eshakanata. The chief man of the Munseys, is Egohohoun.

Tuesday, August 8, 1758.

PRESENT: His excellency the governor; the gentlemen of the council; the commissioners for Indian affairs; the Indians, and the interpreters; as yesterday.

His excellency delivered the following answer to what the Indians said yesterday:

Brethren,

I am glad to hear, that our offers of peace and amity have been well received by your people, and that they are disposed to brighten the chain that heretofore had held us together, and to restore that brotherhood that had for many years subsisted between us. Of late a great darkness hath overshadowed the land, but we hope, that the sun is up that will disperse the clouds that have hindred us from seeing one another, and make all our future days bright and pleasant.

We agree with you, that it would be best for us all to meet at the great-council-fire that is kindled on the forks of Delaware: It is on many accounts proper; and the particular circumstances of this province, make it most agreeable to us. We differ from the neighbouring provinces in many things: We have bounds set to our people, beyond which they neither nor desire to pass; they are content with the cultivation of their lands, and seek not for extraordinary gains, by following trade out of their own country. As we have had little intercourse with your people, we can have little cause of contention with them: The encroachments of unbounded settlers, and the tricks of unfair traders, cannot be charged on us. All we have to do, is to offer your people our friendship; which, if you will sincerely and heartily accept of it, shall endure to you and your children, as long as the sun shall shine, or the river on whose banks we meet shall flow.

Brethren, I speak the words of justice and benevolence, and not of fear. It is well known to many of you, that as our people are industrious and hardy, they are also bold and resolute: If they are attacked, they give shot for shot, and blow for blow. But we should be sorry that this their warlike spirit, should be turned again you our antient friends and brethren: No; let it be exerted against the French, who are the common enemies of us, of you, and of all people that would be free and independent.

Brethren, what I speak to you, I speak to those that sent you; and say to our brethren, that we are honest and sincere in our professions to them; and hope they will be so in what they profess to us. But as we have been struck, without having injured any one, we shall expect that they will give
us a proof of their good intentions towards us, by bringing with them all
the prisoners that have been taken from us. Those among you, who are
husbands and fathers can best tell what our people must feel, who have had
their wives and children torn from them. We also expect, that until we
shall all meet at the great council fire, and these our mutual offers of peace
and friendship shall be brought to maturity, by a solemn and publick
treaty, you will not suffer your own people to commit hostilities against
us, nor any others to pass by you, without giving us early notice, to
prepare ourselves against them.

Brethren, the great God, whom we serve, and who protects us, and
gives us all the blessings of life which we enjoy, hath commanded us to be
just and benevolent to all mankind. We are desirous to be so; and if we can
be assured, that your people will live on terms of friendship with us, the
lowest person among you shall receive no hurt from our people, that we
can prevent or redress. Of this I will give your people further assurance,
when we meet at the council fire: In the mean time, I confirm what I have
said by these belts." His excellency then delivered one belt to John Hudson, the
Cayugan, and one to Benjamin, the Munsey.

The two foregoing treaties, opened the way for another\textsuperscript{168} to be held the
October following, at Easton, in Pennsylvania; so much of this as concerns the
purchase of the Indian claims to the province of New-Jersey, were as follow:

\textit{At a conference held at the town of Easton, on the eighth day of October, 1758.}

PRESENT: The honourable William Denny, Esq; lieut. Governor, Lawrence
Growdon, William Logan, Richard Peters, Lynford Lardner, Benjamin Chew,
John Mifflin, esquires, members of the governor's council. Isaac Norris, Joseph
Fox, Joseph Galloway, John Hughes, Daniel Roberdeau, Amos Strickland, esqrs.,
committee of the house of representatives. Charles Read, Jacob Spicer, esquires,
commissioners for Indian affairs, in the province of New-Jersey. A number of

\textsuperscript{168} The commissioners were, Andrew Johnston and Richard Salter, esquires, of the council, and
Charles Read, John Stevens, William Foster and Jacob Spicer, esquires.
The Indians were, Teedyescunk, king of the Delawares. George Hopayock, from the
Susquehanah.
Crosswick Indians: Andrew Wooley, George Wheelwright, Peepy, Joseph Cuish, William
Mountain Indians: Moses Totamy, Philip.
Rariton Indian: Tom Evans.
Ancocuss Indians: Robert Kekott, Jacob Mullis, Samuel Gosling.
Indians from Cranbury: Thomas Store, Stephen Calvin, John Pompshire, Benjamin Claus,
Joseph Wooley, Josiah Store, Isaac Still, James Calvin, Peter Calvin, Dirick Quaquay,
Ebenazer Wooley, Sarah Stores widow of Quaquahela.
magistrates and freeholders of this and the neighbouring province, and of the
citizens of the city of Philadelphia, chiefly of the people called Quakers. George
Croghan, esquire, deputy agent for Indian affairs under Sir William Johnson.
Indians of several nations, viz.

Mohawks: Nichas, or Karaghtadie, with one woman and two boys. (In all 4)
Senecas: Tagashata, alias Takeaghsodo, alias Sigachsodon, chief man, with 7 other
chiefs, 37 other men, 28 women and children. (In all 83)
Onondagas: Assaradonguas, with 9 men, 9 women and children. (In all 19)
Oneidos: Segughsonyout, alias Thomas King, Anagaraghiry, Assany quon, with 3
warrior captains, 6 warriors, and 33 women and children. (45)
Cayugas: Tokaaio, with 8 men, 11 women and children. (20)
Tuscaroras: Nicaquantaquoah, alias Jonathan with 5 men, 12 women, and 2
children. (20)
Nanticoikes: Robert White, alias Wolahocumy, Passdomokas, alias Charles, with
16 men, 20 women, and 18 children. (56)
Conoys: Kanakt, alias Last Night, with 9 men, 10 women, and 1 child. (21)
Tutelos: Cakanonekoanos, alias Big Arm, Asswagarat, with 6 men and 3 women.
(11)
Chogknots: Ten men, 20 women and children. (30)
Chihohockies: alias Delawares, and Unamies: Teedyuscung, with divers men,
women and children. (60)
Munsies or Minisinks: Egotchowen, with sundry men, women and children. (35)
Mawickons: Abraham, or Mammatuckan, with several men, women, and
children. (56)
Wawpings or Pomptons: Nimham, Aquaywochtu, with sundry men, women, and
children. (47)

In all 507

Conrad Weiser, Esq; provincial Interpreter. Captain Henry Montour,
interpreter in Six Nation and Delaware languages. Stephen Calvin, Isaac Stille,
Moses Tetamy, Delaware Indians, interpreters in the Delaware language.

At a conference held at Easton with the Indians on the 11th of October, 1758. P.M.

PRESENT: Governor Denny, with his council, and the several Pennsylvania
gentlemen, as before. The Indians, &c. as before. His excellency Francis Bernard,
Esq; captain general and governor in chief of his majesty's province of New-Jersey.
The honourable Andrew Johnston, Charles Read, John Stevens, Jacob Spicer,
William Foster, Esqrs, commissioners of New-Jersey, for Indian affairs.

Tagashata, the Seneca chief, intending to speak first, on behalf of the Indians,
had laid some belts and strings in order on the table.

As soon as the company sat down, Teedyuscung holding out a string, said he had something to deliver, and desired he might be heard first of all. Mr. Croghan requested to know, if what he was going to say was the result of the Delaware council, and if it was their desire it should be spoke first; but no answer was given, him as to this.

Governor Bernard signifying his desire to bid the Indians welcome, and just mention to them the business he came upon, it was agreed he should speak first; which he did as follows:

Brethren,

I am glad to see so many of you met together, to cultivate peace with your brethren and old friends the English. I heartily bid you welcome, and with that the good work for which you are now assembled, may prosper in your hands, and have that success, which your wise men, and all that wish you well, must desire as a thing much to your advantage.

The situation of the province over which I preside, and the disposition of its people, have hitherto afforded very little occasion for treaties with the neighbouring Indians; but having some months ago sent a message to the Minisinks, I received a message from our brethren the Senecas and Cayugas, wherein they take upon them to answer my message to the Minisinks, and desire that I would meet them at the council fire burning at this place.

It is not usual for the king's governors to go out of their provinces to attend treaties; but I am glad to have an opportunity of shewing my good disposition to establish peace and friendship with my neighbours, and therefore I have waved all form, and am come here according to the invitation I received at Burlington.

To you, therefore, our brethren the Senecas and Cayugas, and your nephews the Minisinks, I now speak, and desire that you would take into your most serious consideration, my message to the Minisinks, your message to me, and my answer thereto, and let me know what we are to expect from you.

What is past we are willing to forget; but I must remind you, that if you are disposed to be our friends for the future, you should give us that proof of your sincerity, which I have desired in my answer to your message, and return us the captives that have been taken out of our province, and are now within your power: This should be one of the first steps, and will be the best that can be taken towards restoring and confirming that brotherly love and friendship between us; which, I am
convinced, will be for the mutual benefit of all parties.

This was interpreted in the six nations language, by Mr. Weiser, and in the Delaware, by Mr. Stephen Calvin, the Indian school-master in West-Jersey.

Then Teedyuscung spoke:

Brethren,

I desire all of you who are present will give ear to me. As you, my brethren, desired me to call all the nations who live back; I have done so. Now if you have any thing to say to them, or they to you, you must sit and talk together.

Brethren, I sit by, only to hear and see what you say to one another; for I have said what I have to say, to the governor of Pennsylvania, who sits here; he knows what has passed between us. I have made known to him the reasons why I struck him. Now I and the governor have made up these differences between him and me; and I think we have done it as far as we can for our future peace. A string.

The above speech was interpreted in the six nation language. Tagashata then rose up, and spoke:

Brethren, the governors, and your councils,

It has pleased the most high, that we meet together here with cheerfull countenances, and a good deal of satisfaction: And as publick business requires great consideration, and the day is almost spent, I choose to speak early tomorrow morning.

The governors answered, that they should be glad to give all the dispatch possible to this good work they were engaged in, and desired the chiefs would fix the time of meeting; but they declined it, saying, "They were unacquainted with hours, but would give notice when they were ready."

At a conference held at Easton, on the 12th of October, 1758.

PRESENT: The governors; the gentlemen of their councils, and others, as before.

Tagashata, the Seneca chief, taking the strings and belt of wampum, which governor Bernard gave yesterday, repeated according to the Indian custom, the particulars of his speech, and then added:

Brethren,

We approve of every article mentioned to us yesterday, by the governor of Jersey; all that he said is very good: We look upon his message to us, as a commission and request from him, that we should bring matters
to a good conclusion with our cousins the Minisinks. They themselves sent for us to do the same thing, on their behalf; and at their request we came here, have taken it in hand, and will use our utmost endeavours to bring about the good work which governor Bernard desires, and do not doubt but it will be done to his entire satisfaction.

Brethren, I now speak at the request of Teedyuscung, and our nephews the Delawares, living at Wyomink, and on the waters of the river Susquehannah.

Brethren, we now remove the hatchets out of your heads, that was struck into it by our cousins the Delawares: It was a French hatchet that they unfortunately made use of; by the instigation of the French: We take it out of your heads, and bury it under ground, where it shall always rest and never be taken up again. Our cousins the Delawares, have assured us, they will never think of war against their brethren the English any more, but employ their thoughts about peace, and cultivating friendship with them, and never suffer enmity against them to enter into their minds again.

The Delawares desired us to say this for them by this belt. A belt.

Brethren, our nephews the Minisink Indians and three other different tribes of that nation, have, at last, listened to us, and taken our advice, and laid down the hatchet they had taken up against their brethren the English. They told us they had received it from the French, but had already laid it down, and would return it to them again.

They assured us, they would never use it any more against you, but would follow our advice; and entreated us to use our utmost endeavours to reconcile them to you their brethren, declaring they were very sorry for what they had done, and desired it might be forgotten, and they would forever cultivate a good friendship with you. These declarations were made by the principal warriors of four tribes of the Minisink Indians, at giving us this belt. A belt.

Then taking eight strings of black wampum, he proceeded:

Brethren,

We let you know, that we have not only brought about this union with our nephews on the waters of the river Susquehannah, but we also have sent messages to our nephews the Delawares and Minisinks, and to those likewise of our own nations who are on the Ohio, under the influence of the French. We have told all those, that they must lay down the French hatchet, and be reconciled to their brethren the English, and never more employ it against them. And we hope they will take our advice. We the Mohawks, Senecas, and Onondagas, deliver this string of wampum, to remove the hatchet out of your heads, that has been struck into them by
the Ohio Indians; in order to lay a foundation for peace. *Eight strings of black wampum.*

Tagashata sat down, and then the Cayuga chief; Tokaaio, arose, and said:

*Brethren,*

*I speak in behalf of the younger nations, part of; and confederated with the Six Nations, *viz.* the Cayugas, Oneidas, Tuscaroras, Tutaloes, Nanticokes, and Conoys.*

A road has been made from our country to this council fire, that we might treat about friendship; and as we came down the road, we saw, that by some misfortune or other, blood has lately been spilt on it. By these strings we make the road wider and clearer; we take the blood away out of it, and likewise out of the council chamber, which may have been stained; we wash it all away, and desire it may not be seen any more; and we take the hatchet out of your heads." *Gave three strings.*

*Brethren, the governors, and all the English, I now confine myself to the Cayugas, my own nation.*

*I will hide nothing from you, because we have promised to speak to each other from the bottom of our hearts.*

The French, like a thief in the night, have stolen a way some of our young men, and misled them; and they have been concerned in doing mischief against our brethren the English.

We did not know it when it happened, but we discovered it since. The chiefs of our nation held their young men fast, and would not suffer them to go out of their sight; but the French came and stole them away from us, and corrupted them to do mischief: We are sorry for it; we ask pardon for them, and hope you will forgive them: We promise they shall do so no more: And now, by this belt, we take out of your heads the hatchet with which they struck you. *A belt of ten rows.*

He added, he had found out, "That some of their young men had been concerned in striking the English four times."

*At a conference with the Indians, on the 16th of October, 1758.*

PRESENT: The governors and gentlemen of their council, &c.: Governor Bernard spoke:

*Brethren of all the confederated nations,*

*As you proposed your questions concerning Teedyuscung separately, I think proper to give you a separate answer thereto.*
The Colonial History of New Jersey

Samuel Smith

I know not who made Teedyuscung so great a man; nor do I know that he is any greater than a chief of the Delaware Indians settled at Wyomink; The title of king could not be given him by an English governor; for we know very well, that there is no such person among the Indians, as what we call a king. And if we call him so we mean no more than a sachem, or chief. I observe in his treaties which he has held with the governor of Pennsylvania, [which I have perused since our last meeting] that he says he was a woman, 'till you made him a man, by putting a tomahawk into his hand; and through all of those treaties, especially in the last, held at this town, he calls you his uncles, and professes that he is dependent on you; and I know not that any thing has since happened to alter his relation to you. I therefore consider him still to be your nephew.

Brethren, I am obliged to you for your kind promises, to return the captives which have been taken from us. I hope you will not only do so, but will also engage such of our allies and nephews, as have taken captives from us, to do the same. That you may be mindful, of this, I give you this belt. A belt.

After the governor had done speaking, and their answers were interpreted in the united nations and Delaware languages, the Indian chiefs were asked, if they had any thing more to say. On which Tagashata arose, and made a speech to his cousins the Delaware and Minisink Indians, directing his discourse to Teedyuscung:

Nephews,

You may remember all that passed at this council-fire. The governors who sit there have put you in mind of what was agreed upon last year: They both put you in mind of this promise, and desire you will perform it: You have promised it, and must perform it. We your uncles promised to return the prisoners. We your uncles, have promised to return all the English prisoners among us, and therefore we expect that you our cousins and nephews will do the same. As soon as you come home, we desire that you will search carefully in your towns for all the prisoners among you that have been taken out of every province, and cause them to be delivered up to your brethren. You know that this is an article of this peace that was made between you and your brethren: In confirmation of which you received a large peace belt; of which belt we desire you will give an account, and let us know what is become of it, and how far you have proceeded in it. A belt.

After this was interpreted in the Delaware language, it was observed, that there were no Minisink Indians present; the governors therefore desired, that Mr. Peters and Mr. Read would procure a meeting of the chiefs of the united nations,
Delawares and Minisinks, and cause the speech of Tagashata to be interpreted to the Minisinks in presence of their uncles.

Robert White, the Nanticoke chief; arose and said, he was going to speak in behalf of seven nations, and directing his discourse to the governors, he delivered himself in the English language as follows:

Brethren,

It is now more than two years since we heard of our cousins the Delawares taking up the hatchet against the English. At the first, Sir William Johnston sent a message to the head nations, and when they received it, they sent to us at Otsaningo; telling us, that as we lived close by our cousins, they desired we would invite them to meet at our town, and accordingly we invited them, and they came to a great meeting at our town of Otsaningo. We then gave our cousins a belt of a fathom long, and twenty five rows in breadth, and desired them to lay down the hatchet that they had taken up against the English, and to be easy with them: And if they would follow this advice, we told them, that they would live in peace, until their heads were white with age; otherwise, it might not be so with them.

Not hearing from our cousins for some time what they did in consequence of this belt, we sent to them two other belts, one of sixteen and the other of twelve rows, desiring them once more to be easy with their brethren the English, and not to strike them any more: But still we heard nothing from them; indeed sometime afterwards we understood the Delawares should say, that the Indians at Otsaningo, had grey eyes, and were like the English, and should be served as Englishmen; and we thought we should have had the hatchet struck into our heads. We now want to know what is become of these belts; may be they may be under ground, or they may have swallowed them down their throats.

Brethren, As our cousins have been loth to give any answer to these belts, we now desire they may let us know, in public conference, what they have done with them. A string.

17th October, 1758.

The indians were in council all day; and acquainted the governors, that they could not be ready to meet before morning.

At a conference held at Easton the 18th October, 1758.

PRESENT: The governors, council, gentlemen and Indians, with the interpreters: as aforesaid.
Mr. Peters and Mr. Read acquainted the governors: That at a meeting of the chiefs of the older and younger nations, with the several tribes of the Delaware and Minisink Indians, on Monday night, the speech of Tagashata, delivered that morning in the publick conference, respecting the giving up the prisoners, was interpreted in the Delaware language by Stephen Calvin; and another belt, on the part of the governors, being joined to Tagashata's belt, they were both delivered to the Delaware and Minisink chiefs, to enforce the subject matter. When this was done, Tagashata spoke to the Minisink chief Egotchowen, saying,

We were told by you, that you had delivered up the English prisoners, and we believed you; but our brethren have told us, that they were not delivered up, and therefore we earnestly desire that they may be made easy on this article. You know, cousins, that their hearts will always be in grief; 'till they see again their flesh and blood: It is natural that they should be so: It would be so with us, if it was our case. We desire you will be extremely careful to perform this matter fully and soon; let there be perfect peace all over the English country. And let it now be published, that we may all live in peace, and with satisfaction, now and for ever. I told you, Egotchowen, when you was in my town, to bring with you the English prisoners, and that our brethren would expect it. I wish you had done it. But however, do it now with all speed, and it will be well.

That Egotchowen answered, "It is true, I was at my uncles fire, and I believe he desired me to bring the prisoners down; but I suppose it was not interpreted to me; for I did not understand it clearly; but I now understand it."

That the Minisink and Delaware Indians were desired to collect all their warriors together, and give them their belts, and receive from them their answer, it being necessary they should concur heartily in whatever should be concluded.

Then Nichas, the Mohawk chief acquainted the governors, that, as councellors, they had finished, having nothing to propose at this present meeting. The warriors were to speak now, and Thomas King was appointed to deliver their words; who thereupon arose, and began, with an exhortation as well to all concerned in publick affairs, governors and their councils, and Indian chiefs and their councils, as to the warriors of all nations, white people and Indians, desiring all present to attend carefully to what was going to be related, as matters of great consequence, which would serve to regulate the conduct of the English and Indians to each other. He added, that the relation going to be made had taken a great deal of trouble to put it into order, and it was made on information given by the several nations now present who were acquainted with the facts.

Brethren,

We, the warriors, have waited some time, in hopes our councellors
would have taken this matter in hand; but as they have not done it, we have, at their desire, undertaken it, and they have approved of every thing. I say, the councillors of the five younger nations, as well as the three older nations, have approved of what the warriors are going to relate; and take notice, that the speech is not only the speech of all the warriors of the elder and younger nations, but of our cousins the Delawares and Minisinks.

This was interpreted in the Delaware language; and Thomas King then proceeded, directing his speech to the governors, and all the English upon the continent:

Brethren,

You have been inquisitive to know the cause of this war: You have often inquired among us, but perhaps you did not find out the true cause of the bitterness of our hearts, and may charge us wrongfully, and think that you were struck without a cause by some of our own warriors, and by our cousins. But if you look a little about you, you will find, that you gave the first offence. For in time of profound peace, some of the Shawanese, passing thro' South-Carolina, to go to war with their enemies, were taken up and put into prison. The English knew they were going to war, and that they used to do it every year: And yet, after they had persuaded them in a friendly way into their houses, they were taken up and put into prison; and one who was a head man of that nation lost his life, and the others were severely used. This first raised ill-will in the minds of the Shawanese, and as the French came a little after this happened to settle on the Ohio, the Shawanese complained of it to them, and they made an artful use of it, set them against the English, and gave them the hatchet. Being resolved on revenge, they accepted it, and likewise spoke to their grand-fathers the Delawares, saying, 'grand-fathers, are not your hearts sore at our being used so ill, and at the loss of one of our chiefs? Will you not join us in revenging his death?' So by degrees our young men were brought over to act against you. On searching matters to the bottom, you will find, that you in this manner, gave the first offence. This we thought proper to let you know: It may be of service for the future. You may he induced by this, to take better care in conducting your council-business, so as to guard against these breaches of friendship; or as soon as they happen, in corresponding immediately with one another, and with the Indian nations, who are in any wise concerned on such occasion. *Eight strings of black wampum.*

Brethren, this was the case of the Shawanese that I have just now related. Another of the like nature has since happened to the Senecas, who have suffered in the same manner.

About three years ago, eight Seneca warriors were returning from war
through Virginia, having seven prisoners and scalps with them. At a place called Green Briar, they met with a party of soldiers, not less than one hundred and fifty, who kindly invited them to come to a certain store, and said they would supply them with provisions: And accordingly they travelled two days with them, in a friendly manner; and when they came to the house, they took their arms from the Senecas: The head man cried out, 'Here is death, defend yourselves as well as you can;' which they did, and two of them were killed on the spot; and one, a young boy, was taken prisoner. This gave great offence, and the more so, as it was upon their warriors road, and we were in perfect peace with our brethren. It provoked us to such a degree, that we could not get over it.

Brethren, you have justly demanded your prisoners; it is right; and we have given you an answer: And therefore, as we think this young boy is alive, and somewhere among you, we desire you will enquire for him. If he be alive, return him; if you have swallow’d him down your throats, which perhaps may be the case, let us know it, and we will be content. His name is Squissatego. *Six strings of white wampum.*

Brethren, we have one word more to mention of the same nature, and which was the very cause why the Indians at Ohio left you.

Brethren, when we first heard of the French coming to Ohio, we immediately sent word to the governors of Virginia and Pennsylvania; we desired them to come, and likewise to supply us with such things as were proper for war, intending to defend our lands, and hinder the French from taking the possession of them: But these governors did not attend to our message; perhaps they thought there was no foundation for our intelligence. The French, however came, and become our neighbours; and you neither coming yourselves, nor assisting us with warlike stores, our people of necessity were obliged to trade with them, for what we wanted, as your traders had left the country. The governor of Virginia took care to settle on our lands for his own benefit; but when we wanted his assistance against the French, he disregarded us. *A belt.*

Brethren, at this treaty you justly demanded to see your flesh and blood. We have pressed this on our cousins the Minisinks; and they by this string, desired us to assure you, the governors, that they would make strict search in their towns, and sincerely comply with your request, and return all tile prisoners in their power. *Two strings of black and white wampum.*

Then directing his discourse to the governor of Jersey, he proceeded:

Brother, the governor of Jersey,

Our cousins the Minisinks, tell us, they were wronged out of a great deal of land, and the English settling so fast, they were pushed back, and
The Colonial History of New Jersey

Samuel Smith

could not tell what lands belonged to them. They say, if we have been
drunk, tell us so: We may have forgot what we sold; but we trust to you
the governor of Jersey, to take our cause in hand, and see that we have
justice done us. We say, that we have here and there tracts of land, that
have never been sold. You deal hardly with us; you claim all the wild
creatures, and will not let us come on your land to hunt after them. You
will not so much as let us peel a single tree: This is hard, and has given us
great offence. The cattle you raise are your own, but those which are wild,
are still ours, or should be common to both; for when we sold the land, we
did not propose to deprive ourselves of hunting the wild deer, or using a
stick of wood when we should have occasion. We desire the governor to
take this matter into his care, and see that justice be done in it. *Two strings
of white wampum.*

On the 19th October, 1758, at a private conference with the Indians, held at Easton.

PRESENT: His excellency governor Bernard; The commissioners of New-Jersey;
The chiefs of the United Nations, and of the Minisinks and Wapings; George
Croghan, Esq; captain Henry Mountour and Stephen Calvin.

His excellency reciting the request of the United Nations to him, to do justice
to their nephews the Minisinks, concerning their claim to lands in New Jersey,
said, he would make diligent enquiry, what lands were remaining unsold by them:
But as that would be a work of time and expence, he wished that some means
could be found to give them satisfaction at this meeting. The people of
New-Jersey said, they had bought all, or the greatest part of the Minisink lands;
and the Minisinks said they had a great deal of land unsold. He could not tell who
was in the right; but would suppose there were some lands unsold: And upon that
supposition would give, them some money by way of consideration for them, if
they would propose a reasonable sum; and desired they would advise about it, and
give an answer. The united nations said, it was a very kind proposal, and
recommended it to the consideration of the Minisinks.

At a private conference with the Indians, held at Easton, the 21st of October, 1758.

PRESENT: His excellency governor Bernard, and the Jersey commissioners;
Thomas King, chief of the Oneidas, Tagashata, chief of the Senecas, Takaatio, chief
of the Cayugas, Egohohowen, chief of the Minisinks, Aquaywochtu, chief of the
Wapings, with other Indians of the several nations; George Crochan, esq, deputy
to sir William Johnson; captain Henry Montour, his majesty's interpreter to the
United Nations; Mr. Stephen Calvin, interpreter of the Delaware and Minisink
languages.

His excellency informed them, that he met them to agree about a consideration
for the uncertain claims of the Minisinks, Wapings and other Indians, claimants of land in the northern parts of the province of New-Jersey, and desired that it might be considered, that they knew not what they sold, and he knew not what he bought; therefore the price ought not to be large.

That they might propose a sum to him, or he would make an offer to them; or it should be left to their uncles to consider of a price, as would please them best.

The united nations, by Thomas King, said, that they had no claim to the lands of the Minisinks, or others their nephews, on the east side of Delaware, and should therefore leave the fixing a price to them.

Then the Minisinks and Wapings withdrew to consult about it; and being returned, Egohohowen, the Minisink chief, said, that they would choose the governor should make an offer, as they might perhaps demand too much.

His excellency having consulted the commissioners, offered them eight hundred Spanish dollars for their claim in New-Jersey, as an extraordinary price.

The Minisinks said, they should be glad of the opinion of their uncles in the matter.

The United Nations, by Thomas King, said, it was a fair and honourable offer, and that, if it was their own case, they would cheerfully accept of it. But as there were a great many persons to share in the purchase money, they recommended it to his excellency, to add two hundred dollars more; and, if that was complied with, the report of it would be carried to all the nations, and would be a great proof of the affection and generosity of their brethren the English, on this occasion, and would be very agreeable to them.

His excellency desired to know of the Minisinks, and other claimants, if they approved of the proposal of their uncles; and they informed him, that they did.

The governor after consulting the commissioners, said, it was more than he had intended to give; but as the United Nations had given themselves the trouble of being mediators between them, he could not refuse their recommendations, and was glad of the opportunity he had of shewing his regard to the United Nations, and his benevolence to the Minisink and other Indians, who had resided in the province where he presided; and therefore complied with their request.

His excellency then desired them to remember, that this consideration money, was to be in full for the claims of all the Minisink and Waping Indians, and all others who claim any lands, in a map, which was laid before them at the same time, which included all the lands from the line between the provinces of New-York and New-Jersey, and down Hudson's river, to the mouth of Rariton up
The Colonial History of New Jersey

Samuel Smith

the same to Alametung Falls, on the north branch of Rariton river, thence on a straight line to Paoqualin Mountain, where it joins on Delaware river, and thence up the Delaware to Cushytunk; and recommended it to them to have respect to this in the division of the consideration money.

Then Tagashata, the Seneca chief, arose, and addressing himself to the Minisinks and other Indian claimants, spoke as follows:

My nephews,

I desire you will now give over all thoughts of your land, and that we may hear no more complaints about it.

Now you must remember the friendship between you and your brother, and transmit to your children, and make them acquainted with the transactions of this day. I recommended this to you, not from my lips only, but from the bottom of my heart: I hope it will also make a deep impression, in your hearts.

It seems, as if your grandfathers had not told you of the treaties they used to have with their brethren, but carried them with them to the grave. But we hope you will not do so, but carefully inform your children of your agreements. We have given you this advice, and hope you will follow it. We also expect you will take care of your young men, that they do no more mischief to their brethren the English.

Egohohowen, then addressed himself to the governor, and desired to be heard.

Brother,

We are now thoroughly satisfied; and we still retain a friendship for our brethren the English, and we desire, that if we should come into your province, to see our old friends, and should have occasion for the bark of a tree to cover a cabin, or a little refreshment, that we should not be denied, but be treated as brethren: And that your people may not look on the wild beasts of the forest, or fish of the waters, as their sole property; but that we may be admitted to an equal use of them.

The governor answered, that, as soon as he got home, he should issue a proclamation, to notify to the people of his province, that he had made a peace with them, and to order, that, for the future, they should be treated as brethren, which he hoped would be done: But desired they would not go into those parts, where they had lately committed hostilities, 'till the people's passions were cooled; for he could not be answerable for his people's behaviour, whilst their losses were fresh upon their minds.
The Colonial History of New Jersey
Samuel Smith

The 21st of October.

PRESENT: All the confederate Chiefs: Teedyuscung; Nowalkeeka, alias Four steps; Awehela, alias James Davis; Egohohowen, Munsey chief; Tapiscawen, alias Samuel Davis; Philip Compass; Lappink; Moses Tetamy: Conrad Weiser, Henry Montour, Isaac Stille, interpreters.

Governor Bernard, requesting the attention of the Indians, addressed them as follows:

Brethren of the united nations,

By this string, you spoke on behalf of our brethren the Minisinks, and said, That they were wronged in their lands; that the English settled so fast, they were continually pushing them back; and when they asked for their lands, they were told that they had sold their land, and had got drunk and forgot it. If they had swallowed their lands, they must be content; but they did not believe that they had swallowed all, but that some was left. They desired, that I would enquire after their lands that were left, and do them justice.

Brethren, I am glad I have an opportunity, in the presence of so many nations, to express the desire I have of doing justice to every one. The throne of the great king is founded on justice: And I should not be a faithful servant to him, if I neglected to give redress to all persons, that have received injuries from the people, over whom the great king has placed me.

I have therefore had a conference with the Minisinks, in the presence of some of their uncles; and have come to a full agreement with them, the proceedings of which are now ready to be read to you.

Brethren, I have another proof to give you of the uprightness and justice of our province. We have come to an agreement with the Delawares, and other Indians, for the uncertain claims they had on the southern parts of our province. I hereby produce the deeds, that have been executed on this occasion, that the subject of them may be explained to you, and be had in perpetual remembrance by all the nations present: And I desire that you may all remember, that, by these two agreements, the province of New-Jersey is entirely freed and discharged from all Indian claims. In confirmation of which I give you this belt. A belt.

Brother Teedyuscung, by this string you tell me, that, after the killing the nine Indians near Esopus, you carried three belts to George Vreeland, who undertook to give them to the governor, and you ask what is become of those belts.

Brother, I can only say, that I never heard of those belts before; nor do
I know, what governor George Vreeland undertook to carry those belts to. The proper governor was the governor of New-York; for in his province was this mischief committed. And probably the governor of New-York had these belts; for I have heard that he issued a proclamation for apprehending the perpetrators of this fact. This fact has been blamed by all good and wise men; and I am glad it was not done by the people of my province. I will acquaint the governor of New-York with what you have said upon this occasion, and I will enquire after those belts, and give you an answer. A string.

Governor Denny, being obliged to return to Philadelphia, on urgent business, took his leave of the Indians, saying:

Brethren,

It gives me great pleasure that the business of this treaty has been carried on with so much satisfaction.

I am sorry, I am now to inform you, that I am obliged to leave you, having received last night an express from general Forbes, who is now near the Ohio. My business calls me to town; I shall therefore leave Mr. Logan and Mr. Peters to transact the remainder of the business, and doubt not but they will act to your satisfaction. I assure you of my affection for you, and wish you all manner of happiness.

Teedyuscung arose, and desired to be heard on behalf of the Wapings, living near Esopus, and produced a short broad belt of white wampum, having in the center, two hearts of a reddish colour, and in figures 1745, wrote after the following manner, "17 [two hearts] 45" The belt had a round circle pendant, representing the sun: He then produced two certificates, one from governor Clinton, and the other from governor Hardy, both which were much in favour of the Waping Indians. He said the belt was given them by the government of New-York, and represented their union, which was to last as long as the sun should continue in the firmament.

Teedyuscung addressed governor Bernard, desiring by a string of wampum, that he would extend his protection to the Wapings; and as their chief was old and infirm, he requested the favour of a horse to carry him home; which was readily granted.

Tagashata made the same request to governor Denny, which was likewise granted.

The Six Nation chiefs consulted together, and in a little time, Nichas, in their behalf, returned an answer to the speeches of the governors, laying the belts and strings upon the table, in the order they were delivered, and repeating distinctly
what was said on each of them. At the end of every article he returned thanks, and expressed the highest satisfaction, particularly on the ratifying the peace, and the large belt given thereupon, which he said should be sent to all the distant nations of Indians, to whom it would be very agreeable; he likewise promised, that every thing transacted in these conferences, which he again said had afforded them great pleasure, should be laid before the great council at Onondaga, whose answers should be carefully transmitted.

He thanked governor Bernard for making up all the differences between that government and the Minisink Indians so much to their satisfaction.

He made an apology for the want of wampum, and the exchange of other belts to give in confirmation of their performance of the several things mentioned in the governors speeches, agreeable to Indian customs. And then wished governor Denny a good journey.

*At a conference with the Indians, held at Easton, on the 26th of October 1758.*

PRESENT: His excellency governor Bernard, William Logan, Richard Peters, Andrew Johnston, Charles Read, John Stevens, George Croghian, Conrad Weiser, Charles Swaine, esquires., Major Ordnt, the sheriff of Northampton county, John Watson, the chiefs of the United Nations, and of the other nations, and the interpreters, as aforementioned.

Mr. Secretary Peters having observed to the confederate chiefs, that the governors were by Tokaaio, charged with having omitted some things in their answers, and desired to know what they were, Thomas King said, that in regard to some things they had been since supplied, and recommended that some other things should be more particularly taken notice of; than they had been. Wherefore agreeable to this advice, the following speech was spoke by the members of the Pennsylvania council, governor Bernard assenting thereto:

**Brethren,**

As we have now settled all differences, and confirmed the antient leagues of amity, and brightened the chain of friendship; we now clean the blood off your council seats, and put them in order, that when you hold councils at home, you may sit in your seats with the same peace and tranquility as you formerly used to do. *A string consisting of a thousand grains of Wampum.*

Brethren, with this string of wampum, we condole with you for the loss of your wise men, and for the warriors that have been killed in these troublesome times, and likewise for your women and children, and we cover their graves decently agreeable to the custom of your fore-fathers. *A*
string of a thousand grains of wampum.

Brethren, we disperse the dark clouds that have hung over our heads, during these troubles, that we may see the sun clear, and look on each other with the cheerfulness our forefathers did. A string of a thousand grains of wampum.

Then Mr. Peters and Mr. Weiser produced the confirmation deed, executed by the chiefs of the United Nations: as before set forth, which the Indian chiefs acknowledged to have been their voluntary act and deed, and that they clearly understood the contents thereof; together with the limits described in the draught annexed to it; and the same being handed from Indian to Indian, all round the house, it was delivered to the proprietor's agents.

After which the Indian chiefs produced the proprietary deed of release, executed by Mr. Peters and Mr. Weiser, the proprietary's agents, who acknowledged it to be their act and deed, in behalf of their constituents, as well as their own, and re-delivered it to the Indians, together with the belt.

His excellency governor Bernard produced the following deeds, executed by five Indian attornies, appointed by a council of the Delaware nations, for all the lands lying in New-Jersey, south of a line from Paoqualin mountains at Delaware river, to the falls of Alamatung, on the north branch of Rariton river, thence down that river to Sandy-Hook; dated the 12th of September last, with endorsements thereon, made by Teedyuscung, Unwallacon and Tepascawen, signifying their agreement thereto, and acknowledgment of their having received satisfaction thereon; witnessed by three chiefs of the Six Nations, who in behalf of the Six Nations, approved the sale, and also by several English witnesses. And another deed, dated the 23d October instant, at Easton; from the chiefs of the Munsies, Wapings, Opings, or Pomponts, sixteen in number, and including all the remaining lands in New-Jersey, beginning at Cushytunk, and down the division lines between New-Jersey and New-York, to the mouth of Tappen creek at Hudson's river, and down the same to Sandy Hook, thence to the mouth of Rariton, thence up that river to the falls of Alamatung, thence on a strait line to Paoqualin mountains, where it joins on Delaware river, thence up the river Delaware to Cushytunk; endorsed by Nimham, a chief of the Opings or Pomptons, who was sick at the execution thereof; and approved by the Six Nations; which was testified by three of their chiefs, signing as witnesses thereto: And governor Bernard desired, that all present might take notice of the same, and remember that the Indian titles to all the lands in New-Jersey, were conveyed by those two deeds.

Which being interpreted in the Mingo and Delaware languages; his excellency
addressed the Indians, as follows:

Brethren

I am very glad this good work has been so happily finished. I came among you wholly unacquainted with your forms, and therefore if I have omitted any ceremonies, you will readily excuse me. But in whatever I have been deficient, I am sure, I have not wanted a good heart towards you.

The circumstances of our province, have hitherto rendered us unable to give you any great proofs of our regard for you. But I shall endeavour to persuade my people, to do you good service for the future, by opening a communication with you; which if rightly managed, will be much to the advantage of both people. And for my own part, I shall be always ready to do you justice; and desire that whenever you have cause of complaint against my people, you will take care to signify it to me. A string.

The Five Nation chiefs, laid all the belts and strings on the table, that were delivered at this and the last conference. Tokaiao, the Cayuga chief; desired the governor and all present, would take notice of what Thomas King was going to say, on behalf of the United Nations.

On which Thomas King arose, and taking up the first belt which was given by Teedyuscung, when he requested a deed for the Wioming lands, he addressed the Delawares, (Teedyuscung not being present) as follows:

Cousins,

By this belt, Teedyuscung desired us to make you the owners of the lands at Wioming, Shamokin, and other places on the Susquehannah river; in answer to which, we who are present say, That we have no power to convey lands to any one; but we will take your request to the great-council-fire, for their sentiments, as we never sell or convey any land, 'till it be agreed on at the great council of the United Nations. In the mean time, you may make use of these lands, in conjunction with our people, and all the rest of our relations, the Indians of the different nations in our alliance.

Which being interpreted into Delaware, the string of wampum was given to Moses Tetamy and James Davis, to be delivered to Teedyuscung, as he was not present.

Then taking up each belt and string in the order it was delivered in this, and the last conference, he proceeded to repeat distinctly, what had been said under each article, returning thanks for all those good speeches, which he said, were extremely agreeable. He made particular mention of the large peace belt, saying,
The Colonial History of New Jersey

Samuel Smith

The nations are greatly pleased, that all the ancient treaties made here, at Albany, and elsewhere, are renewed, as well as that the old council-fire at Philadelphia, is kindled again, and a good road made to it, that may be travelled without any danger: These in particular, as well as every other matter transacted at these conferences, we will make known to our own nations, and to every other in friendship and alliance with us, and we are sure they will be very well received.

Then addressing governor Bernard, he thanked him for his farewell speech, saying, "It was a very kind one, and that they were much pleased with his having been present, and given his assistance at this treaty, which had given them an opportunity of gaining an acquaintance with him, which they would ever remember with pleasure." After a pause, he desired to be excused for mentioning some things that had been omitted by the governors and their councils.

They have forgot to bring with them ammunition, of which we always used to receive a sufficient quantity, not only to serve us in our journey, but to support us in our hunting season, that we might be enabled to make provision for our families. They have given us gunlocks without guns, which are of no manner of use to us; and therefore this must have surely been forgot; as it is impossible for Indians to subsist without guns, powder and lead, of which we have received none.

As many of us are old and infirm, we desire our brethren, will be so good as to furnish us with a number of waggons, to convey such of us, as are not able to walk, and the goods you have been pleased to give us, as far as Wioming, where we have left our canoes, and then we will discharge the waggons, and they may come back again.

We further desire a supply of provisions may be put into the waggons, enough to serve us ’till we get to our respective habitations.

He then took up the proprietary release, and returned thanks for it. He said,

When the United Nations first made the request to sir William Johnson to be transmitted to Onas, they had no doubt but Onas would comply with it, having always found him ready to grant all their requests. With him we have never had any difference; he has always settled our affairs without giving us any trouble, and to our satisfaction. We heartily thank Onas; this act confirms us in the good opinion we always had of him.

Then addressing himself to the Delawares, with a string of wampum, he spoke as follows:

This serves to put Teedyuscung in mind of his promises, to return the
prisoners: Remember, cousins, you have made this promise in our presence; you did it indeed before, and you ought to have performed it: To tell lies, does not become a great man: A great man always keeps his word, and performs his promises. Cousins, you must not now fail to keep your word: We are all now one people, and we must all be punctual in the performance of our engagements.

This was interpreted into the Delaware language, and the string was given to Moses Tetamy, to be delivered to Teedyuscung.

Then he said the United Nations had finished what they had to say.

Some wine and punch was called for, and mutual healths were drank, and the conferences were concluded with great satisfaction.

In consequence of the expectations given the Indian inhabitants, the commissioners, with the consent of the Indian attornies, purchased a tract of upwards of 3000 acres, called Brotherton, situate in Burlington county, in which is a cedar swamp and saw-mill, adjoining to many thousand acres of poor uninhabited land, suitable for hunting, and convenient also for fishing on the sea-coast; the deed was taken in the name of the governor and commissioners, and their heirs, in trust for the use of the Indian natives who have or do reside in this colony south of Rariton, and their successors for ever, with a clause, providing that it shall not be in the power of the Indians, their successors, or any of them, to lease or sell any part thereof; and any person (Indians excepted) attempting to settle there, to be removed by warrant from a justice of the peace; no timber to to be cut but by the Indians, under penalty of forty shillings fine for every tree. The Indians soon after the purchase, removed to the settlement, and there remain to their satisfaction, having their usual means of living very convenient; they were assisted by the government, in their removing and buildings: There are about sixty persons seated here, and twenty at Weekpink, on a tract formerly secured by an English right, to the family of king Charles, an Indian sachem.

Some time after the treaty at Easton, fresh hostilities being commenced by the back Indians, and approaching very near the frontiers of Jersey, it was feared, notwithstanding these agreements, they would prove perfidious; which occasioned a guard to be placed there: Part of the address of the assembly to governor Franklin, in the spring, 1764, sets this and the present state of Indian affairs, in a true light; and with that we conclude the subject.

In the original settlement of this province, great circumspection and care was used to gain and preserve the friendship of the Indian natives; their lands were from time to time, fairly and openly purchased, to their general satisfaction: This conciliated their affection; and for a long course of time, they were eminently
serviceable to the new settlers; and since the beginning of their hostilities, lest some among them should think any part of our lands remained unpurchased, care was taken at the treaty of Easton, 1758, to obtain for a valuable consideration, a general release for all the lands in this province, such parts only excepted, as were reserved for the use of those Indians that inclined to live under the protection of this government; this was done, and the money paid in open council, and their approbation universally expressed: Such therefore being the circumstance of this province, with regard to the Indians, it became a matter of astonishment to us, that any conduct of theirs should give reason to fear their intentions respecting us; and whether they had actually any design upon this province or not, their hostilities in the neighbourhood of our frontier, and in one doubtful instance, over the line, were inducements to place a frontier guard of two hundred men for the winter last.
To be very particular on this head, comes not within our design; nor will it perhaps be a matter of much expectation, as the present state of trade carried on chiefly through the provinces New-York and Pennsylvania, seems but little calculated to draw attention from abroad; but the situation of the province, as lying directly in the concourse between the places aforesaid, renders it almost as well known to strangers resorting there.

New-Jersey lying about 75 degrees west longitude from London, is bounded on the west and south-west by Delaware river and bay, on the south-east and east by the Atlantick ocean; the sound, which separates Staten Island\textsuperscript{169} from the continent, and Hudson's river on the north, by a line as yet unsettled, to be run from the river last mentioned, in the latitude of 40 degrees to the northerly branch of Delaware, in latitude of 41 degrees 40 minutes, which line is to be the boundary with New York on that side. The greatest length of New-Jersey from north to south, that is from Cape-May, in the latitude of 39 degrees to the north Station Point, in the latitude 41 degrees 40 minutes at 69 miles to a degree, is 184 miles. Its greatest breadth is about 60 miles; but supposing it on an average 150 in length and 50 broad, the whole province must then contain 4,800,000 acres; of which at least one-fourth, (probably more) is poor barren land, in respect to tillage; but in part abounding with pines\textsuperscript{170} and cedars, and some few tracts of swamp, that will make meadow. It is supposed, that West-Jersey contains the greatest quantity of acres, and in return took the most barren land. East-Jersey, now 1765, is supposed to have located nearly 468,000 acres good land, and 96,000 acres of pine land.\textsuperscript{171} The proprietors of West-Jersey, soon after their arrival, divided among them, 500,000 acres, which they call the first dividend; since which, at different times, they have issued directions for each proprietor's taking his part of four other dividends of the like quantity, amounting in the whole, with allowance of five per cent. for

\textsuperscript{169} Or if we include that island still on the Atlantick; but New-York hath it in possession, tho' from situation it seems apparently intended a part of New-Jersey.

\textsuperscript{170} Chiefly the pitch pine.

\textsuperscript{171} Good rights in East-Jersey, now 1765, sell at 20s. proc. per acre, Pine ditto, 10s. proc. per acre; Rights in West-Jersey, at the same time, sell from 10l. to 12l. per hundred acres.
roads, to 2,625,000 acres, conjectured by many to be full as much land as the division contains; of this the far greater part is already surveyed; what yet remains are chiefly the rights of minors and people abroad.

Delaware river, from the head of Cushietunk, tho' not obstructed with falls, has not been improved to any inland navigation, by reason of the thinness of the settlements that way: From Cushietunk to Trenton falls, are fourteen considerable rifts, yet all passable in the long flat boats\textsuperscript{172} used in the navigation of these parts, some carrying 500 or 600 bushels of wheat. The greatest number of the rifts are from Easton downward; and those fourteen miles above Easton, another just below Wells's ferry, and that at Trenton, are the worst. The boats seldom come down but with freshes, especially from the Minisinks: The freight thence to Philadelphia, is eight pence a bushel for wheat, and three shillings a barrel for flour: From the forks, and other places below, twenty shillings a tun for pig iron, seven pence a bushel for wheat, two shillings and six pence a barrel for flour. This river above Trenton, has no branches worth mentioning, for conveniency of navigation.\textsuperscript{173}

Though the province boundary on the ocean, is extensive, the harbours for large shipping are but few, and, except Sandy-Hook, mostly inconvenient, occasioned by a great extent of salt meadows, swamps and marshes, and being exposed to the N.E. winds; this disadvantage is however amply supplied by the Delaware and Hudson's river.

Almost the whole extent of the province adjoining on the Atlantick, is barrens, or nearly approaching it; yet there are scattering settlements all along the coast, the people subsisting in great part by raising cattle in the bog, undrained meadows and marshes, and selling them to graziers, and cutting down the cedars; these were originally plenty of both the white and red sorts: The towring retreat of the former have afforded many an asylum for David's men of necessity:\textsuperscript{174} They are now much work'd out. Another means of subsistence along the coast, is the plenty of fish and oysters, these are carried to New-York and Philadelphia markets. It is thought, no inconsiderable whale-fishery might be form'd there; on the banks the New-England men frequently fish with success. The barrens or poor land, generally continues from the sea up into the province, thirty miles or more, and this nearly the whole extent from east to west; so that there are many

\textsuperscript{172} These boats are made like troughs, square above the heads and sterns, sloping a little fore and aft, generally 40 or 50 feet long, 6 or 7 feet wide, and 2 feet 9 inches, or 3 feet deep, and draw 20 or 22 inches of water when laden.

\textsuperscript{173} Analysis of the map of the middle colonies, by L. Evans.

\textsuperscript{174} 1 Samuel xxii, 2.
thousand acres, that will never serve much of the purposes of agriculture; consequently when the pines and cedars are generally gone (they are so already in many places) this will not be of much value. This excepted, and what of the same sort may be here and there intermixed in other parts of the province, the lands in general (perhaps something better than two thirds of the whole) are good, and bear wheat, barley, or any thing else suitable to the climate, to perfection. As the province has very little foreign trade on bottoms of its own, the produce of all kinds for sale, go chiefly to New-York and Philadelphia; much of it is there purchased for markets abroad; but some consumed among themselves. The inhabitants as to dress and manners, form themselves much after the neighbouring provinces; the western, about as far as the tide flows up Delaware, those of Pennsylvania; the remainder, those of New-York. The political state of the province may be described in a few words; harmony reigns in a considerable degree, in all branches of the legislature; the publick business is consequently dispatched with ease, and at a small expense. Thus much in the general: Next for the counties; of these there are thirteen: Their respective wealth on a comparison with each other, may be collected from the proportions fixed by act of Assembly, on a £.25,000 tax, 1764.

MIDDLESEX, £. 2,265: 17: 09 3/4
MONMOUTH, 3,285: 16: 10 1/2
ESSEX, 1,946: 08: 04
SOMERSET, 2,791: 07: 01
BERGEN, 1,647: 09: 08 1/4
BURLINGTON, 3,125: 09: 05 3/4
GLOUCESTER, 1,954: 10: 02 1/2
SALEM, 1,746: 07: 03 1/2
CAPE-MAY, 417: 14: 08 1/2
HUNTERDON, 3,544: 07: 11
MORRIS AND SUSSEX, * 1,389: 01: 08 1/4
CUMBERLAND, 885: 09: 03 1/4

*Sussex being the frontier county, and but lately settled, pays but a small proportion.

The number of inhabitants in 1738, were said to be: 47,369
In 1745: 61,403
The increase in seven years: 14,034

Supposing the increase to be nearly the same since, the number now, 1765, must be about 100,000.

The increase of some of the counties in West-Jersey, between 1699 and 1745, was found to be more than six for one; the proportion of strangers arriving since,
The Colonial History of New Jersey

Samuel Smith

is not the same; but the natural increase must be far greater.

The counties are several of them mark'd by productions, differing in some respects from each other; and when distinguished, may perhaps bear the following general description.

Eastern Division

MIDDLESEX

First ascertain'd a county by act of general assembly, in the proprietor's time 1682, had its boundaries particularly fix'd by subsequent acts, in 1709 and 1713. See laws of the province, vol. 1., p. 13, 40, 41.

In this county lies the city of Perth-Amboy, on a point of land, which divides the river Rariton, and Arthur Kull sound. It takes its name Perth from James Drummond, one of the proprietors, and earl of Perth, and Amboy from Ambo, in Indian a point. The situation for a sea trade, as lying open to Sandy-Hook, whence vessels may arrive almost any weather in one tide from the sea, and find a safe commodious harbour, capacious enough to contain many large ships, is allow'd to be as good a port as most on the continent; yet by a fatality attending almost every attempt for trade in the province, the endeavours at this have been hitherto with no great success; tho' they have a sea trade, and export to foreign markets, yet not as might be expected from the advantages of situation: The land lies high and dry, in a good air: The Scots proprietors were indefatigable to improve it; but found up-hill work; yet effected a considerable settlement: The best part of the country 'round has water carriage to New-York. The legislature, by early stipulation of the proprietors and inhabitants, meet here and at Burlington, alternately, to accommodate each division, particularly those in each towards the extremities of this long-extended province: In the same manner the supreme courts of judicature for the province were fixed: Here the courts for the county of Middlesex are held; here also the general proprietors for East-Jersey always meet, and have lately erected a large and elegant house. [See Chap. IX, above] In this county also up the Rariton, lies the city of New-Brunswick, well built, but the situation low, tho' high ground adjoining; the county besides contains several villages, as Woodbridge, including Raway, Piscataway, Cranbury and Princeton; in the last is situate the New-Jersey college, a handsome capacious

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175 This took its name from its shape; not far from the land at Middletown, it winds like a hook, the shore and bottom sandy.

176 Here is a publick library.
The college was first founded by charter from president Hamilton, and enlarged by governor Belcher, in 1747; at his death he left it a considerable donation of books. The land in this county is in part very rich, and affords beef, sheep, some pork, most sorts of grain, and smaller articles; besides staves, firewood, and other lumber, for exportation and New-York market. A general idea may be form'd of the religion of the inhabitants, by the houses for worship; of these, the episcopalians in this county have five, presbyterians seven, quakers four, baptists two, seventh-day baptists one, low Dutch calvinists one.

**MONMOUTH**

Boundaries by act of assembly, passed in 1709, begins at the mouth of a creek that parted lands originally belonging to Andrew Bowne and George Willocks; thence following Middlesex, to the line dividing the eastern and western division of the province; thence southerly along this line to the sea; thence along the sea to the point of Sandy-Hook, and thence up the bay to the creek aforesaid: It contains the villages of Shrewsbury, Middletown, Freehold, and Allen-Town: The courts for the county business, are held at Freehold. The lands in Shrewsbury, Middletown, and part of Freehold, are mostly remarkably good; they raise grain, beef, sheep, butter, cheese, and other produce for New-York market. At the high lands of Navesink, the New-York merchants have lately erected a commodious light house, for the security of navigation. The houses for worship in this county, are, presbyterians six, episcopalians four, quakers three, baptists four.

**ESSEX**

Had its boundaries fixed by act of assembly, in 1709, but altered in 1741. *Laws of the province, vol. 1., p. 12, 274.* It contains the well-settled towns of Elizabeth and Newark; in the latter the courts for the county are held; in the former those for the ancient borough: This being an old settled county, and good land, is consequently full of inhabitants: their plantations are too high in value, to be generally large; their improvements greater than in many other parts; they raise wheat, beef, sheep, and generally what is common from good land; part is carried to New-York market, and part exported in bottoms of their own: Of places for worship, the presbyterians have seven, episcopalians three, baptists one, Dutch calvinists two.

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177 For a view, see New American Mag., 1759, p. 104.

178 At each of those towns is a publick library.
The Colonial History of New Jersey

Samuel Smith

SOMERSET

Was divided from Middlesex by a proprietary law, in 1688, and then named; its boundaries were again limited in the act of 1709, but altered by other acts in 1713 and 1741. Vol. 1 of laws p. 12, 40, 274. It adjoins to Middlesex on the north, the rest on Essex, Morris and Hunterdon: In it is the village of Bound-Brook: The land is rich, and being early settled by the industrious low Dutch, and a few others, much improved. Wheat is the staple of the county, of which they raise large quantities; they send their flour down Rariton river, to New-York; and near Brunswick, running under the river Rariton, is a copper mine, but not yet very profitable. In this county lies the Rocky-Hill mines: Here also at Baskin-ridge, is the seat of William Alexander, earl of Stirling; his improvements for taste and expence, promise more than any thing of the kind hitherto effected in the province. Of houses for worship, the English presbyterians have three, low Dutch reformed ditto, five, Dutch lutheran one, baptists one.

The Dutch of the calvinistical plan of Holland, in the eastern parts of this province, were very insignificant, and only supplied by their ministers from New York and Long-Island, twice or thrice a year; (except Hackinsack, who had one Burtolf settled among them) until about the year 1719, when those of Somerset, Middlesex, and part of Hunterdon, jointly applied to Holland for a minister, from whence came Theodorus Jacobus Freelinghausen, who officiated among them, and was the chief means of establishing several congregations in those parts: Since which the number of their ministers is increased to fourteen or fifteen in the eastern division; and each of them do for the most part supply two or three different congregations.

BERGEN

By the act of 1709, is bounded from Constable-Hook, along the bay and Hudson's river, to the partition point between New-Jersey and New-York; thence along the partition line between the said provinces, and the division line of East and West-Jersey, to Pequaneck river; thence down that and Passaick river to the sound; and thence to the place first named: Its situation on Hudson's river, opposite and adjacent to New-York, opens an advantageous intercourse with that market; their lands are generally good for grass, wheat, or any other grain. The Schuylers have here two large parks for deer. The inhabitants of the county, being the descendants of the low Dutch or Hollander, that originally settled there179 under the Dutch title, preserve the religion of their ancestors, and worship after the manner of the reformed churches in the united provinces; in principle presbyterians, yet in subordination to the classis of Amsterdam: Their language in

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179 See above.
general, bears the Dutch accent; nor have they forgot the customs of Holland: They have of houses for worship, Dutch calvinists seven, Dutch lutherans two. In this county are the Schuylers mines. Sixteen miles above Newark in Essex, on the opposite side of Second-River, in Bergen, is the remarkable Passaick falls, the precipice from the highest part of the rock, is supposed to be about seventy feet perpendicular. In this county was born the late famous Col. Peter Schuyler, who died in 1762, aged about fifty-two years: He was a younger son of Aarent Schuyler, the discoverer and first owner of the mines above-mentioned. He had the command of the province troops, against the French of Canada, in divers campaigns, in the two last wars; and by the best judges of military merit, was allowed to rank high in that character: He had qualities besides, that greatly recommended him to his acquaintance, being of a frank, open behaviour, of an extensive generosity and humanity, and unwearied in his endeavours to accomplish whatever appeared of service to his country: He was taken at Oswego, when that post was given up to the French, and long detained a prisoner in Canada; where having letters of credit, he kept open house for the relief of his fellow sufferers, and advanced large sums to the Indians, in the French interest, for the redemption of captives; many of whom he afterwards, at his own expence, maintained whilst there, and provided for their return; trusting to their abilities and honour for repayment, and lost considerable that way; but seemed to think it money well bestowed: As to person he was of a tall hardy make, rather rough at a first view, yet a little acquaintance discovered a bottom of sincerity, and that he was ready to every kind office in his power: In conversation he was above artifice or the common traffick of forms, yet seemed to enjoy friendship with its true relish; and in all relations what he seemed to be, he was. Matth. vii. 20.
The Colonial History of New Jersey

Samuel Smith

Western Division

BURLINGTON

For the first boundaries and settlement of this county, see Chap. VI., above. It was limited by the act of 1709, and afterwards curtailed by another act, Vol. I of Laws, p. 41.

The city of Burlington\textsuperscript{180} was laid out in 1677 and early incorporated; but the charter now in being; was granted by governor Cosby: The Delaware before it about a mile broad, forms a convenient bason for shipping; its situation for trade is good; but eclipsed by the growing advantages of its opulent neighbour, the city Philadelphia.\textsuperscript{181} The land and air is good: Where the houses chiefly stand, is an island, with two entrances on causeways, and a quantity of drain’d meadows adjoining; but long experience has proved them not unhealthy: The courts for the county are held here; the legislature of the province meet alternately at Amboy and here; the supreme courts are held in the same manner: The council chosen by the general proprietors of West-Jersey to transact their business, always meet here. [See Chap. XI., above] In this place is also a promising library, the contributors are incorporated by charter: Besides the town aforesaid, there are two others; ten mile further up Delaware, is Borden Town, founded by Joseph Borden; on a branch of Northampton or Rankokas river, is Bridge Town, or Mount Holly:\textsuperscript{182}

In this county also are the villages of Kingsbury, Crosswicks, New-Hanover and Chester, or Moores-Town: The arable land is generally but indifferent; yet interspersed with quantities of good meadow, renders them profitable: Pork is the staple; of which a large quantity is raised for the West-India market, and has deservedly gained reputation through all the islands: Beef, mutton, cheese, butter, &c. are carried to Philadelphia markets: Very little hemp or flax is raised in this

\textsuperscript{180} Four miles from hence, a recluse person who came a stranger has existed alone, near twelve years, in a thick wood; through all the extremities of the seasons, under cover of a few leaves, supported by the side of an old log, and put together in the form of a small oven, not high or long enough to stand upright or lie extended; he talks Dutch, but unintelligibly, either through design, or from defect in his intellects, 'tis hard to tell which; whence he came or what he is, nobody about him can find out; he has no contrivance to keep fire, nor uses any; in very cold weather he lies naked, stops the hole he creeps in and out at with leaves; he mostly keeps in his hut, but sometimes walks before it, lies on the ground, and cannot he persuaded to work much, nor obliged without violence to forsake this habit, which he appears to delight in, and to enjoy full health; when the woods and orchards afford him no nuts, apples, or other relief as to food, he applies now and then for bread to the neighbourhood, and with that is quite satisfied; he refuses money, but has been frequently cloathed by charity; he seems to be upwards of forty years of age; as to person rather under the middle size; calls himself Francis.

\textsuperscript{181} Seventeen miles distant by land, twenty by water.

\textsuperscript{182} Here is a publick library.
county, or indeed through the province, the inhabitants contented with a little (very little in some places) for their own use, have generally reserved their gains on other productions, for purchasing their chief supply of these and woollen articles of European manufacture; labour is thought too high to increase it much, and the climate not so favourable as in some other places. In this county are the Indian settlements of Brotherton and Weekpink: [See Chap. XXIII., above.] Of places for worship, the people called quakers have fifteen, episcopalian two, baptists one, presbyterians one.

GLOUCESTER

First laid out in 1677, had its boundaries ascertained by the act of 1709, beginning at the mouth of Pensawkin creek; thence up the same to the fork thereof; thence along the line of Burlington county to the sea; thence along the sea-coast to great Egg-Harbour river; thence up that river to the fork; thence up the southermost and greatest branch of the same to its head; thence upon a direct line to the head of Oldman’s creek; thence down the same to Delaware river; thence up that river to the place of beginning. Its situation opposite and contiguous to Philadelphia, gives great opportunities to make the most of the productions of the county at that market; tho’ their uplands as to the general are poor, the meadows are good and improve fast: they raise beef, pork, mutton, butter, cheese, &c. They have three villages, Gloucester, Haddonfield and Woodbury; at the first the courts for the county are held. Of houses for worship, the people called quakers have seven, the presbyterians five, episcopalian one, Sweeds lutheran one, baptists one, moravians one.

SALEM

Named by John Fenwick, and distinguished by his tenth, in 1675: The name and jurisdiction settled by a proprietary law, 1694: The boundaries were fixed in 1709, but altered by act of assembly, in 1747. Vol. I of laws, p. 14, 361. Their lands and meadows are rich, and productions of any kind, natural to the climate, plenty: The chief they raise are beef, sheep, pork, butter, cheese, and grain, for exportation. It being an old settlement, the improvements are considerable as to plantations: The county business is transacted at the town of Salem, which formerly sent two members to the general assembly; but in 1727, these were given to Hunterdon, and their right of choice suspended ’till two additional members were added to the eastern division. Places for worship are, quakers four, episcopalian two, Dutch lutheran one, presbyterians three, baptists two.

Here is a publick library.
CUMBERLAND

So named by governor Belcher, in respect to the duke of Cumberland; it was divided from Salem by act of assembly in 1747, and the boundaries fixed, (see Vol. I., of laws, p. 361.) the land is mostly poor; but they have good meadows and marshes; being a new settled county, these are not yet greatly improved; they raise cattle and sheep for graziers; the courts are held at Cohansick creek or Hopewell. In this county besides is the village of Greenwich: They join with Salem in the choice of two representatives: Places for worship are, episcopalians one, presbyterians four, baptists two, seventh day baptists one, quakers one.

CAPE-MAY

Was first made a county by a proprietary law in 1692; by another in 1694, had its boundaries better ascertained; and by the act of 1709, they were fixed to remain, beginning at the mouth of a small creek, on the west side of Stipson's island, called Jecah's creek, up the said creek as high as the tide floweth; thence along the bounds of Salem, now Cumberland county, to the southernmost main branch, of great Egg-Harbour river; thence down the said river to the sea; thence along the sea-coast to Delaware bay; thence up the bay to the place of beginning; the land is generally poor, but the adjoining salt marshes serve to breed cattle and horses; these with the red cedar beaches, and fish and oysters, with which the coast abounds, afford the inhabitants an easy maintenance; the county is divided into three precincts; the presbyterian have a place for worship in the first; the baptists in the second; the quakers in the third, being that next to the sea.

HUNTERDON

Was divided from Burlington by act of assembly, in 1713, and named by governor Hunter; the boundaries were then fixed, but altered in 1738. (See Vol. I., of laws, p. 41, 250.) It is situate along the Delaware, above the tide, and tho' one of the later settlements, is the most populous and opulent county in the province. The land is generally good for tillage; wheat, the staple; their flour is carried to New-York and Philadelphia markets: The courts are held at Trenton, a place of concourse and lively trade: It stands at the head of the tide, and in a high pleasant situation; the inhabitants have a public library. In this county resides John Reading, Esq; late president of the council, and twice commander in chief on the deaths of the governors Morris and Belcher: The counties of Morris and Sussex join Hunterdon in the choice of two representatives. Of places for worship, the presbyterians have nine, the low Dutch ditto one, German ditto one, episcopalians

184 This creek was called by John Fenwick, Caesarea river, part of the province name, as being the most considerable creek that puts out of Delaware into West-Jersey.
The Colonial History of New Jersey

Samuel Smith

three, quakers two, baptists two.

MORRIS

Was made a county in 1738; and the boundaries then established by law; but altered by the separation of Sussex, in 1753. (Laws, Vol. I., p. 253.; Vol. II., p. 20.) It was named by governor Morris, after his family: This, for a late settled county, is populous: The courts are held at Morris-Town: They raise grain and cattle chiefly for New-York market, and cut large quantities of timber of various sorts for exportation: In this county resides Peter Kemble, Esq; president of the council. The places for worship in this county, are, presbyterians nine, lutherans one, anabaptists one, quakers one, separatists one, rogereens one.

SUSSEX

Was named by governor Belcher, after the duke of New-Castle's seat in Sussex: It was divided from Morris by act of assembly, in 1753, and bounded by the mouth of Muskonekong, where it empties itself into the Delaware, and running up that river to the head of the great pond; thence north-east, to the line that divides New-York and New-Jersey; thence along the said line to Delaware; thence down the same to the place of beginning. It being the newest county, and a frontier, it is not much improved, and has but few inhabitants: It lies towards the head of Delaware; about fifteen miles was exposed to the Indians in the late wars, and fortified by a frontier guard, and several block-houses, at provincial expence. The courts for the county are held at Hairlocker's plantation, where a new court-house is lately built: Near the river lies the noted Paoqualin hill, being part of the continental chain or ridge, called the blue mountains, supposed to contain valuable ore: Between that and the river, is low intervale excellent land, containing a few plantations. This county raises some wheat, pork and cattle, for New-York and Philadelphia markets, and cuts lumber: It contains of low Dutch presbyterian meeting houses five, baptists two, German lutherans one, quakers one.

OF COURTS

These are: First, chancery; Second, the governor and council; Third, the prerogative court, relating to the probate of wills, and granting letters of administration on intestates effects; Fourth, courts of vice admiralty; Fifth, supream courts held four times a year, alternately at Burlington and Amboy, and circularly through the counties generally once a year, or oftener if occasion; Sixth,

185 Pennsylvania and New-York, meet against it; but have few settlements.
The Colonial History of New Jersey

Samuel Smith

the sessions, and court of common pleas, for business in the respective counties; Seventh, the justices court, for trial of causes of six pounds and under, in a summary way, these causes are not allowed to be legally decided by a single justice at a tavern, the act expressly barring against it; for debts above forty shillings, a jury of six is allowed, if desired. The governor is chancellor. The present justices of the supreme court are: Frederick Smyth, Esq; chief justice, salary one hundred and fifty pounds per annum; Charles Read, Esq; second justice, salary fifty pounds per annum; John Berrien, Esq, third justice, salary fifty pounds per annum. Ten pounds is allowed for each of the circuit courts, to the judge holding the same. All the courts are established in virtue of the royal commission; none (except the six pound court) by act of assembly: The common law is in use as in England: The customs and rules of legislation, and practices of the courts, are as near as may be, in the English model; the latter is thought to be as much so, by good judges, as that of any other colony: Appeals for sums above two hundred pounds sterling, lie home, after having gone through the courts here. Vid. 86th instruction, above.

Method of appealing from the plantations, to the king in council, by Sir Dudley Ryder, attorney general, afterwards L. C. J. of England:

You are to bring your cause to trial, in the chief court or jurisdiction for trial thereof; and if judgment shall be there given against you, then by your attorney, you are to appeal in open court, within fourteen days, to his majesty in council from the said judgment; and you are to obtain an entry thereof in the register of the court, at the same time offering security to prosecute such your appeal before his majesty in council, within twelve months, and to abide by his majesty’s determination in council therein: You are also to obtain authentick copies, under the publick seal of the province, of all papers and evidences produc’d in your trial, and of all entries, records thereupon; which being done, you are within twelve months, to have the same transmitted here, and to petition his majesty in council, setting forth the whole matter, and pray to be heard thereupon: But in case you shall be refused in the province to be admitted to appeal; you are then likewise to petition his majesty in council, setting forth the whole matter, and to pray, that your appeal may be admitted there; where, upon his majesty’s admitting your appeal, you are to give security as before, and order will be then given for admitting the said appeal, and for the transmitting hither authentick copies of the papers and records, under the publick seal of the province, in order to the hearing all parties thereupon.

OF BEASTS

The wild beasts, birds and fish, are those common to the rest of the continent; some of the colonies have much greater variety: Of the first, the panther, deer,
bear, woolf, wild-cat, fox red and grey, raccoon, otter and a few beaver, are the chief: Old settled places have but few of those most voracious; the small tribe of squirrels, rabbits, minks, ground-hogs, &c. are numerous: The deer in every county are plentier than one would expect; they breed but once a year, with two at a time; great numbers are destroyed by traps⁴⁶ and hunting, and by panthers, wild-cats, and sometimes wolves; the way the two first take to effect it, may be known by an instance near Crosswicks, 1748: An Indian hunting, discovered a large buck feeding, creeping to shoot, he heard something among the bushes, presently saw a panther with his eyes so intent on the buck, that he did not perceive him: the Indian watching his motions, observed, that while the buck had his head down to feed, the panther crept, but when he held it up, lay snug; he at last got unperceiv’d, within about twenty feet, and then making a desperate leap, fixed his talons in the buck’s neck; after he had nearly kill’d him, he would cease for a minute, give a watchful look ’round, and then fall to shaking again; having done his work, and about to draw the carcass to a heap of leaves for future service, the Indian shot, and got both: They sometimes take their prey by suddenly jumping out of trees; so the wild-cats also commonly effect it; these fix on young cattle so eagerly, as to be sometimes brought home on their backs: Some instances of the wolves killing deer, have been known; tho’ but seldom, and chiefly by accident: The bucks also kill one another in fighting, by entangling in the horns, and so die and rot; they have been taken alive so fasten’d, and the horns of others found: The deer are sometimes white, and sometimes spotted nearly like the common colour of fauns; but these are rare; brown is the usual colour.

The rattle-snake, as the country settles thick, are but little known; many old inhabitants have never seen them alive: The mischief they have yet done, is inconsiderable, their power and opportunities considered: This is remarkable; they have an astonishing charm,⁴⁷ in their eyes; the venom of their bite is perhaps without comparison; yet their power is happily circumscribed in a way the most

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⁴⁶ The enormous iron traps used for deer, with their wide jaws of destruction, are abhorrent to the common principles of humanity: There is no safety for man or beast where they are; laws to appearance well calculated, seem hitherto ineffectual in restraining them, tho’ so extreamly and commonly dangerous; ’till active men in neighbourhoods, will unite to exert themselves, and make it a common concern to discourage them, ’tis feared the danger will remain: Still worse is the practice of setting sharp stakes and loaded guns; these are scarcer, but ought to be justly detected, as below the rights of humanity, even with respect to brutes, and as common nuisances to mankind, where ever they are.

⁴⁷ A person having one taken alive, and brought in a small basket cover’d, the man that brought it, sat with the basket between his knees; he wantonly took off the cover; the snake caught his attention; he was immediately surprisingly affected, and express’d afterwards every thing attractive, as to the penetrating force of the snake’s eye, the snake all the while kept rattling with fury; the man’s own action was lost in amazement and terror; and had not another present, put the cover on the basket, he had probably been bit.
effectual, that is, by not having a will to mischief equal to the means, otherwise there would, in some places, scarcely have been any living among them; at least before antidotes were discovered by the Indians: Formerly they were thick and plenty in particular places; and yet in the new settled parts, are common, especially in the spring, when from their winter’s retreat, they prepare for a summer’s separation: A surveyor, with his eye on a distant object unawares among a parcel of these, one would think in a poor situation; yet an instance of this but lately happened: He had taken a long view in the spring on the south of a hill, and keeping his eye to the object, without attending so much to his feet, was first alarmd with a smell rank and disagreeable, and then an unusual noise, on which, looking about, he saw the leaves in motion, and woods alive with rattle-snakes; he got off by care in his steps, without harm. They choose for winter, the sunny side of hills, among rocks, where these can be had, or holes under trees, and in springy warm places: There have been dug up in their torpid state, different sort of snakes interwoven among one another, in great regularity, with their heads uniformly sticking out at the top: They obtain much of their food by striking a terror with their rattle at first, and then catching the eye of the frightened object. It is commonly said, that this (the rattle) is a kind contrivance of divine providence, to give warning to passengers, by the noise which this part makes, when the creature moves, to keep out of the way of its mischief; now this is a mistake. It is beyond all dispute, that wisdom and goodness shine forth in all the works of the creation; but the contrivance here is of another kind than is imagined.

All the parts of animals are made either for the preservation of the individual, or for the propagation of its species; this before us is for the service of the individual: This snake lives chiefly upon squirrels and birds, which a reptile can never catch without the advantage of some management to bring them within its reach; the way is this; the snake creeps to the foot of a tree, and by shaking his}

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**Footnotes:**

188 Half a dozen or less, with their tails in motion, might answer this purpose; but he was too much frightened to count; there might however be many more, as there frequently are numbers together, when they first leave their holes in the spring. One Robins, in Amwell, Hunterdon county, at a spot on his own plantation, had upwards of 90 kill’d in each of three springs successively: The parties performing it, bark’d young chestnut trees of the size of their own legs, and tied them on; thus accoutred, they effected their business without much danger; but the snakes frequently bit the bark. Instances need not be multiplied in a case well known; or others where the snakes were much more numerous, might be given. At one of the quarries, where stone was got for Prince Town college, the work-men came to an aperture in the rock, about eighteen inches wide, ten feet long, and six deep, in which they found near twenty bushels of snakes bones; they were supposed to have got in through winding crevices of the rock in the fall, and in their weak state in the spring, not able to get out again.

189 It is reported, with circumstances of great credibility, that the Indians here had a method of taking these animals, by the meer charm of fixing their eyes, whence they have by degrees leaped down into possession.
rattle, awakens the little creatures which are lodged in it; they are so frightened at 
the sight of their enemy, who fixes his lively piercing eyes upon one or other of 
them, that they have no power to get away, but leap about from bough to bough, 
till they are quite tired, and at last falling to the ground, they are snapped into his 
mouth. This is by the people of the country called charming the squirrels and 
birds. It must likewise be observed, that this snake does not make any noise with 
its rattle, in the common motions of its body.

There is something like this in the lion's hunting for his food; the hungry 
tyrant, by his terrible roaring in the woods, rouses the lesser beasts out of their 
holes; they running about in fright and surprise, are easily seized, and become a 
prey to his devouring jaws.

And I have myself seen, upon a hawks settling upon a tree in a garden, the little 
birds all about it, so struck with fear, that though they could fly backwards and 
forwards, for some little distance, yet they have not been able to get away from 
the ravenous destroyer.190

Though the use of the rattle seems principally designed for procuring food, it 
has certainly been the means of preservation in respect to mankind; as that alarm is 
frequently known to warn the unsuspecting traveller of imminent danger; that the 
fascinations of their eye is necessary to their existence, seems beyond a doubt; 
inactive and sluggish by nature, they have but little other probable means, and 
have been seen and kill'd in the act even with foxes detained in this manner.191 
No instance occurs of their hunting men, unless first disturbed; then indeed they 
seldom fail. Very lately near Burlington, a mower without stockings, drawing a 
foot, so as to touch one, as he lay coiled; among the grass, he bit him behind the 
ankle; the first notice the man had, was feeling something prick in that spot; on 
which turning his head, he saw the snake; another in company immediately killed 
him, and fetching salt, that applied, prevented the venom spreading much higher 
than the knee; he afterwards used sweet oil, and the Seneca rattle-snake root; the 
last he thought the most effectual: He got well in a few days; a small scar 
remained.

Thomas Budd, a proprietor and settler in West-Jersey, in a pamphlet, published 
about 1686, says, "The rattle snakes are easily discovered; they commonly lie in 
the paths, for benefit of the sun; if any person draws nigh them, they shake their

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190 Dr. Mead, *Vid. his medical works*, quarto, edit. 1762, p. 59, 60. Here may be seen an accurate 
description of the head and teeth. For an exact view and description of the snake, see Catesby's 
Nat. Hist. and supplement to the *Gent. Mag.* for 1753.

191 [See *Note* at the end of this Chapter for extensive anecdotes pertaining to encounters with 
snakes.]
tail, on which the rattles grow; this makes a noise like a child's rattle: I never heard of but one person bitten in Pennsylvania or New-Jersey; he was helped by live chickens slit asunder and applied to the place, which drew out the poison: As to other snakes, the most plentiful are the black snake; its bite 'tis said, does no more harm than the prick of a pin.”

The wampum snake is very large, of a black and white colour; but harmless. The horn or horned snake is scarce, and but few have seen them, whence many, especially abroad, have doubted there being any such: A person of credit in Gloucester county, being in the woods not long since, and approaching a place where his dog was uncommonly barking, discovered a very large snake, and trying to kill it, an intollerable stench prevented his getting near enough; at length he threw a club at a venture, and going next day to see the effect, found the snake killed: It was uncommonly long and thick, and had a horn at the end of his tail, resembling a cock's spur. It is said they strike this horn even into trees, and kill them. A person of credit now living in Burlington county, also relates, that he has seen four, kill'd three of these snakes, one of them were six or seven feet long: As to colour, they are chequered with a yellowish brown and white, and when disturbed, hiss like a goose. These particular instances were here preferred to a more general account, as more likely to contribute towards putting their existence out of dispute. The viper and many other snakes abound also; but none remarkable enough to require a particular description here.

OF FISH

These in great variety, are plenty along the coast, in the Delaware and the north river; the most noted are, sturgeon, rock, cod, sheeps-head, horse-mackrel, black-fish, sea-bass, flounders, shad, herrings, munches, trout, pike, perch, red perch, sun-fish, many inferior sorts; besides, oysters, clams, and other shell fish: Most of these supply in great part the New-York and Philadelphia markets: The sturgeon are plenty up the rivers, and when more generally manufactured will probably answer well in remittances. It is said they will grow fat in ponds, and live through the winter.

BIRDS

Of these there are great plenty as the wild turkey, wild geese, wild ducks of many kinds, wild pigeons, brant, pheasants, heath-hen, partridges, larks, wood-cocks, plovers, snipes, kildees, and great variety of other small birds, a few storkes and cranes, many herons, hawks, turkey-buzzards, crows, and all other birds of prey common to the continent: The wild geese, in autumn, flock to the

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192 His son kill’d one this present summer 1765.
marshes on the sea shore, and are often kill'd by gunners; in the spring they return to breed at the northern lakes. The wild pigeons, at three or four seasons in the year, commonly pay a visit (except in seed time) generally acceptable: They have not been observed of late years so plenty as formerly; they then, sometimes, to avoid the north-east storms, flew night and day, and thick enough to darken the air, and break trees where they settled, and were more tame and more wanted; all which made them an article of consequence to the early inhabitants: The Indians, before the European settlements, used every year regularly to burn the woods, the better to kill deer; the manner was to surround a swamp or cripple with fire, then drive the deer out, who not daring over the bounds, were easily kill'd with bows and arrows; this practice kept the woods clean, so that the pigeons readily got acorns, which then not being devour'd by hogs, were plenty almost every where, and induced a return more frequently than now: They breed chiefly to the northward.
NOTE: A person of undoubted credit relates of his own knowledge, two instances of this attended with such circumstances, as leaves very little room for doubt.

In the end of May, 1715, stopping at an orchard by the road side to get some cherries, being three of us in company, we were entertained with the whole process of a charm between a rattle-snake and a hare, the hare being better than half grown. It happened thus; one of the company in his search for the best cherries espied the hare sitting, and although he went close by her she did not move, 'till he (not suspecting the occasion of her gentleness) gave her a lash with his whip; this made her run about ten foot, and there sit down again. The gentleman not finding the cherries ripe, immediately returned the same way, and near the place where he struck the hare, he spied a rattle-snake; still not suspecting the charm, he goes back about twenty yards to a hedge to get a stick to kill the snake, and at his return found the snake removed, and coiled in the same place from whence he had moved the hare. This put him into immediate thoughts of looking for the hare again, and he soon spied her about ten foot off the snake, in the same place to which she had started when he whipt her. She was now lying down, but would sometimes raise herself on her fore-feet struggling as it were for life or to get away, but could never raise her hinder parts from the ground, and then would fall flat on her side again, panting vehemently. In this condition the hare and snake were when he called me, and though we all three came up within fifteen foot of the snake to have a full view of the whole, he took no notice at all of us, nor so much as gave a glance towards us. There we stood at least half an hour, the snake not altering a jot, but the hare often struggling and falling on its side again, 'till at last the hare lay still as dead for some time. Then the snake moved out of his coil, and slid gently and smoothly on towards the hare, his colours at that instant being ten times more glorious and shining than at other times. As the snake mov’d along, the hare happened to fetch another struggle, upon which the snake made a stop lying at his length, 'till the hare had lain quiet again for a short space; and then he advanced again 'till he came up to the hinder parts of the hare, which in all this operation had been towards the snake; there he made a survey all over the hare, raising part of his body above it, then turnd off and went to the head and nose of the hare, after that to the ears, took the ears in his mouth one after the other, working each apart in his mouth as a man does a wafer to moisten it, then returned to the nose again, and took the face into his mouth, straining and gathering his lips sometimes by one side of his mouth, sometimes by the other; at the shoulders he was a long time puzzled, often haling and stretching the hare out at length, and straining forward first one side of his mouth then the other, 'till got at last he the whole body into his throat. Then we went to him, and taking the twist band off from my hat, I made a noose and put it about his neck: This made him at length very furious, but we having
secured him, put him into one end of a wallet, and carried him on horseback five miles to Mr. J. B.'s house where we lodged that night, with a design to have sent him to Dr. C. at Williamsburg; but Mr. B. was so careful of his slaves, that he would not let him be put into his boat for fear he should get loose and mischief them; therefore the next morning we killed him, and took the hare out of his belly, the head of the hare began to be digested, and the hair falling off; having lain about eighteen hours in the snake's belly.

In my youth I was a bear-hunting in the woods above the inhabitants, and having straggled from my companions, I was entertained at my return, with the relation of a pleasant rencounter, between a dog and a rattle-snake, about a squirrel. The snake had got the head and shoulders of the squirrel into his mouth, which being something too large for his throat, it took him up sometime to moisten the fur of the squirrel with his spawn, to make it slip down. The dog took this advantage, seiz'd the hinder parts of the squirrel, and tug'd with all his might. The snake on the other side would not let go his hold for a long time, 'till at last, fearing he might be bruised by the dog's running away with him, he gave up his prey to the dog, the dog eat the squirrel, and felt no harm.

Another curiosity concerning this viper, which I never met with in print, I will also relate from my own observation.

Some time after my observation of the charm, my waiting boy being sent abroad on an errand, also took upon himself to bring home a rattle snake in a noose. I cut off the head of this snake, leaving about an inch of the neck with it; this I laid upon the head of a tobacco hoghead, one S. L. a carpenter, now alive, being with me. Now you must note, that these snakes have but two teeth, by which they convey their poison, and they are placed in the upper jaw, pretty forward in the mouth, one on each side; these teeth are hollow and crooked like a cock's spur; they are also loose or springing in the mouth, and not fastened in the jaw-bone as all the other teeth are; the hollow has a vent also through by a small hole a little below the point of the tooth; these two teeth are kept lying down along the jaw, or shut like a spring-knife, and don't shrink up as the talons of a cat or panther; that have also over them a loose thin film or skin of a flesh colour, which rises over them when they are raised, which I take to be only at the will of the snake to do injury; this skin does not break by the rising of the tooth only, but keeps whole 'till the bite is given, and then is pierced by the tooth, by which the poison is let out. The head being laid upon the hoghead, I took two little twigs or splinters of sticks, and having turn'd the head upon its crown, opened the mouth, and lifted up the fang or springing tooth on one side several times, in doing of which I at last broke the skin; the head gave a sudden champ with its mouth, breaking from my sticks, in which I observed that the poison ran down in a lump
like oyl, round the root of the tooth. Then I turn'd the other side of the head, and resolved to be more careful to keep the mouth open on the like occasion, and observe more narrowly the consequence; for it is observed, that though the heads of snakes, terrapins and such like vermin, be cut off; yet the body will not die in a long time after; the general saying is 'till the sun sets. After opening the mouth on the other side, and lifting up that fang also several times, he endeavoured to give another bite or champ; but I kept his mouth open, and the tooth pierced the film and emitted a stream like one full of blood in blood-letting, and cast some drops upon the sleeve of the carpenter's shirt, who had no waistcoat on. I advised him to pull off his shirt, but he would not, and received no harm; and tho' nothing could then be seen of it upon the shirt, yet in washing there appeared five green specks, which every washing appeared plainer and plainer, and lasted so long as the shirt did, which the carpenter told me was about three years after. The head we threw afterwards down upon the ground, and a sow came and eat it before our faces; and received no harm. Now I believe, had this poison lighted upon any place of the carpenter's skin, that was scratched or hurt, it might have poisoned him. I take the poison to rest in a small bag or receptacle in the hollow at the root of these teeth; but I never had the opportunity afterwards to make a farther discovery of that.

- Beverly's Hist. of Virg., p. 262 to 266.
APPENDIX NUMBER I


IMPRIMIS, We do consent and agree, that the governor of the said province hath power, by the advice of his council, to depute one in his place and authority, in case of death or removal, to continue until our further order, unless we have commissioned one before.

2. Item. That he hath likewise power to make choice of; and take to him six councillors at least, or twelve at most, or any even number betwixt six and twelve, with whose consent and advice, or with at least three of the six, or four of a greater number (all being summon'd) he is to govern according to the limitations and instructions following, during our pleasure.

3. Item. That the chief secretary or register which we have chosen, or shall choose, (we failing) that he shall choose, shall keep exact entries in fair books, of all publick affairs: And to avoid deceits and lawsuits, shall record and enter all grants of land from the lords to the planters; and conveyances of land, house or houses, from man to man, as also all leases for land, house or houses, made or to be made by the landlord to any tenant, for more than one year; which conveyance or lease shall be first acknowledged by the grantor or lessor, or proved by the oath of two witnesses to the lease or conveyance, before the governor, or some chief judge of a court, for the time being, who shall under his hand, on the backsides of the said deed or lease, attest the acknowledgement or proof as aforesaid; which shall be a warrant for the register to record the same: Which conveyance so recorded shall be good and effectual in law, notwithstanding any other conveyance, deed or lease for the said land, house or houses, or for any part thereof; altho' dated before the conveyance, deed or lease, recorded as aforesaid: And the said register shall do all other thing or things that we by our instructions shall direct, and the governor, council and general assembly shall ordain, for the good and welfare of the said province.

4. Item. That the surveyor general that we have chosen or shall choose, (we failing that the governor shall choose) shall have power by himself or deputy, to survey, lay out and bound all such lands as shall be granted from the lords to the planters; and all other lands within the said province, which may concern particular men, as he shall be desired to do, and a particular account thereof certify to the register, to
be recorded as aforesaid. Provided, that if the said register and surveyor, or either of them, shall misbehave themselves, as that the governor and council, or deputy governor and council, or the major part of them, shall find it reasonable to suspend their actings in their respective employments, it shall be lawful for them so to do, until further orders from us.

5. Item. That the governor, councilliors, assembly men, secretary, surveyor, and all other officers of trust, shall swear or subscribe (in a book to be provided for that purpose) that they will bear true allegiance to the king of England, his heirs and successors; and that they will be faithful to the interests of the lords proprietors of the said province, and their heirs, executors and assigns; and endeavour the peace and welfare of the said province; and that they will truly and faithfully discharge their respective trust, in their respective offices, and do equal justice to all men, according to their best skill and judgment, without corruption, favour or affection; and the names of all that have sworn or subscribed, to be entered in a book: And whosoever shall subscribe and not swear, and shall violate his promise in that subscription, shall be liable to the same punishment that the persons are or may be, that have sworn or broken their oaths.

6. Item. That all persons that are or shall become subjects of the king of England, and swear or subscribe allegiance to the king, and faithfulness to the lords, shall be admitted to plant, and become freemen of the said province, and enjoy the freedoms and immunities hereafter expressd, until some stop or contradiction be made by us the lords, or else the governor, council and assembly; which shall be in force until the lords see cause to the contrary: Provided, that such stop shall not any ways prejudice the right or continuance of any person that have been received before such stop or orders come from the general assembly.

7. Item. That no person qualified as aforesaid, within the said province, at any time shall be any ways molested, punished, disquieted or called in question, for any difference in opinion or practice in matters of religious concernsments, who do not actually disturb the civil peace of the said province; but that all and every such person and persons, may, from time to time, and at all times, freely and fully have and enjoy his and their judgments and consciences, in matters of religion, throughout the said province, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness, nor to the civil injury or outward disturbance of others; any law, statute or clause contained, or to be contained, usage or custom of this realm of England, to the contrary thereof in any wise notwithstanding.

8. Item. That no pretence may be taken by our heirs or assigns, for or by reason of our right of patronage and power of advouson granted by his majesty’s letters patents, unto his royal highness James duke of York, and by his said royal
highness unto us, thereby to infringe the general cause of liberty of conscience aforesaid: We do hereby grant unto the general assembly of the said province, power by act, to constitute and appoint, such and so many ministers or preachers as they shall think fit, and to establish their maintenance, giving liberty beside to any person or persons to keep and maintain what preachers or ministers they please.

9. Item. That the inhabitants being freemen, or chief agents to others of the province aforesaid; do, as soon as this our commission shall arrive, by virtue of a writ, in our names, by the governor, to be for the present (until our seal comes) sealed and signed, make choice of twelve deputies or representatives, from amongst themselves; who being chosen, are to join with the said governor and council, for the making of such laws, ordinances and constitutions as shall be necessary for the present good and welfare of the said province: But so soon as parishes, divisions, tribes, and other distinctions are made, that then the inhabitants or freeholders of the several respective parishes, tribes, divisions and districts aforesaid, do by our writs, under our seals, (which we engage shall be in due time issued) annually meet on the first day of January, and choose free-holders for each respective division, tribe or parish, to be the deputies or representatives of the same: Which body of representatives, or the major part of them, shall, with the governor and council aforesaid, be the general assembly of the said province; the governor or his deputy being present, unless they shall wilfully refuse; in which case they may appoint themselves a president during the absence of the governor, or the deputy governor.

Which assemblies are to have power.

First. To appoint their own time of meeting, and to adjourn their sessions from time to time, to such times and places as they shall think convenient; as also to ascertain the number of their quorum; provided, the said number be not less than the third part of the whole, in whom (or more) shall be the full power of the general assembly.

Secondly. To enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said province, and them to repeal: Provided, that the same be consonant to reason, and as near as may be, conveniently agreeable to the laws and customs of his majesty’s kingdom of England: Provided also, that they be not against the interest of us the lords proprietors, our heirs or assigns, nor any of those our concessions, especially that they be not repugnant to the article for liberty of conscience aforesaid; which laws, &c. so made, shall receive publication from the governor and council, (but as the laws of us and our general assembly) and be in force for the space of
The Colonial History of New Jersey
Samuel Smith

one year, and no more; unless contradicted by the lords proprietors; within which time, they shall be presented to us, our heirs, &c. for our ratification; and being confirmed by us, they shall be in continual force, 'till expired by their own limitation, or by act of repeal, in like manner to be passed as aforesaid, and confirmed.

Thirdly. By act as aforesaid, to constitute all courts, together with the limits, powers and jurisdictions of the same, as also the several offices, and number of the officers belonging to each court, with their respective salaries, fees, and perquisites, their apppellations and dignities, with the penalties that shall be due to them, for the breach of their several and respective duties and trusts.

Fourthly. By act as aforesaid, to lay equal taxes and assessments equally to raise monies or goods upon all lands (except such as belong to us the lord proprietors before settling) or persons within the several precincts, hundreds, parishes, manors, or whatsoever other divisions shall hereafter be made, and established in the said province as often as necessity shall require, and in such manner as to them shall seem most equal and easy for the said inhabitants, in order to the better supporting of the publick charge of the said government and for the mutual safety, defence, and security of the said province.

Fifthly. By act as aforesaid, to erect within the said province, such and so many manors, with their necessary courts, jurisdictions, freedoms and privileges, as to them shall seem meet and convenient; as also to divide the said province into hundreds, parishes, tribes, or such other divisions and districts as they shall think fit, and the said divisions, to distinguish by what names we shall order or direct, and in default thereof; by such names as they please; as also in the said province to create and appoint such and so many ports harbours, creeks and other places, for the convenient loading and unloading of goods and merchandize, out of ships, boats and other vessels, as shall be expedient with such jurisdictions, privileges and franchises, to such ports &c. belonging, as they shall judge most conducing to the general good of the said plantation or province.

Sixthly. By their enacting, to be confirmed as aforesaid, to erect, raise and build within the said province, or any part thereof; such and so many forts, fortresses, castles, cities, corporations, boroughs, towns, villages, and other places of strength and defence, and them or any of them, to incorporate with such charters and privileges, as to them shall seem good, and the grant made unto us, will permit; and the same, or any of them, to fortify and furnish with such provisions and proportions of ordnance, powder, shot, armour, and all other weapons, ammunition and habiliments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and welfare of the said province; but they may not at any time demolish, dismount, or disfurnish the same, without
The Colonial History of New Jersey  
Samuel Smith

the consent of the governor and the major part of the council of the said province.

Seventhly. By act as aforesaid, to constitute trained bands and companies, with the number of soldiers, for the safety, strength, and defence of the said province, and of the forts, castles, cities, &c. to suppress all mutinies and rebellions, to make war offensive and defensive, with all Indians, strangers and foreigners, as they shall see cause; and to pursue an enemy as well by sea as by land (if need be) out of the limits and jurisdictions of the said province, with the particular consent of the governor, and under his conduct, or our commander in chief; or whom he shall appoint.

Eighthly. By act aforesaid, to give to all strangers, as to them shall seem meet, a naturalization, and all such freedoms and privileges within the said province, as to his majesty’s subjects do of right belong they swearing or subscribing as aforesaid; which said strangers, so naturalized and privileged, shall be in all respects accounted in the said province as the king’s natural subjects.

Ninthly. By act as aforesaid, to prescribe the quantities of land which shall be from time to time allotted to every head, free or servant, male or female, and to make or ordain rules for the casting of lots for land, and the laying out of the same: Provided, that they do not in their prescriptions, exceed the several proportions which are hereby granted by us, to all persons arriving in the said province, or adventuring thither.

Tenthly. The general assembly, by act as aforesaid, shall make provision for the maintenance and support of the governor, and for the defraying of all necessary charges of the government; as also the constables of the said province, shall collect the lords rent, and shall pay the same to the receiver that the lords shall appoint to receive the same; unless the said general assembly shall prescribe some other way whereby the lords may have their rents duly collected, without charge or trouble to them.

Eleventhly, and lastly. To enact, constitute and ordain, all such other laws, acts and constitutions, as shall or may be necessary for the good prosperity and settlement of the said province (excepting what by these presents is excepted) and conforming to the limitations herein expressed.

The governor is with his council before expressed,

First. To see that all courts established by the laws of the general assembly, and all ministers and officers, civil and military, do and execute their several duties and offices respectively, according to the laws in force, and to punish them for swerving from the laws, or acting contrary to their trust, as the nature of their
The Colonial History of New Jersey

Samuel Smith

offences shall require.

Secondly. According to the constitution of the general assembly, to nominate and commissionate the several judges, members and officers of courts, whether magistratical or ministerial, and all other civil officers, coroners, &c. and their commissions, powers and authority, to revoke at pleasure. Provided, that they appoint none but such as are freeholders in the province aforesaid, unless the general assembly consent.

Thirdly. According to the constitution of the general assembly, to appoint courts and officers, in cases criminal, and to impower them to inflict penalties upon offenders against any of the laws in force in the said province, as the said laws shall ordain; whether by fine, imprisonment, banishment, corporal punishment, or to the taking away of member or life itself; if there be cause for it.

Fourthly. To place officers and soldiers for the safety, strength and defence of the forts, castles, cities, &c. according to the number appointed by the general assembly; to nominate, place and commissionate all military officers under the dignity of the said governor, who is commissionated by us, over the several train'd bands and companies, constituted by the general assembly, as colonels, captains, &c. and their commissions to revoke at pleasure: The governor, with the advice of his council, unless some present danger will not permit him, to advise to muster and train all forces within the said province, to prosecute war, pursue an enemy, suppress all rebellions and mutinies, as well by sea as land; and to exercise the whole militia, as fully as we by the grant from his royal highness can impower them to do: Provided, that they appoint no military forces but what are freeholders in the said province, unless the general assembly shall consent.

Fifthly. Where they see cause, after condemnation, to reprieve, until the case be presented, with a copy of the whole trial, proceedings and proofs, to the lords, who will accordingly either pardon or command execution of the sentence on the offender; who is in mean time to be kept in safe custody, till the pleasure of the lords be known.

Sixthly. In case of death or other removal of any of the representatives within the year, to issue summons, by writ, to the respective division or divisions for which he or they were chosen, commanding the freeholders of the same to choose others in their stead.

Seventhly. To make warrants and seal grants of lands, according to those our concessions and the prescriptions by the advice of the general assembly, in such form as shall be at large set down in our instructions to the governor, in his commission, and which are hereafter expressed.
Eightly. To act and do all other things that may conduce to the safety, peace and well government of the said province, as they shall see fit; so as they be not contrary to the laws of the said province.

And for the better security of all the inhabitants in the said province.

First. They are not to impose, nor suffer to be imposed, any tax, custom, subsidy, tallage, assessment, or any other duty whatsoever, upon any colour or pretence, upon the said province and inhabitants thereof; other than what shall be imposed by the authority and consent of the general assembly, and them only in manner as aforesaid.

Secondly. They are to take care, that lands quietly held, planted and possessed seven years after its being duly surveyed by the surveyor general, or his order, shall not be subject to any review, re-survey or alteration of bounds, on what pretence soever, by any of us, or any officer or minister under us.

Thirdly. They are to take care, that no man, if his cattle stray or range, or graze, on any ground within the said province, not actually appropriated or set out to particular persons, shall be liable to pay any trespass for the same, to us, our heirs, or executors. Provided, that custom of commons be not thereby pretended to, nor any person hindered from taking up and appropriating any lands so grazed upon, and that no person do purposely suffer his cattle to graze on such lands.

And that the planting of the said province may be the more speedily promoted.

First. We do hereby grant unto all persons who have already adventured into the said province of New-Caesaria, or New-Jersey, or shall transport themselves or servants before the first of day January, which shall be in the year of our lord, 1665, these following proportions, viz. To every freeman that shall go with the first governor from the port where he embarks (or shall meet him at the rendezvous he appoints) for the settlement of a plantation, there armed with a good musket, bore twelve bullets to the pound, with ten pounds of powder and twenty pounds of bullets, with bandaliers and matches convenient, and with six months provision; for his own person arriving there, one hundred and fifty acres of land, English measure; and for every able man servant, that he shall carry with him, armed and provided as aforesaid, and arriving there, the like quantity of one hundred and fifty acres of land, English measure; and whosoever shall send servants at that time, shall have, for every able man servant he or she shall send armed and provided as aforesaid, and arriving there, the like quantity of one hundred and fifty acres; and for every weaker servant or slave, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, seventy five acres of land; and to every christian servant, exceeding the age
aforesaid, after the expiration of their time of service, seventy five acres of land for their own uses.

Secondly, Item. To every master or mistress, that shall go before the first day of January, which shall be in the year of our lord 1665, one hundred and twenty acres of land; and for every able man servant, that he or she shall carry or send armed and provided as aforesaid, and arriving within the time aforesaid, the like quantity of one hundred and twenty acres of land; and for every weaker servant or slave, male or female, exceeding the age of fourteen years, arriving there, sixty acres of land; and to every christian servant, to their own use and behoof; sixty acres of land.

Thirdly, Item. To every free man or free woman, that shall arrive in the said province, armed and provided as aforesaid, within the second year, from the first day of January 1665, to the first day of January 1666, with an intention to plant, 90 acres of land, English measure; and for every able man servant, that he or she shall carry or send armed and provided as aforesaid, ninety acres of land like measure.

Fourthly, Item. For every weaker servant or slave, aged as aforesaid, that shall be so carried or sent thither within the second year, as aforesaid, forty-five acres of land of like measure; and to every christian servant that shall arrive the second year, forty-five acres of land of like measure, after the expiration of his or their time of service, for their own use and behoof.

Fifithly, Item. To every free man and free woman, armed and provided as aforesaid, that shall go and arrive with an intention to plant, within the third year, from January 1666, to January 1667, armed and provided as aforesaid, three score acres of land of like measure; and for every able man servant, that he or they shall carry or send within the said time, armed and provided as aforesaid, the like quantity of three score acres of land; and for every weaker servant or slave, aged as aforesaid, that he or they shall carry or send within the third year, thirty acres of land; and to every christian servant so carried or sent in the third year, thirty acres of land of like measure, after the expiration of their time of service. All which land, and all other that shall be possessed in the said province, are to be held on the same terms and conditions as is before mentioned, and as hereafter in the following paragraphs is more at large expressed. Provided always, that the before mentioned land and all other whatsoever, that shall be taken up and so settled in the said province, shall afterward from time to time for the space of thirteen years, from the date hereof; be held upon the conditions aforesaid, continuing one able man servant or two such weaker servants as aforesaid, on every hundred acres a master or mistress shall possess, besides what was granted for his or her own person; in failure of which, upon other disposure to the present occupant, or his assigns, there shall be
three years giving to such for their compleating the said number of persons, or for their sale or dispositions of such part of their lands, as are not so peopled within such time of three years: If any such person holding any land, shall fail, by himself his agents, executors or assigns, or some other way to provide such number of persons, unless the general assembly shall without respect to poverty, judge it was impossible for the party so failing, to keep or procure his or her number of servants to be provided for as aforesaid; in such case, we the lords to have power of disposing of so much of such land as shall not be planted with its due number of persons as aforesaid, to some others that will plant the same. Provided always, that no person arriving in the said province, with purpose to settle (they being subjects or naturalized as aforesaid) be denied a grant of such proportions of land, as at the time of their arrival there are due to themselves or servants, by concession from us as aforesaid; but have full licence to take up and settle the same, in such order and manner as is granted or prescrib'd. All lands (notwithstanding the powers in the assembly aforesaid) shall be taken up by warrant from the governor, and confirmed by the governor and council, under a seal to be provided for that purpose, in such order and method, as shall be set down in this declaration, and more at large in the instruction to the governors and council.

And that the lands may be the more regularly laid out, and all persons the better ascertained of their titles and possession.

First. The governor and council and general assembly, (if any be) are to take care, and direct that all lands be divided by general lots, none less than two thousand one hundred acres, nor more than twenty-one thousand acres in each lot, excepting cities, towns, &c. and the near lots of townships; and that the same be divided into seven parts; one seventh part to us, our heirs and assigns; the remainder to persons as they come to plant the same, in such proportions as is allowed.

Secondly, Item. That the governor, or whom he shall depute, in case of death or absence, if some be not before commissionated by us as aforesaid, to give to every person to whom land is due, a warrant, signed and sealed by himself; and the major part of his council, and directed to the surveyor general, or his deputy, commanding him to lay out, limit and bound [intentional space here] acres of land, (as his due proportion) is for such a person, in such allotment, according to the warrant; the register having first recorded the same, and attested the record upon the warrant: The surveyor general, or his deputy, shall proceed and certify to the chief secretary or register, the name of the person for whom he hath laid out land, by virtue of what authority, the date of the authority or warrant, the number of acres, the bounds, and on what point of compass the several limits thereof lye; which certificate the register is likewise to enter in a book to be
prepared for that purpose, with an alphabetical table, referring to the book, that so
the certificate may be the easier found; and then to file the certificates, and the
same to keep safely: The certificate being entered, a warrant comprehending all
the particulars of land mentioned in the certificate aforesaid, is to be signed and
sealed by him and his council, or the major part of them as aforesaid, they having
seen the entry, and directed to the register or chief secretary, for his preparing a
grant of the land to the party for whom it is laid out; which grant shall be in the
form following, viz.

The lords proprietors of the province of New-Caesaria, or
New-Jersey, do hereby grant unto A. B. of the [town, settlement,
etc.] in the province aforesaid, a plantation, containing [specific
number of] acres, English measure; bounding as in the certificate, to
hold to him or her, his or her heirs and assigns for ever, yielding and
paying yearly unto the said lords proprietors, their heirs or assigns,
every twenty fifth day of March, according to the English accompl,
one half penny of lawful money of England, for every of the said
acres, to be holder, as of the manor of East Greenwich, in free and
common socage, the first payment of which rents to begin the 25th
day of March, which shall be in the year of our lord 1670, according
to the English accompl. Given under the seal of the said province,
the [number] day [of named month] in the year of our lord 166[ ].

To which instrument the governor or his deputy, hath hereby full power to
put the seal of the said province, and to subscribe his name; as also the council, or
major part of them, are to subscribe their names, and then the instrument or grant
is to be by the register recorded in the book of records for that purpose; all which
being done according to these instructions, we hereby declare, that the same shall
be effectual in law, for the enjoyment of the said plantation, and all the benefits
and profits of and in the same, (except the half part of mines of gold and silver,) paying the rent as aforesaid: Provided, that if any plantation so granted, shall by
the space of three years, be neglected to be planted with a sufficient number of
servants as is before mentioned, that then it shall and may be lawful for us
otherwise to dispose thereof, in whole or in part, this grant notwithstanding.

Thirdly, Item. We do also grant convenient proportions of land for highways and
streets, not exceeding one hundred feet in breadth in cities, towns and villages, &c.
and for churches, forts, wharffs, keys, harbours, and for publick houses, and to
each parish for the use of their ministers, two hundred acres, in such places as the
general assembly shall appoint.

Fourthly, Item. The governor is to take notice, that all such lands laid out for the
uses and purposes aforesaid, in the next preceding article, shall be free and exempt from all rents, taxes and other charges and duties whatsoever, payable to us, our heirs or assigns.

Fifthly, Item. That in laying out lands for cities, towns, villages, boroughs, or other hamlets, the said lands be divided into seven parts, one seventh part whereof to be by lot laid out for us, and the rest to be divided to such as shall be willing to build thereon, they paying after the rate of one penny or half penny per acre, (according to the value of the land) yearly to us, as for their other lands as aforesaid; which said lands in the cities and towns, &c. is to be assured to each possessor by the same way and instrument, as is before mentioned.

Sixthly, Item. That all rules relating to the building of each street, or quantity of ground to be allotted to each house within the said respective cities, boroughs and towns, be wholly left, by act as aforesaid, to the wisdom and discretion of the general assembly.

Seventhly, Item. That the inhabitants of the said province have free passage thro' or by any seas, bounds, creeks, rivers, or rivulets &c. in the said province, through or by which they must necessarily pass to come from the main ocean to any part of the province aforesaid.

Eighthly and lastly. It shall be lawful for the representatives of the freeholders, to make any address to the lords, touching the governor or council, or any of them, or concerning any grievance whatsoever, or for any other thing they shall desire, without the consent of the governor and council, or any of them. Given under our seal of our said province, the 10th day of February, in the year of our lord 1664.

BERKELEY

G. CARTERET
APPENDIX NUMBER II
THE CONCESSIONS AND AGREEMENTS OF THE PROPRIETORS, FREEHOLDERS AND INHABITANTS OF THE PROVINCE OF WEST NEW-JERSEY, IN AMERICA [1676].

CHAPTER I.

We do consent and agree as the best present expedient, that such persons as shall be from time to time deputed, nominated and appointed commissioners by the present proprietors, or the major part of them, by writing under their hands and seals, shall be commissioners for the time being, and have power to order and manage the estate and affairs of the said province of West New-Jersey, according to these our concessions hereafter following, and to depute others in their place and authority in case of death or removal, and to continue until some other persons be deputed, nominated and appointed by the said proprietors or the major part of them, to succeed them in that office and service. And the commissioners for the time being, are to take care, for setting forth and dividing all the lands of the said province as be already taken up, or by themselves shall be taken up and contracted for with the natives; and the said lands so taken up and contracted for, to divide into one hundred parts, as occasion shall require; that is to say, for every quantity of land that they shall from time to time lay out to be planted and settled upon, they shall first, for expedition, divide the same into ten equal parts or shares, and for distinction sake, to mark in the register, and upon some of the trees belonging to every tenth part, with the letters A. B. and so end at the letter K. And after the same is so divided and marked, the said commissioners are to grant unto Thomas Hutchinson, of Beverly, Thomas Pearson, of Bonwicke, Joseph Helmsly, of Great Kelke, George Hutchinson, of Sheffield, and Mahlon Stacy, of Hansworth, all of the county of York, or their lawful deputies, or particular commissioners, for themselves and their friends, who are a considerable number of people, and many speedily promote the planting of the said province. That they may have free liberty to make choice of any one of the said tenth parts or shares, which shall be first divided and set out, being also done with their consent, that they may plant upon the same as they see meet; and afterward any other person or persons who shall go over to inhabit, and have purchased to the number of ten proprieties, they shall and may have liberty to make choice of any of the remaining parts or shares to settle in: And all other proprietors who shall go over to settle as aforesaid, and cannot make up amongst them the number of ten proprietors; yet nevertheless, they shall and may have liberty to make choice of settling in any of the said tenth shares, that shall not be taken up before: And the commissioners have hereby
power to see the said one tenth part, that they shall so make choice of, laid out and divided into ten proprieties, and to allot them so many proprieties out of the same as they have order for; and the said commissioners are to follow these rules, until they receive contrary order from the major part of the proprietors, under their hands and seals.

The said commissioners for the time being, have hereby power for appointing and setting out fit places for towns, and to limit the boundaries thereof; and to take care they be as regular built as the present occasion, time, and conveniency of the places will admit of. And that all towns to be erected and built, shall be with the consent of the commissioners for the time being, or the major part of them. And further, the said commissioners are to order the affairs of the said province, according to these concessions, and any other instructions that shall be given them by the major part of the proprietors, until such time as more or other commissioners shall be chosen by the inhabitants of West-Jersey, as here in these concessions is mentioned and appointed.

And it is further expressly provided and agreed to, that whereas there is a contract or agreement granted by William Penn, Gawen Lawrie and Nicholas Lucas, unto Thomas Hutchinson, Thomas Pearson, Joseph Helmsly, George Hutchinson and Mahlon Stacy, dated the second day of the month called March, 1676, instant, wherein they grant unto the said persons, certain privileges for a town to be built, whereby they have liberty to choose their own magistrates and officers for executing the laws according to the concessions within the said town; which said contract or agreement is to be held firm and good to all intents and purposes, and we do by these our concessions confirm the same.

CHAPTER II.

And that all and every person and persons, may enjoy his and their just and equal propriety and purchase of lands, in the said province; it is hereby agreed, concluded and ordained, that the surveyor or surveyors, that the said proprietors have deputed and appointed, or shall depute and appoint; they failing, that the commissioners shall depute and appoint, or that the general free assembly hereafter shall depute and appoint, shall have power by him or themselves, or his or their lawful deputy or deputies, to survey, lay out or bound, all the proprietors lands, and all such lands as shall be granted from any of the proprietors to the freeholders, planters, or inhabitants, and a particular or terrior thereof, to certify to the register, to be recorded.

CHAPTER III.

That hereafter upon further settlement of the said province, the proprietors,
freeholders, and inhabitants, resident upon the said province, shall and may, at or upon the five and twentieth day of the month called March, which shall be in the year according to the English account, one thousand six hundred and eighty; and so thence forward, upon the five and twentieth day of March yearly, by the ninth hour in the morning of the said day, assemble themselves together, in some publick place to be ordered and appointed by the commissioners for the time being; and upon default of such appointment, in such place as they shall see meet, and then and there elect of and amongst themselves, ten honest and able men, fit for government, to officiate and execute the place of commissioners for the year ensuing, and until such time as ten more for the year then next following, shall be elected and appointed: Which said elections shall be as followeth, that is to say, the inhabitants each ten of the one hundred proprieties, shall elect and choose one, and the one hundred proprieties shall be divided into ten divisions or tribes of men.

And the said elections shall be made and distinguished by balloting trunks, to avoid noise and confusion, and not by voices, holding up of the hands, or otherwise howsoever: Which said commissioners so yearly to be elected, shall likewise govern and order the affairs of the said province, (pro tempore) for the good and welfare of the said people, and according to these our concessions, until such time as the general free assembly shall be elected and deputed in such manner and wise as is hereafter expressed and contained.

CHAPTER IV.

And that the planting of the said province be the more speedily promoted, it is consented, granted, concluded, agreed and declared,

First, That the proprietors of the said province, have and do hereby grant unto all persons, who by and with the consent of one or more of any of the proprietors of the said province, attested by the certificate, under his or their hands and seals, adventure to the said province of west New-Jersey, and shall transport themselves or servants, before the first day of the month commonly called April, which shall be in the year of our lord one thousand six hundred seventy and seven, these following proportions, viz. For his own person arriving, seventy acres of land, English measure; and for every able man servant that he shall carry with him, and arriving there, the like quantity of seventy acres of land, English measure: And whosoever shall send servants before that time, shall have for every able man servant, he or they so send as aforesaid, and arriving there, the like quantity of seventy acres; and for every weaker servant, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, fifty acres of land; and after the expiration of their time of service, fifty acres of land for their
own use and behoof, to hold to them and their heirs forever. All such person and persons, freemen or servants, and their respective heirs and assigns, afterwards paying yearly to the proprietor, his heirs and assigns, to whom the said lands belong, one penny an acre, for what shall be laid out in towns, and one half penny an acre, for what shall be laid out elsewhere: The first yearly payment to begin within two years after the lands are laid out.

Secondly, To every master or mistress, that by and with such consent aforesaid, shall go hence the second year, before the first day of the month called April, which shall be in the year one thousand six hundred seventy and eight, fifty acres of land; and for every able man servant, that he or she shall carry or send, and arriving there, the like quantity of fifty acres of land; and for every weaker servant, male or female, exceeding the age of fourteen years, arriving there, thirty acres of land; and after the expiration of their service, thirty acres of land, for their own use and behoof; to hold to them and their heirs forever: All the said persons, and their respective heirs and assigns, yearly paying as aforesaid, to the proprietor, his heirs and assigns, to whom the land belongs, one penny farthing the acre, for all such lands as shall be laid out in towns, and three farthings the acre, for all that shall be laid out elsewhere.

Thirdly, To every freeman that shall arrive in the said province, within the third year, from the first day of the month commonly called April, in the year one thousand six hundred seventy and eight, to the first of the said month called April, one thousand six hundred seventy and nine, (with an intention to plant) forty acres of land, English measure; and for every able man servant, that he or she shall carry or send as aforesaid, forty acres of land, of like measure; and for every weaker servant, aged as aforesaid, that shall be so carried or sent thither, within the third year as aforesaid, twenty acres of land, of like measure; and after the expiration of his or their time of service, twenty acres of land for their own use and behoof; to hold to them and their heirs forever: All the said persons and their heirs and assigns, paying yearly as aforesaid, to the proprietor, his heirs and assigns, with whom they contract for the same, one penny half penny the acre, for what shall be laid out in towns, and one penny the acre for what shall be laid out elsewhere. All which lands that shall be possessed in the said province, are to be held under, and according to the concessions and conditions as is before mentioned, and as hereafter in the following paragraph, is more at large expressed. Provided always, that the before mentioned land that shall be taken up and so settled in the province as aforesaid, shall from the date hereof, be held upon the conditions aforesaid, containing at least, two able men servants, or three such weaker servants as aforesaid, for every hundred acres; and so proportionably for a lesser or greater quantity as one hundred acres, besides what a master or mistress shall possess, which was granted for his or her own person; in failure of which,
upon notation to the present occupant or his assigns, there shall be three years
given to such, for the compleating the said number of servants, and for their sale
or other dispose of such part of their lands as are not so peopled: Within which
time of three years, if any persons holding any land, shall fail by himself, his
agents, executors or assigns, or some other way, to provide such number of
persons, (unless the general assembly shall without respect to poverty, judge it was
impossible for the party so failing to keep his or her number of servants to be
provided as aforesaid) in such case the commissioners are to summon together
twelve men of the neighbourhood, upon such inquest, verdict and judgment past
of such default; they are and have power of disposing of so much of such land, for
any term of years, not exceeding 20 years, as shall not be planted with its due
number of persons as aforesaid, to some other that will plant the same; reserving
and preserving to the proprietors, or his lawful assigns, the rents to become due and
owing, for or in respect of the same, according to the tenor and effect of these
concessions. And further, that every proprietor that goeth over in person, and
inhabit in the said province, shall keep and maintain upon every lot of land that
they shall take up, one person at least; and if the lot shall exceed 200 acres, he shall
keep and maintain for every 200 acres, the like quantity of one person at the least.

And for all other proprietors that doth but go over in person, and inhabit in
the said province, shall keep and maintain upon every lot of land that shall fall to
them, one person at the least; and if the said lot exceed one hundred acres, then
upon every hundred acres that fall to them as aforesaid, they shall keep and
maintain one person at the least: And if any neglect or deficiency shall be found in
any of the proprietors, of their keeping and maintaining the number of persons
before mentioned; that then and in that case, the commissioners are to dispose
upon the said lands for any term of years not exceeding twenty, to any person or
persons that will keep and maintain upon the said lands the number of persons as
before is mentioned; reserving always unto the said proprietors, the rents that shall
fall due for the same, as before is reserved and appointed to be so. Always
provided, that the keeping and maintaining of the said number of persons upon
the several lots and number of acres before mentioned, is to continue for ten years
from the date of the concessions, and no longer; except where there have been any
deficiency, so as the commissioners have let the lands for a longer time, to any
person or persons, they are to enjoy the same during the term granted them by the
commissioners; any thing in this last proviso, to the contrary notwithstanding.

CHAPTER V.

And for the regular laying out of all lands whatsoever in the said province, this
method is to be followed by the register and surveyor.
The Colonial History of New Jersey

Samuel Smith

That the register to be appointed as aforesaid, having recorded any grant from any of the proprietors, to any person, for any quantity or quantities of acres, shall make out a certificate to the surveyor or his deputy, enjoining him to lay out, limit and bound [number to be stated] acres of land, for A. B. out of the several lots of C. D. one of the proprietors, in the proportions following; that is to say, [a specific percentage] part thereof in the lot of said C. D. in [specific location, or named tract] which the surveyor or his deputy. shall lay out, limit and bound accordingly, and shall certify back to the register on what point of the compass the several limits thereof lie, and on whose lands the several parcels butt and bound; which last certificate shall be entered by the said register or his deputy, in a book for that purpose, with an alphabetical table of the proprietors names, and the name of the planter or purchaser referring to the said certificate, shall by the said register be endorsed in the back of the grant, with the folio of the book in which it is entered, and his name subscribed to the said endorsement.

And that the commissioners for the time being, are hereby impowered to ascertain the rates and fees of the public register, surveyor and other officers, as they shall see meet and reasonable, how much or what every one shall pay for registering any conveyance, deed, lease, speciality, certificate, or other writing; as also what shall be paid by every proprietor for surveying, dividing, and laying out of any lands in the said province; which said register, surveyor, or other officer, is not to exact or demand any more or greater rates as shall be established as aforesaid.

CHAPTER VI.

We do also grant convenient portions of land for highways, and for streets, not under one hundred feet in breadth, in cities, towns and villages; and for wharffs, keys, harbours, and for publick houses, in such place as the commissioners for the time being (until there be a general assembly) shall appoint; and that all such lands laid out for the said uses and purposes, shall be free and exempt from all rents, taxes, and other charges and duties whatsoever; as also, that the inhabitants of the said province have free passage through or by any seas, bounds, creeks, rivers, rivulets in the said province, through or by which they must necessarily pass to come from the main ocean to any part of the province aforesaid; as also by land in ways laid out or through any lands not planted or enclosed.

That all the inhabitants within the said province of West-Jersey, have the liberty of fishing in Delaware river, or on the sea coast; and the liberty of hunting and killing any deer or other wild beasts, the liberty to shoot or take any wild fowls within the said province. Provided always, that they do not hunt, kill, shoot, or take any such deer, wild beasts, or fowls, upon the lands that is or shall
be surveyed, taken up, inclosed, sown and planted, except the owners of the said lands or their assigns.

CHAPTER VII.

The commissioners are to take care, that lands quietly held, planted and possessed seven years after its being first duly surveyed by the surveyor or surveyors, his or their lawful deputies, which shall be appointed by the said proprietors, and registered in manner as aforesaid, shall not be subject to any review, resurvey or alteration of bounds, upon any pretence, or by any pretence, or by any person or persons whatsoever.

CHAPTER VIII.

The commissioners are to take care, that no man, if his cattle stray, range, or graze on any ground within the said province, not actually appropriated or set out to particular persons, shall be liable to pay any trespass for the same: Provided, that custom of commons be not thereby pretended to, nor any person hindered from legally taking up and appropriating any land so grazed upon.

CHAPTER IX.

The commissioners are to see, that all courts established by the laws and constitutions of the general assembly, and pursuant unto those concessions, do execute their several duties and offices respectively, according to the laws in force; and to displace or punish them for violating the said laws, or acting contrary to their duty and trusts, as the nature of their offences shall require; and where they see cause of condemnation or sentence passd upon any person or persons, by any judge, justice, or court whatsoever, the said commissioners have power to reprieve and suspend the execution of the sentence, until the cause be presented, with a copy of the whole trial, proceeding and proofs, to the next general assembly; who may accordingly either pardon or command execution of the sentence on the offender or offenders, (who are to be kept in the mean time in safe custody until the sense of the general assembly be known therein.)

CHAPTER X.

To act and do all other thing or things that may conduce to the safety, peace and well-government of the said province, and these present concessions, and that all inferior officers be accountable to the commissioners, and they to be accountable to the general assembly. The commissioners are to take care, that the constables of the said province, shall collect such of the proprietors rents, who dwell not in the said province, but in England, Ireland, or Scotland; and shall pay
it to the receiver that they shall appoint to receive the same; unless the general assembly shall prescribe some other way whereby they may have their rents duly collected, without charge and trouble to the said proprietors.

CHAPTER XI.

They are not to impose or suffer to be imposed, any tax, custom or subsidy, tollage, assessment, or any other duty whatsoever, upon any colour or pretence how specious soever, upon the said province and inhabitants thereof, without their own consent first had, or other than what shall be imposed by the authority and consent of the general assembly, and that only in manner and for the good ends and uses as aforesaid.

CHAPTER XII.

That that the said commissioners, registers, surveyors, and all and every other publick officers of trust whatsoever, already deputed and chosen, or hereafter from time to time to be deputed and chosen shall subscribe (in a book or books to be provided for that purpose) that they will truly and faithfully discharge their respective trusts according to the law of the said province, and tenor of these concessions, in their respective offices and duties; and do equal justice and right to all men, according to their best skill and judgment, without corruption, favour, or affection; and the names of all that shall subscribe, to be entered in the said book; and whosoever shall subscribe, and shall violate, break or any wise falsify his promise after such subscription, shall be liable to be punished or fined, and also be made incapable of any publick office within the said province.

*The Charter or fundamental laws of West New-Jersey, agreed upon.*

CHAPTER XIII.

That these following concessions are the common law or fundamental rights of the province of West New-Jersey.

That the common law or fundamental rights and privileges of West New-Jersey, are individually agreed upon by the proprietors and freeholders thereof to be the foundation of the government; which is not to be altered by the legislative authority, or free assembly hereafter mentioned and constituted; but that the said legislative authority is constituted according to these fundamentals, to make such laws as agree with and maintain the said fundamentals, and to make no laws that in the least contradict, differ, or vary from the said fundamentals, under what pretence or allegation soever.
CHAPTER XIV.

But if it so happen, that any person or persons of the said free assembly, shall therein designedly, wilfully and maliciously move, or excite any to move, any matter or thing whatsoever, that contradicts or any ways subverts any fundamental of the said laws in the constitution of the government of this province, it being proved by seven honest and reputable persons; he or they shall be proceeded against as traitors to the said government.

CHAPTER XV.

That these concessions, law or great charter of fundamentals, be recorded in a fair table, in the assembly house; and that they be read at the beginning and dissolving of every general free assembly: And it is further agreed and ordained, that the said concessions, common law, or great charter of fundamentals, be writ in fair tables, in every common hall of justice within this province; and that they be read in solemn manner four times every year, in the presence of the people, by the chief magistrates of those places.

CHAPTER XVI.

That no men, nor number of men upon earth, hath power or authority to rule over men's consciences in religious matters; therefore it is consented, agreed and ordained, that no person or persons whatsoever, within the said province, at any time or times hereafter shall be any ways, upon any pretence whatsoever, called in question, or in the least punished or hurt, either in person, estate or privilege, for the sake of his opinion, judgment, faith or worship towards God, in matters of religion; but that all and every such person and persons, may from time to time, and at all times, freely and fully have and enjoy his and their judgments, and the exercise of their consciences, in matters of religious worship throughout all the said province.

CHAPTER XVII.

That no proprietor, freeholder or inhabitant of the said province of West New-Jersey, shall be deprived or condemned of life, limb, liberty, estate, property, or any ways hurt in his or their privileges, freedoms or franchises, upon any account whatsoever, without a due trial, and judgment passed by twelve good and lawful men of his neighbourhood first had; and that in all causes to be tried, and in all trials, the person or persons arraigned, may except against any of the said neighbourhood, without any reason rendered, (not exceeding thirty-five) and in case of any valid reason alledged, against every person nominated for that service.
CHAPTER XVIII.

And that no proprietor, freeholder, free-denison or inhabitant in the said province, shall be attached, arrested, or imprisoned, for or by reason of any debt, duty, or other thing whatsoever, (cases felonious, criminal and treasonable, excepted) before he or she have personal summon or summons left at his or her last dwelling place, if in the said province, by some legal authorized officer, constituted and appointed for that purpose, to appear in some court of judicature for the said province, with a full and plain account of the cause or thing in demand; as also the name or names of the person or persons at whose suit, and the court where he is to appear; and that he hath at least fourteen days time to appear and answer the said suit, if he or she live or inhabit within forty miles, English, of the said court; and if at further distance, to have for every twenty miles, two days time more, for his and their appearance, and so proportionably for a larger distance of place.

That upon the recording of the summons, and non-appearance of such person and persons, a writ or attachment shall or may be issued out to arrest or attach the person or persons of such defaulters, to cause his or their appearance in such court, returnable at a day certain, to answer the penalty or penalties in such suit or suits; and if he or they shall be condemned by legal tryal and judgment, the penalty or penalties shall be paid and satisfied out of his or their real or personal estate so condemned or cause the person or persons so condemned to lie in execution 'till satisfaction of the debt and damages be made. Provided always, if such person or persons so condemned, shall pay and deliver such estate, goods and chattels, which he or any other person hath for his or their use, and shall solemnly declare and aver, that he or they have not any further estate, goods or chattels whatsoever, to satisfy the person or persons (at whose suit he or they are condemned) their respective judgments, and shall also bring and produce three other persons as compurgators, who are well known and of honest reputation, and approved of by the commissioners of that division where they dwell or inhabit, which shall in such open court likewise solemnly declare and aver, that they believe in their consciences, such person and persons so condemned, have not wherewith further to pay the said condemnation or condemnations; he or they shall be thenceforthwith discharged from their said imprisonment; any law or custom to the contrary thereof heretofore in the said province notwithstanding. And upon such summons and default of appearance recorded as aforesaid, and such person and persons not appearing within forty days after, it shall and may be lawful for such court of judicature, to proceed to trial of twelve lawful men, to judgment against such defaulters, and issue forth execution against his or their estate, real and personal, to satisfy such penalty or penalties, to such debt and damages so
recorded, as far as it shall or may extend.

CHAPTER XIX.

That there shall be in every court, three justices or commissioners, who shall sit with the twelve men of the neighbourhood, with them to hear all causes, and assist the said twelve men of the neighbourhood in cases of law; and that they the said justices shall pronounce such judgment as they shall receive from and be directed, by the said twelve men, in whom only the judgment resides, and not otherwise.

And in cases of their neglect and refusal, that then one of the twelve, by consent of the rest, pronounce their own judgment, as the justices should have done: And if any judgment shall be passed in any case, civil or criminal, by any other person or persons, or any other way than according to the agreement and appointment; it shall be held null and void; and such person or persons so presuming to give judgment, shall be severely fined, and upon complaint made to the general assembly, by them be declared incapable of any office or trust within this province.

CHAPTER XX.

That in all matters and causes, civil and criminal, proof is to be made by the solemn and plain averment of at least two honest and reputable persons; and in case that any person or persons shall bear false witness, and bring in his or their evidence contrary to the truth of the matter, as shall be made plainly to appear; that then every such person or persons, shall in civil causes, suffer the penalty which would be due to the person or persons he or they bear witness against: And in case any witness or witnesses on the behalf of any person or persons indicted in a criminal cause, shall be found to have borne false witness, for fear, gain, malice, or favour, and thereby hinder the due execution of the law, and deprive the suffering person or persons of their due satisfaction; that then and in all other cases of false evidence, such person or persons shall be first severely fined; and next, that he or they shall forever be disabled from being admitted in evidence, or into any publick office, employment or service within this province.

CHAPTER XXI.

That all and every person and persons whatsoever, who shall prosecute or prefer any indictment or information against others, for any personal injuries or matter criminal, or shall prosecute for any other criminal cause (treason, murder and felony only excepted) shall and may be master of his own process, and have full power to forgive and remit the person or persons offending against him or herself only, as well before as after judgment and condemnation, and pardon, and
The Colonial History of New Jersey

Samuel Smith

remit the sentence, fine and punishment of the person or persons offending, be it personal or other whatsoever.

CHAPTER XXII.

That the trials of all causes, civil and criminal, shall be heard and decided by the verdict or judgment of twelve honest men of the neighbourhood, only to be summoned and presented by the sheriff of that division or propriety where the fact or trespass is committed; and that no person or persons shall be compelled to fee any attorney or counsellor to plead his cause, but that all persons have free liberty to plead his own cause if he please: And that no person or persons imprisoned upon any account whatsoever, within this province, shall be obliged to pay any fees to the officer or officers of the said prison either when committed or discharged.

CHAPTER XXIII.

That in all publick courts of justice for trial of causes, civil or criminal, any person or persons, inhabiting of the said province, may freely come into and attend the said courts, and hear and be present at all or any such trials as shall be there had or passed, that justice may not be done in a corner, nor in any covert manner; being intended and resolved by the help of the lord, and by these our concessions and fundamentals, that all and every person and persons inhabiting in the said province, shall as far as in us lies, be free from oppression and slavery.

CHAPTER XXIV.

For the preventing of fraud, deceit, collusion in bargains, sales trade and traffick, and the usual contests, quarrels, debates and utter ruin, which have attended the people in many nations, by costly, tedious, and vexations law suits, and for a due settlement of estates.

It is agreed, concluded and ordained, that there be kept a register at London, within the nation of England; and also another register within the province of New West-Jersey; and that all deeds, evidences, and conveyances of land, in the said province of New-West-Jersey, that shall be executed in England, may also be there registered; and once every year, the register of the said deeds and conveyances, so registered, shall be duly transmitted under the hands of the register, and three proprietors, unto the commissioners in New West-Jersey, to be enrolled in the publick register of the said province: As also that the chief register, which the said proprietors have deputed or chosen, or shall depute or choose, failing, that the commissioners shall depute or choose, or which the general assembly of the said province, hereafter mentioned, shall depute or choose, shall
keep exact entries and registers, in fair books, or roll for that purpose to be provided, of all publick affairs; and therein shall record and enter all grants of land, from the proprietors to the planters; and all conveyances of land, house or houses, from man to man; as also all assignments, mortgages, bonds, and specialties whatsoever; and all leases for land, house or houses, made or to be made, from landlord to tenant, and from person to person; which conveyances, leases, assignments, mortgages, bonds and specialties, which shall be executed in West New-Jersey, shall be first acknowledged by the grantor, assignor and obligor, before the said commissioners, or two of them at least, or some two of their lawful deputies, for the time being; who shall under their hands, upon the back side of the said deed, lease, assignment, mortgage or specialty, attest the acknowledgment thereof as aforesaid; which shall be a warrant for the register to record the same; and such conveyance or specialty, if sealed, executed, acknowledged before three proprietors, in the nation of England or Ireland, and recorded or registered there, within three months after the date thereof; or if sealed, executed and acknowledged in the said province, or elsewhere out of England, and recorded or registered within six months after the date thereof; shall be good an effectual in law; and for passing or transferring of estates in lands, tenements, or hereditaments, shall he as effectual as if delivery and siezen were executed of the same: And all other conveyances, deeds, leases or specialties, not recorded as aforesaid, shall be of no force or effect. And the said register shall do all other thing or things the said proprietors by their instructions shall direct, or the commissioners or assembly shall ordain, or the good and welfare of the said province.

CHAPTER XXV.

*That there may be a good understanding and friendly correspondence between the proprietors, freeholders, and inhabitants of the said province, and the Indian natives thereof.*

It is concluded and agreed, that if any of the Indian natives within the said province, shall or may do any wrong or injury to any of the proprietors, freeholders or inhabitants, in person, estate, or otherways howsoever; upon notice thereof; or complaint made to the commissioners, or any two of them, they are to give notice to the sachem, or other chief person or persons, that hath authority over the said Indian native or natives, that justice may be done, and satisfaction made to the person or persons offended, according to law and equity, and the nature and quality of the offence and injury done or committed.

And also in case any of the proprietors, freeholders, or inhabitants, shall any wise wrong or injure any of the Indian natives there, in person, estate, or
The Colonial History of New Jersey
Samuel Smith

otherwise; the commissioners are to take care, upon complaint to them made, or any one of them, either by the Indian natives, or others, that justice be done to the Indian natives, and plenary satisfaction be made them, according to the nature and quality of the offence and injury: And that in all trials wherein any of the said Indian natives are concerned, the trial to be by six of the neighbourhood, and six of the said Indian natives, to be indifferently and impartially chosen by order of the commissioners; and that the commissioners use their endeavour to persuade the natives to the like way of trial; when any of the natives do any ways wrong or injure the said proprietors, freeholders or inhabitants, that they choose six of the natives, and six of the freeholders or inhabitants, to judge of the wrong and injury done, and to proportion satisfaction accordingly.

CHAPTER XXVI.

It is agreed, when any lands is to be taken up for settlements of towns, or otherways, before it be surveyed, the commissioners or the major part of them, are to appoint some persons to go to the chief of the natives concerned in that land, so intended to be taken up, to acquaint the natives of their intentions, and to give the natives what present they shall agree upon, for their good will or consent; and take a grant of the same in writing, under their hands and seals, or some other publick way used in those parts of the world: Which grant is to be registered in the publick register allowing also the natives (if they please) a copy thereof; and that no person or persons take up any land, but by order from the commissioners, for the time being.

CHAPTER XXVII.

That no ship master or commander of any ship or vessel, shall receive into his ship or vessel, to carry unto any other nation, country or plantation, any person or persons whatsoever, without a certificate first had and obtained under the hands and seals of the commissioners, or any two of them, that the said person or persons are clear, and may be taken on board, signifying that the said person or persons names have been put up in three publick places of the province, appointed by the commissioners for that purpose, for the space of three weeks, giving notice of his or their intention to transport themselves.

CHAPTER XXVIII.

That men may peaceably and quietly enjoy their estates.

It is agreed, if any person or persons shall steal, rob, or take any goods or chattels, from or belonging to any person or persons whatsoever, he is to make restitution two fold, out of his or their estate; and for want of such estate, to be
made work for his theft, for such time and times as the nature of the offence doth require, or until restitution be made double for the same; or as twelve men of the neighbourhood shall determine, being appointed by the commissioners, not extending either to life or limb.

If any person or persons, shall wilfully beat, hurt, wound, assault, or otherways abuse the person or persons of any man, woman or child, they are to be punished according to the nature of the offence; which is to be determined by twelve men of the neighbourhood, appointed by the commissioners.

CHAPTER XXIX.

For securing estates of persons that die, and taking care of orphans.

First. If any person or persons die, the commissioners are to take care, that the will of the deceased be duly performed, and security given by those that prove the will; and that all wills or testaments be registered in a publick register appointed for that purpose; and the person or persons that prove the same, to bring in one true inventory under their hands, of all the estate of the deceased, and to have a warrant under the hand of three commissioners, and the publick seal of the province, intimating, that they have brought in an inventory of the estate, and given security; then, and not before, are they to dispose upon the estate.

Second. If any person die intestate, leaving a wife and children; the commissioners are to take security from the person that shall administer, to secure two parts of the estate for the children, and the third to the wife, if there be any; and if there be no child, then half to the next of kin, and the other to the wife.

Third. If the parents of children be dead, and no will made, then the commissioners are to appoint two or more persons to take the charge of the children and estate, and to bring an inventory of the estate to be registered; and that the said persons are to make good to the children, what part of the estate shall come unto their hands, and to give a true account of their receipts and disbursements, to be approved of by the commissioners.

Fourth. If parents die, leaving child or children, and no estate, or not sufficient to maintain and bring up the said child or children, in that case the commissioners are to appoint persons to take care for the child or children, to bring them up in such manner as the commissioners shall appoint, and the charges thereof to be borne by the publick stock of the province; and if none be established, then by a tax to be levied by twelve men of the neighbourhood with the consent of the commissioners, or the main part of them.
CHAPTER XXX.

In cases when any person or persons kill or destroy themselves or be killed by any other thing.

It is agreed, if any man or woman shall wilfully put hand, and kill him or herself, the estate of such person or persons is not to be forfeited, but the kindred, heirs, or such other as of right the estate belongs to, may enjoy the same; or if any beast or ship, boat or other thing, should occasion the death of any person or persons nevertheless the said beast, ship boat or other thing is not to be forfeited; but those to whom they belong may enjoy the same. Provided always, that the said beast did not wilfully kill the said person, or hath been known to attempt, or addicted to mischief, or hath been found to hurt or kill any person; then the said beast is to be killed.

CHAPTER XXXI.

All such person or persons as shall be upon trial found guilty of murder or treason, the sentence and way of execution thereof is left to the general assembly to determine, as they in the wisdom of the lord shall judge meet and expedient.

The general assembly and their power.

CHAPTER XXXII.

That so soon as divisions or tribes, or other such like distinctions are made, that then the inhabitants, freeholders, and proprietors resident in the said province, or several respective tribes or divisions, or distinctions aforesaid, do yearly and every year meet on the first day of October, or the eighth month, and choose one proprietor or freeholder for each respective propriety in the said province (the said province being to be divided into one hundred proprieties) to be deputys, trustees, or representatives, for the benefit, service, and behoof of the people of the said province; which body of deputys, trustees or representatives, consisting of one hundred persons chosen as aforesaid, shall be the general free and supreme assembly of the said province for the year ensuing, and no longer: And in case any member of the said assembly, during the said year, shall decease, or otherwise be rendered incapable of that service; that then the inhabitants of the said proprieties, shall elect a new member, to serve in his room, for the remainder of the said year.

CHAPTER XXXIII.

And to the end the representative members of the yearly assembly to be chosen, may be
That no person or persons who shall give, bestow or promise, directly or indirectly, to the said parties electing, any meat, drink, money or money’s worth, for procurement of their choice and consent, shall be capable of being elected a member of the said assembly: And if any person or persons, shall be at any time corruptly elected, and sufficient proof thereof made to the said free assembly, such person or persons so electing or elected, shall be reckoned incapable to choose or sit in the said assembly, or execute any other publick office of trust within the said province, for the space of seven years thence next ensuing: And also, that all such elections as afore said, be not determined by the common and confused way of cries and voices; but by putting balls into balloting boxes, to be provided for that purpose, for the prevention of all partiality, and whereby every man may freely choose according to his own judgment, and honest intention.

CHAPTER XXXIV.

To appoint their own times of meeting, and to adjourn their sessions from time to time (within the said year) to such times and places as they shall think fit and convenient, as also to ascertain the number of their quorum; provided that such numbers be not less than one half of the whole, in whom (or more) shall be the full power of the general assembly; and that the votes of two thirds of the said quorum, or more of them, if assembled together as aforesaid, shall be determinative in all cases whatsoever coming in question before, them, consonant and conformable to these concessions and fundamentals.

CHAPTER XXXV.

That the said proprietors and freeholders, and their choice of persons, to serve them in the general and free assemblies of the province, give their respective deputies or trustees, their instructions at large, to represent their grievances, or for the improvement of the province; and that the persons chosen, do by indentures under hand and seal, covenant and oblige themselves to act nothing in that capacity, but what shall tend to the fit service and behoof of those that send and employ them; and that in case of failure of trust, of breach of covenant, that they be questioned upon complaint made, in that or the next assembly, by any of their respective electors.

And that each member of the assembly, chosen as aforesaid, be allowed one shilling per day, during the time of the sitting of the general assembly, that thereby he may be known to be the servant of the people: Which allowance of one shilling per day, is to be paid him by the inhabitants of the propriety or division
that shall elect him.

CHAPTER XXXVI.

That in every general free assembly, every respective member hath liberty of speech; that no man be interrupted when speaking; that all questions be stated with deliberation, and liberty for amendments; that it be put by the chairman, by them to be chosen, and determined by plurality of votes; Also that every member has power of entering his protest, and reasons of protestations. And that if any member of such assembly shall require to have the persons names registered, according to their yeas and nos, that it be accordingly done: And that after debates are past, and the question agreed upon, the doors of the house to be set open, and the people have liberty to come in to hear, and be witnesses of the votes, and the inclinations of the persons voting.

CHAPTER XXXVII.

And that the said assembly do elect, constitute and appoint ten honest and able men, to be commissioners of estate, for managing and carrying on the affairs of the said province, according to the law therein established, during the adjournments and dissolutions of the said general free assembly, for the conservation and tranquility of the same.

CHAPTER XXXVIII.

That it shall be lawful for any person or persons, during the session of any general free assembly in that province, to address, remonstrate or declare, any suffering, danger or grievance, or to propose, tender or request, any privilege, profit or advantage to the said province, they not exceeding the number of one hundred persons.

CHAPTER XXXIX.

To enact and make all such laws, acts, and constitutions, as shall be necessary for the well government of the said province, (and them to repeal) provided, that the same be as near as may be, conveniently agreeable to the primitive, antient and fundamental laws of the nation of England. Provided also, that they be not against any of these our concessions or fundamentals, before or hereafter mentioned.

CHAPTER XL.

By act as aforesaid, to constitute all courts, together with the limits, powers and jurisdictions of the same (consonant to these concessions) as also the several judges,
officers and number of officers belonging to each court, to continue such time as
they shall see meet, not exceeding one year, or two at the most, with their
respective salaries, fees and perquisites, and their appellations; with the penalties
that shall be inflicted upon them for the breach of their several and respective
duties and trusts; and that no person or persons whatsoever, inhabitants of the said
province, shall sustain or bear two offices in the said province, at one and the same
time.

CHAPTER XLI.

That all the justices and constables be chosen by the people; and all
commissioners of the publick seals, treasuries and chief-justices, embassadors and
collectors, be chosen by the general free assembly.

CHAPTER XLII.

That the commissioners of the treasury of the said province, bring in their
account at the end of their year, unto the general free assembly, there to be seen
and adjusted; and that every respective member carry a copy thereof unto that
hundred or propriety he serves, for to be registered in the capital publick court of
that propriety.

CHAPTER XLIII.

By act as aforesaid, to lay equal taxes and assessments, and to raise money or
goods, upon all lands or persons within the several propiriets, precincts,
hundreds, tribes, or whatsoever other divisions shall hereafter be made and
established in the said province, as oft as necessity shall require; and in such
manner as to them shall seem most equal and easy for the inhabitants; in order to
the better supporting of the publick charge of the said government, as also for the
publick benefit and advantage of the said people and province.

CHAPTER XLIV.

By act as aforesaid, to sub-divide the said province into hundreds, propiriets,
or such other divisions and distinctions, as they shall think fit; and the said
divisions to distinguish by such names as shall be thought good; as also within the
said province to direct and appoint places for such and so many towns, cities,
ports, harbours, creeks, and other places for the convenient lading and unlading of
goods and merchandize, out of the ships, boats, and other vessels, as shall be
expedient; with such jurisdictions, privileges and franchises to such cities, ports,
harbours, creeks or other places, as they shall judge most conducing to the general
good of the said province and people thereof; and to erect, raise and build within
the said province, or any part thereof, such and so many market towns and villages; and also appoint such and so many markets and fairs, and in such place and places, as they shall see meet, from time to time, as the grant made and assigned unto the said proprietors will permit and admit.

In testimony and witness of our consent to and affirmation of these present laws, concessions and agreements: We, the proprietors, freeholders, and inhabitants of the said province of West New Jersey, whose names are under written, have to the same voluntarily and freely set our hands, dated this third day of the month commonly called March, in the year of our Lord one thousand six hundred seventy six:

APPENDIX NUMBER III

A BRIEF ACCOUNT OF THE PROVINCE OF EAST-JERSEY, IN AMERICA,
PUBLISHED BY THE PRESENT PROPRIETORS,
FOR INFORMATION OF ALL SUCH PERSONS WHO ARE OR MAY BE INCLINED TO SETTLE THEMSELVES,
FAMILIES AND SERVANTS IN THAT COUNTRY.

To say anything in the praise, or much in the description of a country so well known, would seem needless: The late accounts and descriptions of the adjacent countries, West-Jersey and Pennsylvania, which are much of the same nature, &c. might suffice; but considering that in foreign colonies, yea, here in England, every particular county has some excellency in soil, product or situation, that may affect and delight many persons, beyond the places adjacent: We may, for the satisfaction of such, give some brief account thereof.

First, This province or colony lies between thirty-nine and forty-one degrees of latitude, being about twelve degrees more to the south than the city of London; and is bounded south east by the main sea; east by that vast navigable stream, called Hudson's river, which divides this from the province of New-York; west by a line of division, which separates this province from West-Jersey; and north upon the main land, and extends itself in length on the sea coast, and along Hudson's river, one hundred English miles, and upwards.

Second, The conveniency of situation, temperature of air, and fertility of soil, is such, that there's no less than seven considerable towns, towns, viz. Shrewsbury, Middletown, Bergen, Newark, Elizabeth-Town, Woodbridge, and Piscataway; which are well inhabited by a sober and industrious people, who have necessary provisions for themselves and families, and for the comfortable entertainment of strangers and travellers; and this colony is experimentally found generally to agree with English constitutions.

Third, For navigation, it hath these advantages, not only to be situate along the navigable part of Hudson's river, but lies also fifty miles on the main sea; and near the midst of this province, is that noted bay for ships, within Sandy-Hook, very well known not to be inferior to any harbour in America, where ships not only harbour in greatest storms, but there ride safe with all winds, and sail in and out thence as well in winter as summer.

Fourth, For fishery, the sea banks there are very well stored with variety of fish; for not only such as are profitable for transportation, but such also as are fit
for food there, as whales, cod-fish, cole and hake fish, large mackrell, and also many other sorts of flat and small fish. The bay also, and Hudson's river, are plentifully stored with sturgeon, great bass; and other scale fish, eels and shell-fish, as oysters, &c. in great plenty, and easy to take.

Fifth, This country is also plentifully supplied with lovely springs, rivulets, inland rivers, and creeks, which fall into the sea and Hudson's river; in which is also much plenty and variety of fresh fish and water fowl.

Sixth, There is great plenty of oak timber, fit for shipping, and masts for ships, and other variety of wood, like the adjacent colonies, as chesnut, walnut, poplar, cedar, ash, fir, &c. fit for building within the country.

Seventh, The land or soil (as in other places) varies in goodness and richness; but generally fertile, and with much smaller labour than in England: It produceth plentiful crops of all sorts of English grain, besides Indian corn, which the English planters find not only to be of vast increase, but very wholesome and good in its use; it also produceth good flax and hemp, which they now spin and manufacture into linnen cloth. There's sufficient meadow and marsh to their uplands; and the very barrens there as they are called, are not like some in England; but produce grass fit for grazing cattle in summer season.

Eighth, The country is well stored with wild deer, conies and wild fowl of several sorts, as turkeys, pigeons, partridges, plover, quails, wild swans, geese, ducks, &c. in great plenty; It produceth variety of good and delicious fruits, as grapes, plumbs, mulberries and also apricots, peaches, pears, apples, quinces, water melons, &c. which are here in England planted in orchards and gardens; these, as also many other fruits, which come not to perfection in England, are the more natural product of this country.

Ninth, There is also already great store of horses, cows, hogs, and some sheep, which may be bought at reasonable prices, with English monies or English commodities, or man's labour, where money and goods are wanting.

Tenth, What sort of mines or minerals are in the bowels of the earth, after time must produce, the inhabitants not having yet employed themselves in search thereof; but there is already a smelting furnace and forge set up in this colony, where is made good iron, which is of great benefit to the country.

Eleventh, It is exceedingly well furnished with safe and convenient harbours for shipping, which is of great advantage to that country, and affords already for exportation, great plenty of horses, and also beef, pork, pipe staves, boards, bread, flower, wheat, barley, rye, Indian corn, butter and cheese, which they export for Barbadoes, Jamaica, Nevis, and other adjacent islands, as also to Portugal, Spain,
The Colonial History of New Jersey

Samuel Smith

the Canaries, &c. Their whale oil and whale fins, beaver, mink, raccoon and
martin skins, (which this country produceth) they transport for England.

Twelfth. The situation and soil of this country may invite many who are
inclined to transport themselves into those parts of America: For,

1. It being considerably peopled, and situate on the sea coast, with convenient
harbours, and so near adjacent to the province of New-York and Long-Island,
being also well-peopled colonies, may be proper for merchants, tradesmen, and
navigators.

2. Its likewise proper for such who are inclined to fishery, the whole coast and
very harbours mouths being fit for it; which has been no small rise to the
New-England people, and may be here carried on also with great advantage.

3. For its soil, its proper for all industrious husbandmen, and such, who by
hard labour here, on rack rents, are scarce able to maintain themselves, much less
to raise any estate for their children, may, with God's blessing on their labours,
there live comfortably, and provide well for their families.

4. For carpenters, bricklayers, masons, smiths, mill-wrights, and
wheel-wrights, bakers, tanners, taylors, weavers, shoe-makers, hatters, and all or
most handicrafts, where their labour is much more valued than in these parts, and
provisions much cheaper.

5. And chiefly for such of the above-mentioned, or any other who upon solid
grounds and weighty considerations, are inclined in their minds to go into those
parts; without which their going there cannot be comfortable, or answer their
expectation.

Thirteen, The Indian natives in this country are but few, comparative to the
neighbouring colonies; and those that are there, are so far from being formidable
or injurious to the planters and inhabitants, that they are really serviceable and
advantageous to the English, not only in hunting and taking the deer, and other
wild creatures, and catching of fish and fowl fit for food, in their seasons, but in
the killing and destroying of bears, wolves, foxes, and other vermine and peltry,
whose skins and furs they bring the English, and sell at less price than the value of
time an English man must spend to take them.

Fourteen, As for the constitutions of the country, they were made anno dom.
1664, and in the time of John lord Berkely, and sir George Carteret, the late
proprietors thereof; in which such provision was made for liberty in matters of
religion, and property in their estates; that under the terms thereof, that colony
has been considerably peopled, and that much from the adjacent countries, where
they have not only for many years enjoyed their estates, according to the
concessions: but also an uninterrupted exercise of their particular persuasions in matters of religion: And we the present proprietors, do determine, so soon as any persons here in England, or elsewhere, are willing to be engaged with us, we shall be ready and desirous to make such further additions and supplements to the said constitutions, as shall be thought fit, for the encouragement of all planters and adventurers, and for the further settling the said colony with a sober and industrious people.

Fifteen, Having with all possible brevity, given an account of the country, we shall say something as to the disposition of lands there.

1. Our purpose is, if the lord permit, with all convenient expedition, to erect and build one principal town; which by reason of situation must in all probability be the most considerable for merchandize, trade and fishery in those parts; it is designed to be placed upon a neck or point of rich land, called Ambo point, lying on Rariton river, and pointing to Sandy-Hook bay, and near adjacent to the place where ships in that great harbour commonly ride at anchor; a scheme of which is already drawn, and those who shall desire to be satisfied therewith may treat for a share thereof.

2. As for encouragement of servants, &c. we allow the same privileges as was provided in the concessions at first.

3. Such who are desirous to purchase any land in this province, free from all charge, and to pay down their purchase monies here, for any quantities of acres; or that desire to take up lands there, upon any small quit rents to be reserved; shall have grants to them and their heirs, on moderate and reasonable terms.

4. Those who are desirous to transport themselves into those parts before the purchase, if any thing there present to their satisfaction, we doubt not but the terms of purchase will be so moderate, equal and encouraging, that may engage them to settle in that colony.

Our purpose being with all possible expedition to dispatch persons hither, with whom they may treat; and who shall have our full power in the premises.

As for passage to this province, ships are going hence the whole year about, as well in winter as summer, Sandy-Hook bay being never frozen: The usual price is five pounds per head, as well masters or servants, who are above ten years of age; all under ten years, and not children at the breast, pay fifty shillings; sucking children pay nothing; carriage of goods is usually forty shillings per ton, and sometimes less, as we can agree; the cheapest and chiepest time of the year for passage, is from midsummer 'till the latter end of September, when many Virginia and Maryland ships are going out of England into those parts; and such who take
then their voyage, arrive usually in good time to plant corn sufficient for next summer.

The goods to be carried there, are, first, for people's own use, all sorts of apparel and household stuff, and also utensils for husbandry and building: secondly, linnen and woollen cloths and stuffs, fitting for apparel, &c. which are fit for merchandize and truck there in the country, and that to good advantage for the importer, of which further account will be given to the enquirer.

Lastly, Although this country, by reason of its being already considerably inhabited, may afford many conveniencies to strangers, of which unpeopled countries are destitute, as lodging, victualing, &c. yet all persons inclining unto those parts, must know, that in their settlement there, they will find their exercises; they must have their winter as well as summer; they must labour before they reap, and, 'till their plantations be cleared (in summer time) they must expect (as in all those countries) the musketos, flies, gnats, and such like, may, in hot and fair weather, give them some disturbance where people provide not against them; which, as land is cleared, are less troublesome.

And all such persons who desire to be concerned, may repair to Thomas Rudyard or Benjamin Clark, in George-Yard, in Lombard-street; where they may view the constitutions, the scheme of the intended town, the map of the country, and treat on terms of purchase. William Penn, Robert West, Thomas Rudyard, Samuel Groom, Thomas Hart, Richard Mew, Thomas Willcocks, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, are the present proprietors of East-Jersey; but their purpose is to take in twelve persons more, to make up the number of proprietors twenty-four.

Proposals by the proprietors of East-Jersey, in America, for the building of a town on Ambo Point, and for the disposition of lands in that province; and also for encouragement of artificers and labourers that shall transport themselves thither out of England, Scotland, and Ireland.

Forasmuch as Ambo Point, is a sweet, wholesome, and delightful place, proper for trade, by reason of its commodious situation, upon a safe harbour, being likewise accommodated with a navigable river, and fresh water, and hath by many persons of the greatest experience and best judgment, been approved for the goodness of the air, soil and situation;

We, the proprietors, purpose by the help of Almighty God, with all convenient speed, to build a convenient town, for merchandize, trade and fishery on Ambo Point; and because persons that hath a desire to plant there, may not be disappointed for want of proposals, we, the proprietors, offer these following:
The Colonial History of New Jersey

Samuel Smith

First. We intend to divide fifteen hundred acres of land upon Ambo Point, into one hundred and fifty lots; which lots shall consist of ten acres the lot; one hundred of the lots we are willing to sell here, and fifty we reserve for such as are in America, and have long desired to settle there,

Secondly. The price of each lot will be fifteen pounds sterling, to such who purchase before the 25th of December, 1682; and to such who purchase afterwards, before the 25th of December, 1683, twenty pounds sterling.

Thirdly. Every lot is to be as equally divided as the goodness of the place doth require, and the situation can admit.

Fourthly. The most convenient spot of ground for a town, shall be divided into one hundred and fifty equal shares, and set out into streets, according to rules of art; and no person shall be preferred before another in choice, whether purchaser or proprietor.

Fifthly. We reserve four acres for a market place, town-house, &c. and three acres for publick wharffe.

Sixthly. Each purchaser is obliged to build a dwelling house in the place designed for the town, and to clear three acres of up land, in three years, or else the proprietors to be reinstated in such lots wherein default is made, repaying the purchase money.

Seventhly. We the proprietors do within a year, hope, by Gods assistance, to build for each of us, one house upon Ambo point; which we intend shall stand in an orderly manner, according to the best and most convenient model.

And in pursuance of the design of the propositions abovesaid.

Eighthly. And for the encouragement of carpenters, joiners, brick and tile makers, bricklayers, masons, sawyers, and labourers of all sorts, who are willing to go and employ themselves and servants, in helping to clear ground, and build houses upon the general account of and for the proprietors, the said proprietors will engage to find them work, and current pay for the same, in money or clothes, and provision, of which there is plenty (as beef, pork, corn, &c.) according to the market price at New-York, during the space of one year at least, next after the 25th of December, 1682; in which time (through God’s blessing and their industry) they may have got wherewith to buy cows, horses, hogs, and other goods, to stock that land, which they in the mean time may take up, according to the concessions; neither shall such persons pay rent for their said land, so long as they are employed in the proprietors work; and their wages shall at all times be so much as other such artificers and labourers, in the said province usually have; nor
shall they be obliged to work for the proprietors longer than they find encouragement so to do.

Ninthly. And for the more ready and certain employing those workmen and labourers that shall transport themselves to East-Jersey, this is to let all labourers and persons that shall transport themselves know, they must upon their arrival upon that place, repair to the register of the aforesaid province, and enter themselves according to their respective qualities and designs, and thereupon they shall be entered into the service and pay of the proprietors.

For disposition of land in East Jersey.

The governor of East-Jersey, by and with the advice of his council, is to direct, that all lands to be set and laid out for counties, tribes, cities, or parishes, according to the general concessions of the said province, be bounded and set out in manner following, viz. That all such lands be divided into seven equal lots or parts; one of which seven parts is to be first set out by lot for the use of the proprietors; and the other six parts to be taken up according to the following concessions:

First. That the planting of the said province may be the more effectually promoted, We do hereby grant unto all persons who shall transport themselves, their wives or children, unto East-Jersey, and settle there according to the following concessions, by the twenty fifth of December 1684, twenty-five acres of land for each head, whether wife, child or servant, which servant shall be bound to serve the term of three years at least within the said province; and for every such master of a family, fifty acres; the said persons so imported are to be registered in the secretary’s book of entries to be kept for that purpose; and the importer to pay to the secretary for fees of attending that service, and entring them, twelve pence each head; and every servant, male or female, who shall be so imported and registered by the 25th of December, 1684, shall, at the expiration of their time, have liberty to take up the quantity of thirty acres for their own uses; and all the aforesaid importers, and persons imported, who are hereby allowed to take up land, shall have and enjoy the same, under the terms and concessions following:

Secondly. Forasmuch as this province is already considerably peopled and improved (there being seven towns at least already settled upon it by English people) and that no person is constrained by our concessions, to take up and pay for land which is barren and unprofitable; nor can it be reasonably supposed, that people should in this province, be now exposed to the like hazards and difficulties that others must look to meet with in those plantations that are less inhabited and more remote, and for situation by sea and land, not so commodiously placed for trade: Therefore we think it very reasonable and moderate, that all and every person and persons, shall have his and their respective quantities of lands set out at
two pence an acre, yearly rent, to be paid into our receivers office, either in money sterling, or in such commodities as the growth or trade of the province affords at the merchants price there; but whosoever is willing to buy off his yearly rent, and become a freeholder, may so do paying after the rate of twelve years purchase, which comes to fifty shillings for a lot of twenty-five acres, and so paying after the same rate, for a greater or lesser quantity.

Thirdly. And forasmuch as it will be most commodious for planters to live together, whereby they may be a meet help to each other; It is ordered, that all the purchasers and takers up of land, shall sit down by some village or township already laid out, or to be laid out hereafter, in the said province; and having chosen the village or township, which shall be most convenient and profitable for their business, the surveyor general shall set forth to the said persons, such quantity of lands, to them granted out of the aforesaid six parts, which are not then taken up; they paying to the said surveyor general, the usual rate of surveying in the said province; and if any person going or sending over, is willing to have a greater parcel of land than twenty-five acres, he may purchase, but not more than one hundred acres; he paying down, at the sealing of his grant, for the same, after the rate of ten pounds by the hundred acres; and so more or less for a greater or lesser quantity.

Fourthly. And if any person is willing to buy land, and yet for the present is not disposed to plant there; he may so do, paying down here for his grant to the proprietors, according to the rate aforesaid. Provided, that all those persons, who by these concessions shall take up land, be enjoined to build one dwelling house, on some part of their land, within the space of seven years, next after the 25th of December, 1682; and in case of default, one half of their land to return back to the proprietors.
I was desired to give a meeting to the proprietors of East-Jersey, where were present, governor Berkeley, lord Campbell, lord Melford, secretary of state for Scotland, Mr. Penn, Mr. Ward, and six or eight more; they presented me the original of an agreement between the commissioners of both Jersies, in order to run the partition point; and withal a map; whereby it is obvious at the first glance, that, above a third part of that land, which was ever accounted to belong to West-Jersey, is allotted to, and comprehended within the limits of East-Jersey: They desired my concurrence to this agreement, as being first in its own nature a most just and equal division or quantity: Secondly, agreed on by commissioners, on both sides: Thirdly, according to Mr. Byllinge's instructions, who had impowered his commissioners to make an equal division: I answered in behalf of your colony and of myself, that first, the division was very unjust in its own nature; and secondly, that if it were otherwise; yet I did apprehend, they, who made the agreement, were not legally or sufficiently empowered.

And first, as to the injustice of the division; I declared, I thought they ought to have regard unto the letter of the agreement between sir George Carteret and Mr. Edward Byllinge; the line was to run from Little Egg-Harbour, unto the most northerly branch of Delaware river, in forty one degrees forty minutes: They denied there was any such branch; I shewed them in their own map, made by Mr. George Keith, a river running into Delaware, whose head is near another of Esopus river; they urging that to be a most unconscionable division, and that it would cut off two thirds of their country; that in the map printed from that original, whereon the partition line was drawn, they had a far greater scope of land; I offered them to calculate the proportion of land in both Jersies, from the map or chart; and upon the division, they should have a like proportion unto what was therein allotted them; which would have been about the third of the whole: They approved not thereof: I proffered lastly, to comply with the second line, which was proposed by our arbitrators, whereby we gave them a large tract of land, whereunto they had no right: which sheweth, that we were both willing to come to an agreement, in our demands, moderate, favourable and friendly, in our concessions: I added, that the lands actually in their possession, or sold unto others before the line was agreed to be run, should be annexed unto, and for the future, accounted part of their country; which, according to their own concession,
were some of the most rich, healthful, and pleasant tracts of land in either Jersies: Neither would this please; they insisted upon the agreement, and would either have it performed or sue the bond: I was somewhat perplex’d how to preserve our own right, and secure our friends from harm; but being willing, as I have been, to deny myself any private benefit for publick utility, when they pressed they had either power or not: If power, then all were obliged - if not, they in particular: I answered, they might apprehend themselves to have power; but really had it not; as appears by the protestations of the body of the proprietors and inhabitants of West-Jersey, wherewith the lord Campbell had acquainted me: And they themselves are likewise sensible, that they proceeded not only beyond but contrary to their commission; and as for the bonds, they could not be sued, so long as they did upon no overt act oppose such agreement; and the very utmost they could require from them, was so much land as came to their share upon a new division, according to the deed of partition, whereunto they had signed. I then proceeded to confute their pretensions from an equal division, shewing there was not the least foot steps for such a claim in the deed of partition: I desired them to consider, that West-Jersey proprietors gave above eighteen thousand pounds for the land, which cost not East-Jersey proprietors much above four thousand pounds, and for many years last past, proprieties of West-Jersey have been valued very little below those of East-Jersey; which was merely upon the account of the opinion all persons; had the proprietors of East-Jersey, themselves not excepted, that our part exceeded theirs at least two-thirds in quantity of land: I was myself almost two years, owner of an intire propriety in East-Jersey, and continually heard their complaints; nor did I ever hear any mention of a right to an equal division, as to quantity of land, only valuing themselves upon the goodness of their land, and conveniency of harbours; which were open all the winter. And as for the pretension, that Mr. Byllinge gave commission for an equal division; we could produce hundreds of witnesses, that his great argument unto all purchasers, was, that West Jersey was three times as large as East, and equal I am a witness, that he intended only equitable according to the agreement or deed of partition; which diverse can testify. But I added withal, that if he had given a commission, I thought it not valid, without the consent and concurrence of the major part of the proprietors; before he sold the land, he might have disposed it at pleasure, and receded from his own rights; but having sold the land, the proprietors were to take care, they had their due, according to the deed of partition; upon which terms they bought. For Mr. Byllinge, when he granted the pretended commission of division, was possessed only of one single propriety, as he confessed unto diverse, having disposed of seventy, by absolute sale, and mortgaged the other twenty nine for eight thousand pounds; and tho’ I was not willing to suspect any thing of Mr. Byllinge; yet let any consider whether it was fit, that an indigent person, when he had sold his land, should have it in his power

The Colonial History of New Jersey

Samuel Smith
The Colonial History of New Jersey

Samuel Smith

to give away the moiety, under pretence of a power to adjust the division, for which he might receive a great sum of money, if favourably determined on the behalf of those with whom we contended: And therefore, no division can be accounted just and legal, which hath not the consent and concurrence of the majority of the proprietors: I declared unto them, we had thereupon appointed a general meeting, and we should acquaint them with the result of our consultation, if they complied with our proposal: and that it be likewise assented to by the majority of the proprietors in West-Jersey, it should become a final decision, and be entered in both our records, as upon such occasion is usual; on the contrary, if they would not hearken to a fair and just proposal, wherein we shall recede considerably from our right; we will declare ourselves free, and maintain the line according to the deed, until they can, either by course at common law, or by an appeal into his majesty, make an alteration: And the owners of about forty proprieties in and about the city, do request all those who are present in West-Jersey, to lay claim unto, and account as your own just right, all that land from Egg-Harbour, to the north branch of Delaware, according to the letter of the agreement in the deed of partition, until the proprietors of East-Jersey have totally abandoned all pretensions unto this last, subtilly contrived, pretended agreement; for if they have recourse to the common law, I am very confident, above two parts of three, will become undoubtedly ours. If they appeal to the king; we have not only confidence in his common justice, and unbiassed respect unto all his subjects, but a particular hope, that his majesty will remember the time and manner, and other circumstances of the division; how sir George Carteret assured his highness (he being duke of York) that he chose the least part, because near unto his government of New-York. It is likewise well known, and can be attested by diverse, that sir George Carteret did value his share, tho' by him acknowledged not half so large as the other; yet abundantly preferable upon the account of its being well settled with a sober and industrious people, which would invite others to come there, Whereas the other was a desart, and so little esteemed for some time, that land in East-Jersey sold ordinarily eight, and often ten times the value which was given for land in West-Jersey: It had the advantage of seven fair towns, inhabited by 3500 people; as appears by a list I have: They well accommodated with corn and stock, able to supply at easy rates, new-comers with corn and cattle; which cost the first settlers of West-Jersey a third more: Besides the neighbourhood of New-York, a place of great trade, where they could be readily supplied with whatsoever cloaths, utensils, &c. they wanted. I flattered myself with hopes, that Mr. Penn, a person of great ability and interest among the proprietors of New-Jersey, and who hath often professed a great kindness for the inhabitants of West-Jersey, would have afforded me some assistance, and moderated at the least the violence of the current, upon the pretended agreement; but he hath frustrated my expectation, by complying with them in all things, and
signed with the rest; which I confess was extremely surprizing to me: and will, I doubt not, appear a little strange to divers amongst you: I could not imagine any considerate indifferent person could approve so unreasonable and surreptitious an award: But I perceive, that which most influenced him, is a persuasion that the division ought to be equal in quantity, and is confirmed therein by a passage in Mr. Byllinge's commission for settling bounds; wherein he uses the word equal; and is persuaded, being herein influenced by Mr. Keith's false map, of which I have sent you a copy, that Mr. Reid's proposal is very fair and an exact equal division of the country. I do not herein charge Mr. Penn with any fault, who I believe acts according to his convictions but I only acquaint you herewith, that you may understand your own misfortune, for had not Mr. Penn embraced our interest, we should probably have made a more speedy and advantageous agreement the proprietors being mightily fortified by his countenance and authority to adhere to the late award, only as a great argument of their moderation and justice: They have made an order signed likewise by Mr. Penn, that if upon a new survey, it appears this agreement give them the greater moiety, they will refund so much as may reduce it to an exact quantity. It was a great defect on your part, to agree upon a division either with New-York or East-Jersey, until you had a most exact survey of the country; they of New York and East-Jersey, have in this respect, exercised the highest prudence, knowing the whole country to a little, and thereby have both overreached you. I have seen their draughts, than which nothing can be more exact; but they dare not yet print them, 'till they have adjusted the affair with you, lest their own maps should rise up witness against them: And considering how curiously and diversely Rariton south, and Passaic river are branched, I judge their country, quantity for quantity, double the value of ours: I never yet saw any maps of West-Jersey, in the least comparable to these of East-Jersey; I have sent you a pattern of one part of their country, tho' they have a draught of every parcel, and ten times more large and particular than this. I do therefore make it my serious advice, and earnest request, that you will, with all speed, cause a very particular map to he made of your country: I do not mean of every propriety or plantation, but a true account of the length, with a note, if any part of the country be extraordinary barren; where those barrens are, and of what extent: I had almost forgot to tell you a pretty policy of Mr. Keith and John Reid, I suppose by direction from some of their superiors: The draughts they produce for division, are not in the least according to truth, nor according to those they sent their proprietors, whereof I having been two years of East-Jersey, have most certain knowledge, and exact copies of their own draughts, to compare them; but in those maps they produce for division, they make our country towards the sea and bay, near double the bigness it really bears, and their own almost half as little as really it is; thence arguing for the reasonableness of addition unto the true line; and indeed that which they pretend an equal division, to say nothing of its
exceeding ours, generally speaking in goodness; it is above a fifth part greater in quantity, so that having received upon all hands, so unfair dealings, I declare it unto you all, as my opinion and advice; and if I have any authority amongst you, I intreat and require, that you treat not with them any further about any accommodation, nor own that pretended to be already made; but stand by the letter of the agreement between sir George Carteret and Mr. Byllinge, *viz.* That the line be run directly from the east side of Little Egg-Harbour, unto the most northerly branch of Delaware river, in forty one degrees and forty minutes: And I question not, but we shall bring them to more reasonable terms than any they have hitherto proposed; at least no pains nor cost shall be wanting on my part; and I have the concurrence of all our proprietors, Mr. Penn excepted, whom I could any ways meet with or consult: And whereas I am very credibly informed that the proprietors of East-Jersey, have ordered lands to be taken up in divers places near the new pretended line of partition; that having possession, upon are view they may have a more spacious claim; if any attempt of this nature be made, I do not only protest against it, but request and desire that all the inhabitants of West-Jersey do the same; and at the same time, the surveyor of West-Jersey, or his deputy, do immediately take up in my name, all that land which is westerly of the Mill-Stone and Rariton river, which was not actually in their possession of East-Jersey, at the time of their pretended award between Mr. Emley and Reid: You will better understand my mind by the inclosed map, which is a copy exactly drawn from one of their originals; and we favour them very much in going no further, (for according to strictness, our line runs within three miles of Perth city) and by allowing them that great tract of most excellent land, from thence to the meeting of Millstone and Rariton river. I shall add one thing more, which seemeth to me of the greatest consequence: I beseech you let there be no animosity or indignation, severe censure, or spightful reflections, on those who gave their consent unto the award made by Emley: For my part, I am fully satisfied in the honesty and fairness of their intentions; but the best of men may be overreached by cunning designing persons; forget what’s past, and live together as becomes christians, and neighbours and countrymen. As I have taken care that the publick shall not suffer by their act, so I shall likewise endeavour to secure them from any trouble, only they cannot act in conjunction with the rest of the proprietors; concerning which I shall give them particular instructions; in the interim, I remain your most affectionate friend,

DAN. COXE

The papers here and before introduced, relating to the division line between East and West-Jersey, appeared to be those best adapted to give a general insight into the proceeding; and the reader may rest assured that they were not selected with the least partial bias to either side of the question; but if contrary to expectation, it should be hereafter found that any thing material to the purpose is omitted, upon its
being properly pointed out, endeavours will be used, with the utmost candour, to have such omission supplied, or the matter otherwise rectified, as far as opportunity may allow.
APPENDIX NUMBER V

THE COUNCIL OF PROPRIETERS OF WEST-JERSEY, TO GOVERNOR BURNET.

To his excellency William Burnet, esq; captain general and commander in chief of the province of New-Jersey, &c. and the honourable his majesty's council there met.

In obedience to an order of council, appointing a time to the proprietors for exhibiting their reasons, why the bill for repealing an act for running and ascertaining the line of partition between the eastern and western division of New-Jersey, now lying before the council, should not pass. We for ourselves, and in behalf of those for whom we are concerned with, other the proprietors of New-Jersey; humbly beg leave to represent as followeth, viz.

That king Charles the second having by letters patent in the year 1663, granted to his brother, his royal highness the duke of York, and his heirs and assigns, all those tracts of land in America, of which the colonies of New-York and New-Jersey, now consist; his royal highness by good deeds and conveyances in the law, granted all that part called the province of New-Jersey, as it is now bounded by the sea, Hudson's river, Delaware bay and river; and a strait line running from the latitude of 41 degrees, on the west side of Hudson's river, to the latitude of 41 degrees 40 minutes, on the east side of Delaware river; unto the right honourable John lord Berkeley, and sir George Carteret, and to their heirs and assigns for ever.

That the said lord Berkeley, by like deeds, granted his moiety or half part of the said tract or province, unto John Fenwicke, in trust for Edward Byllinge; and the said Fenwicke, by other like deeds duly executed, declaring the said trust, granted nine tenth parts or ninety hundredth parts of all the said moiety, which the said lord Berkeley had conveyed to him as aforesaid, unto William Penn, Gawen Lawrie, and Nicholas Lucas, in trust for the said Edward Byllinge.

That the said sir George Carteret, and the said Edward Byllinge, and trustees, upon a full and absolute agreement among themselves, for dividing the said premisses into two equal parts in value, by indenture quintipartite; dated the first of July, 1676, did accordingly divide the said land, by a line to be run from little Egg-Harbour, to a certain station point in the latitude of 41 degrees 40 minutes, on the most northerly branch of Delaware river; by which the easterly part was ascertained to sir George Carteret, and the westerly to said Edward Byllinge and trustees.
The Colonial History of New Jersey

Samuel Smith

That after the said partition so agreed, the said Edward Byllinge, and trustees, proceeded to grant and convey the said Edward Byllinge's part or share, being nine-tenth parts of the western moiety, unto several purchasers, under whom most, or all the lands of the said western division are held, excepting only Salem tenth; and that the proprietor of the said tenth acquiesed also in the same, can be anticienlly proved: And in all and every of those deeds of conveyance, the said indentures quinti-partite, and divisions made thereby, are recited as the foundation on which all those grants respectively are made in the said westerly part or division.

That after the said sir George Carteret's decease, his widow and executrix, who was thereunto fully impowered, granted all the easterly part of the said province, to certain purchasers, called the proprietors of East Jersey, by sundry deeds and conveyances, all which deeds in like manner recite the aforesaid indenture's quinti-partite, as the foundation on which all those grants in the eastern division are made respectively.

That it is only by force of this agreement and partition, executed as aforesaid, that the proprietors of the western division are limited to the western part of the said province, on the side of Delaware; and that the proprietors of the eastern division are limited to the eastern part of the said province towards Hudson's river and the sea; for had no such division been agreed on, as is recited in all the respective deeds of conveyance to the proprietors, those of the western division, might with an equal right, have claimed the land towards Amboy, &c. and those of the eastern might have claimed the lands towards Burlington. But the said quanti-partite indenture being executed as aforesaid, before the sales to the proprietors were made, and recited in all the deeds of conveyance, became an absolute limitation; so that neither on the one part nor on the other, any purchaser could claim otherwise than according to that limitation, by which their lands were actually conveyed.

That notwithstanding this legal, clear and absolute partition, which is binding on every proprietor of the eastern division, and at least on all the nine tenth parts of the western division, sold by Edward Byllinge, or his trustees, and from which, those who are skilled in the law, well know it is impossible legally to recede, without the joint concurrence of every individual interested on the purchases made under Edward Byllinge, and trustees, and under sir George Carteret; for it is well known, that no majority without the whole will in these cases determine the point; yet there have been some persons found from time to time, who on partial views to themselves, have laboured to introduce some other sort of division; and considerable numbers have been so far unhappily imposed upon, as to imagine a change thereof might be practicabile, from which unfortunate deception, attempts
have been made to alter it, and some lines for that purpose have been run, and settlements thereupon made, without due regard to the true bounds of the respective divisions; which introduced such confusion, that the value of lands near the boundaries, have been much lessened, and the people discouraged from making improvements, where the right to the soil itself was liable to be questioned, as not lying within the division, under which it was purchased.

That the mischievous consequences and manifest irregularities of those attempts, as well as their injustice and inconsistency with law and reason; being at length maturely considered under the administration of your excellency's honourable predecessor, brigadier Hunter; a bill was prepared, not only for causing the aforesaid partition line, directed by the quinti-partite indentures as aforesaid, to be actually run, as the only legal division that could be made, and which might well at any time have been run, by the tenour of the proprietors general deeds, without any leave, if means could have been readily found to defray the charge; but it was also more especially provided in the said bill, for the settlement of all those who by any mistake had seated themselves, or taken up their lands, without the bounds of their respective divisions, in which they ought to have been surveyed, that they should all be served in their respective possessions, by the exchange of an equivalent, granted by each division to the other; which method was judged to be the only practicable means of making all those inhabitants easy and safe, in all their improvements and estates; and accordingly the said bill, though at first exploded in the assembly, as being brought into the house somewhat too late in time; yet when admitted, was passed by the governor and council, and by the same house, without one dissenting vote. And in pursuance thereof, with the concurrence and assistance of the several provinces concerned, the station point, at the latitude of 41 degrees 40 minutes, upon Delaware, was fixed, and random lines were carefully run along the whole distance of the two extreme points, that the true line itself might be run with the greater certainty and ease: It was therefore astonishing to us, to find (as your excellency and honourable council have been pleased to make known to us) that it should enter into any man's thoughts, to solicit the repeal of an act grounded on so solid and unmovable a foundation in law on one part, and on such justice and equity on the other, as we have here humbly represented; and this even without the least offer of any other plan for remedy of the evils under which this province has so long laboured for want of a due settlement in the premises.

Nor can we conceive what motives could possibly induce any inhabitant of the province, to endeavour to sap the very foundation, of all our settlements, unless there should be any of the opinion, that a just, regular and final determination of the boundaries, and a clear and quiet establishment should not quadrature with their particular interests; and that they may hope for greater advantages from their own
boundless claims in a state of confusion: That there may be something of this kind in view, we have but too great reason to apprehend from the strenuous endeavours used of late to diffuse groundless jealousies and false insinuations among the people of the western division, as if the lesser proprietors would by the late act, be in danger of losing their fourth dividends, while the greater would be secure in the possession of theirs; the absurdity of which, the act itself, with the common method of taking up those lesser fourth dividends, will fully evince; as also introduce new and extraordinary methods of splitting the smallest shares for qualifying votes for the council of proprietors, who at this time consist of a number of men, whose shares (one gentleman only excepted) will not, as we are well assured, amount to two proprieties in the whole; nor were their electors much differently qualified, as upon a scrutiny, may be fully made to appear.

But as your excellency's principal concern, is the peace and prosperity of the people, committed by his majesty to your care; and no subjects can be more deeply interested in the same, than his majesty's honourable council for the same province; and as your wisdom we doubt not will as clearly see, as your justice will dispense, and order what may most conduce to those desirable ends; in a firm dependance therefore on both these, we shall crave the liberty to pray, that the said bill now lying before the council, for repealing that most useful act, may be rejected; and that instead of yielding to what might engage his majesty's province in future confusions, your excellency and the council, together with the assembly, would be favourably pleased to encourage such other proposals as may be made, for happily ending all manner of controversies and disputes, concerning the estates of the people of the said province.

John Ladd, for himself and Col. John Alford; John Budd, for self and Boulton; John Kay, Wm. Cooper, Francis Rawle, Jun., Charles Brogden, Samuel Lippincott, John Snowden, Jun., Isaac DeCow, for himself and Samuel Barker; Matthews Gardiner, Isaac Pearson, William Pancoast; William Riles, Isaac Watson, William Rawle, Thomas Sharp, for self and John Dennis; John Estaugh, for the London company, John and William Dimsdale, Peter Rich, Benjamin Hopkins and self; William Biddle, Hugh Sharp, Henry Hodge, Robert Rawle, George Budd; James Logan for proprieties, William Penn's family 12, John Bellers 1, Amos Sttretle 1, myself 1/3; Richard Hill for Nath. Stanbury, Mary Willson. [note punctuation]
APPENDIX NUMBER VI

REASONS AND PROPOSALS FOR AN AMENDMENT OF THE QUINTI-PARTITE LINE, AND THE ACT MADE FOR THE CONFIRMATION THEREOF.

First, Because the act was passed without the knowledge or consent of numbers of the proprietors, and the allowing or disallowing the line, being matter of property, and of great consequence to them; it is conceived to be against natural justice to pass any law, to dispose of their private property without their consent.

Second, Because there was another line more fairly and equally agreed to by the governors, and majority of the proprietors of each division, and actually run at great expence.

Third, Because the act is deficient in divers instances, and particularly in this; that tho' by the act, the quantity of land in each division, is to be the same, yet the quality thereof is not regarded, and may be extreamly different; the eastern division being well known to contain considerable more good land than the western; which, with the addition of Staten-Island, which it's presumed is their right, will make their share considerable more in value than what must fall to the western proprietors; and particular persons may be very much prejudiced thereby; for an equal number of acres of land, up at Mohockamack, or in any of the upper parts, would scarcely be thought an equivalent to any individual, for the loss of a tract in the lower part of the province.

[The "Fourth" appears to be omitted, but the following Appendix, "Number VII," the East-Jersey Proprietor's answer to these complaints, refers "To the Fourth" as having to do with mistakes and delays related to the actual running of the quintipartite line. - Ed.]

Fifth, That several tracts of lands, since the making of that act, have been taken up both by western and eastern proprietors, which the line, when run, may cast into the opposite division from that they were thought to be; and as this mistake would not have happened but from the neglect of running the line, it would be hard they should suffer, and would therefore be proper to fall on measures to secure them in their possessions.

Sixth, The commissioners and surveyors are not limited from, but have it in their power to give away (under pretence of an equilant) the estate of any one proprietor, if in the fourth dividend, tho' it should amount to 10 or 20,000 acres, and that before sold or disposed of.

Seventh, That many of the proprietors and purchasers in West-Jersey, had,
before the making of that act, sold several tracts of land, surveyed and recorded in
ing right of a fourth dividend, which may fall to the eastward of the quinti-partite line,
thro' they were to the westward of the line agreed to by Coxe and Barclay, (which
at that time was universally esteemed to he the true line) yet by this act the
purchaser may be ousted of his freehold, and the vender liable to he sued and put
to great charge; which is an inconveniency proper to be considered and redressed.

It is therefore proposed, that the proprietors of each division, should consent to
an amendment of the above grievances, and that an equivalent be given to the
western proprietors, for the loss of that gore of land between the quinti-partite
line, and that commonly called the scotch line, up to the south branch of Rariton:
and also for so much of that tract of land lying in the forks of the north branch of
Rariton, held under eastern rights, should it be confirmed to the eastern
proprietors pursuant to that act, it being always received to be in the western
division by the agreement made between Coxe and Barclay.
APPENDIX NUMBER VII

AT A COUNCIL OF PROPRIETORS HELD AT THE CITY OF PERTH-AMBOY, AUGUST 17, 1742.

PRESENT: John Hamilton, esq; president; Mr. Dunstar; Robert Hunter Morris, esq, for Mr. Ashfield's propriety; Mr. Peters, for Messrs. Penns.; Mr. Leonard; Mr. Alexander; Mr. Nevill; Mr. Johnston; Mr. Smythe; Mr. Burnet; Mr. Foreman,

This board having had under consideration, at its several meetings in and since September last, the paper delivered by the western proprietors, entitled, reasons and proposals for an amendment of the quinti-partite line, and the act made for the confirmation thereof, have hitherto delayed coming to any resolutions; in order that all the members might thereby have an opportunity of weighing and giving their judgments in a matter so nearly affecting their interest; and the same being now maturely considered at a full board, it is unanimously agreed, to return the following answers to the several articles of the said paper.

To the first, it is the opinion of this board, that though the act might have passed without the knowledge and consent of some of the proprietors of the western division of New-Jersey, yet they have reason to believe, it was warmly solicited by such as were owners of a great number of the shares, and past with the consent of a greater number of those proprietors, than ever hath been, or can be got to agree to any alteration of that act: As to the quinti-partite line, the deed of 1676, by which it was agreed on, having been executed by all the then proprietors of the eastern and western divisions of New-Jersey, did legally establish that partition line; and being so established, it wanted not the authority of that act to make it binding on all parties thereto, and their assigns; nor does that act, as we conceive, by establishing that line, dispose of any man's property.

To the second, this board has been informed, and believes, that in the year 1686, the lieutenant governors of the eastern and western divisions of New-Jersey, entered into bonds of arbitration, to stand to the award of John Reid and William Emley, concerning the partition line between East and West-Jersey; and that those arbitrators made an award of the course which such line should run from little Egg-Harbour; and that the following year George Keith, surveyor general of the eastern division; did, as we believe, at their expence, actually run the line so awarded, from little Egg Harbour, to Dobies plantation, on the south branch of Rariton; which is upwards of sixty miles.

This board has likewise been informed, and believes, that another partition line
The Colonial History of New Jersey  
Samuel Smith

was afterwards agreed on between the chief governors doctor Coxe and Robert Barclay; but has not heard of any part thereof being afterwards actually run; and it appears not by any thing on our records, that either of those two lines were made binding on the proprietors of either division, or with consent of the majority of the proprietors; and had they been with such consent, yet could they not thereby have appeared to alter the quinti-partite line before agreed to by all the proprietors.

To the third, we know nothing in the act that supposes the quantity of land in each division to be the same; nor do we conceive after the execution of the quinti-partite deed, that the proprietors of either division had any concern with the quantity or quality of the land of the other division; tho' were it a matter proper to be enquired into, we have reason to believe, that the western division would be found to contain a much greater number of acres, even including Staten-Island, than the eastern division.

To the fourth, there has been many applications from the eastern to the western proprietors, to join in the running the quinti-partite line according to the act, and the eastern proprietors have always been ready to join in that work; and if any mistakes have happened such as the article sets forth, its but reason they should suffer, seeing the proprietors of both sides were sufficiently warned by that act, of the danger of such mistakes, and ought to place their loss thereby to the account of those who have been the cause of the delay of the running of the line.

To the fifth and sixth, we are of opinion, that the act was principally framed, with a view to prevent the inconveniencies set forth in these articles, and is sufficiently worded to answer the ends.

As to the equivalent proposed by the said paper to be given to the western proprietors, we conceive, that the act has fully provided a remedy for an equivalent to that division, to which it shall be found to belong.

And upon the whole, as the act was passed with the consent of a very great number of proprietors, especially of the western division, and as the act has received the royal assent, so that no alteration can be made therein but by the king’s express assent first had: And as it might be of very dangerous consequence, to alter or attempt the altering any part thereof; and as we believe the consent cannot be had of so great a number of the proprietors to any alteration, as there was to the making of the act; we cannot agree to any the least alteration therein; and hope the western division proprietors will join with the eastern proprietors in the running of the line, and estimating the equivalent, pursuant to the act: And that the work may be begun this fall, and carried on in the manner proposed by the minute of this board, of the 28th of May, 1741, (whereof a copy was then sent
to the western proprietors) or in such other reasonable manner as can be agreed on; and hope, that we may not be laid under any necessity of running the line exparte, or of taking any compulsory method for settling the equivalent; and in hopes that things so disagreeable, might have been avoided, we have hitherto delayed the having recourse to them.

Ordered, that Mr. Johnston, Mr. Nevill, Mr. Burnet, Mr. Leonard and Mr. Smyth, or any three of them, be a committee to agree with the western division proprietors, upon the time, ways, and means for running the said line, pursuant to the act; having regard to the former minutes of this board concerning the same, and to employ the persons necessary for the work in behalf of the eastern proprietors; which committee are to be ready at Perth-Amboy at any time, until the end of March next; to meet or correspond with a committee of the western proprietors for the above purpose.

Ordered, that if any other of the members of this board, be at Perth-Amboy, that they be admitted into the said committee.

Lawr. Smyth, register to the council of proprietors.
APPENDIX NUMBER VIII

TO THE KING’S MOST EXCELLENT MAJESTY.

THE REMONSTRANCE AND HUMBLE PETITION OF YOUR MAJESTY’S MOST LOYAL SUBJECTS,
INHABITING IN YOUR MAJESTY’S PROVINCE OF EAST NEW-JERSEY, IN AMERICA.

Humbly sheweth,

That whereas your majesty's humble petitioners did remove and settle themselves into the said province of East New-Jersey, and by virtue of a licence from the honourable colonel Richard Nichols, governor of the said province, under his then royal highness the duke of York, to purchase lands of the native pagans; did, according to the said licence, purchase lands of the said natives, at their own proper costs and charges; and whereas since his said royal highness did sell and transfer all his right and interest to the said province of East New-Jersey, to certain proprietors; by whose licence, several others your majesty's loyal subjects, have also since purchased lands at their own proper costs and charges, of the native pagans of the same place; whereby they humbly conceive they have acquired and gained a right and property to the said lands so purchased; yet notwithstanding, your majesty’s loyal subjects are molested, disturbed and dispossessed of their said lands, by the said proprietors or their agents; who under pretence and colour of having bought the government, with the soil, have distrained from, and ejected several persons for and under the pretence of quit rent, and lord's rent; whereby your majesty’s liege subjects have been sued, and put to great trouble and charges, and have been compelled to answer to vexatious actions; and after they have defended their own rights, and obtained judgment in their favour, could not have their charges, as according to law they ought to have; but have been forced to sit down under the loss of several hundreds of pounds, sustained by their unjust molestations.

And farther, notwithstanding your majesty's liege subjects have purchased their lands at their own proper costs and charges, by virtue of the aforesaid licence; yet the said proprietors, governors or agents, without any pretended process of law, have given and granted great part of the said lands, by patent, to several of the said proprietors and others, as to them seemed fit.

And notwithstanding their pretence to government, yet they left us from the latter end of June, 1689, 'till about the latter end of August, 1692, without any government, and that too in the time of actual war; so that had the enemy made a
The Colonial History of New Jersey

Samuel Smith

descent upon us, as we were without any military officers to command or give directions, in order to our defence, or magistrates to put the laws in execution; and during the whole time, the said proprietors have governed this your majesty's province, they have never taken care to preserve or defend us from the native pagans, or other enemies, by sending or providing any arms, ammunition or stores; but rather have provoked and incensed the said natives to make war upon us, by surveying and patenting their lands, contrary to their liking, without purchasing the same from them, or making any satisfaction in consideration thereof; and sometimes when the said natives have sold and disposed their lands, as to them seemed meet, they the said proprietors have disposed of the same to others, or else found them who had the property in it, to purchase it of them, upon their own terms; which the said natives have highly resented, and often complained of, and (may justly be feared) wait only for an opportunity to revenge it upon the inhabitants of this your majesty's province.

And further to manifest the illegal and arbitrary proceedings of the said proprietors, in contempt of your majesty's laws, and against their own knowledge, signified in a letter by them to the council here in East New-Jersey, wherein they say as followeth: "We have been obliged against our own inclinations to dismiss colonel Hamilton from the government, because of a late act of parliament disabling all scotchmen to serve in places of publick trust and profit, and obliging all proprietors of colonies to present their respective governors to the king, for his approbation; so we have appointed our friend Jeremiah Basse, to succeed colonel Hamilton in government, whom we have also presented to the king, and by him he is owned and approved of." Notwithstanding which letter, they have superseded the said Jeremiah Basse (whom they wrote was approved by your majesty) and have commissionated the said colonel Hamilton, without your majesty's royal approbation; although removed before by them, as a person disabled by law; who now by virtue of their, the said proprietors commission only, would impose himself upon us as governor; and when in government before, superseded by the aforesaid Basse, was by them continued about a year after the 25th of March 1697, without taking the oath enjoined by law; and doth now presume to exercise government, not having legally taken the said oath, or having your majesty's royal approbation. The said proprietors of East New-Jersey, have also, in contempt of your majesty's known laws, commissionated a native of Scotland to be secretary and attorney-general of this your majesty's province; (being both places of the greatest trust next to the governor) and one of the same nation to be clerk of the supreme court of this your majesty's province; which may be of ill consequence, in relation to the act of trade and navigation, and to the great hindrance of your majesty's loyal subjects, (the power of government being chiefly in the hands of natives of Scotland) from informing against any illegal or
fradulent trading, by Scotchmen, or others in the province.

We your majesty's loyal subjects, labouring under these, and many other grievances and oppressions, by the proprietors of this your majesty's province of East New-Jersey; do in most humble manner, lay ourselves before your majesty (the fountain of justice) humbly imploring your majesty will be graciously pleased, according to your princely wisdom, to take into consideration our evil circumstances, under the present proprietors, (if the right of government is invested in them) and that your majesty will be graciously pleased to give your royal orders to the said proprietors, that with your majesty's royal approbation, they commissionate for governor, a fit person qualified according to law, who as an indifferent judge, may decide the controversies arising between the proprietors and the inhabitants of this your majesty's province; and settle all the differences, which at present they labour under; and your majesty's petitioners as in duty bound, shall ever pray.

John Royce, Samuel Walker, Vincent Rugnion

Memorandum: Besides these three, there are 221 more in the original.
APPENDIX NUMBER IX

TO THE RIGHT HONORABLE THE LORDS OF THE COUNCIL OF TRADE AND FOREIGN PLANTATIONS.

THE MEMORIAL OF THE PROPRIETORS 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; although the government was the chief 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 governors (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 several years past, as well as before his majesty's happy succession 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, in 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; towards which they presume to enumerate the following particulars, viz.

First, 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 the planters or others.

Second, 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.

Third, 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 practised) of purchasing from the Indians, all such lands lying within East-Jersey, as yet remain unpurchased from them.

Fourth, 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 practised 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.

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

Sixth, That the public 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.

Seventh, 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.

Eighth, That a proportionable number of the inhabitants of East-Jersey, may be appointed to be of the governor's council, at all general assemblies, and to have votes therein.

Ninth, That the twenty-four proprietors may be lords of the soil, and hold courts for the lands in their proprietyships, and appoint all officers that relate thereunto.

Tenth, 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 persuasions, to whom that liberty was an original encouragement.

Eleventh, 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.
Twelfth, That the proprietors still have their powers continued, to grant markets and fairs in the said province.

Thirteenth, Lastly, all lands, goods and chattels of felons, felons of themselves, deodands, 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.
APPENDIX NUMBER X

OPINION AND ANSWER OF THE LORDS COMMISSIONERS FOR TRADE AND PLANTATIONS,
TO THE MEMORIAL OF THE PROPRIETORS OF E. N. JERSEY IN AMERICA,
SIGNED BY MR. DOCKWRA AND RECEIVED FROM HIM THE 5TH OF JULY, 1699.*

ARTICLE I. We 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 unreasonable; since it may happen to be sometimes advisable 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 land 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 trials in criminal matters, by his majesty’s especial 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 domium utile.

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 allowed; 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 every where appoint) does not seem fit to be allowed; 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
The surveyor general has a more particular reference to the proprietors and their lands; so that their constitution of such an office 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 more (which would be one full third of the whole number of the representatives for New-York and the Jersies) it is as much as can well be allowed; since otherwise these two Jersies 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 representatives for the Jersies, 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 leet in England.

ARTICLE X. This article must be regulated by acts of parliament, and the usage of New-York itself.

ARTICLE XI. The 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 chattels of traytors, fugitives, and persons outlawed, 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 undetermined reference.

* Taken from the books in the plantation office.
The Colonial History of New Jersey
Samuel Smith

APPENDIX NUMBER XI

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 on his majesty's part, as are necessary to that end; are surprised at the dubious answer returned by your lordships 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 plantation; tho' paying no customs, 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 forever, was their main inducement to consent to a surrender of their government; and therefore, they insist, that in the new charter to be granted them by his majesty, there be an express clause inserted, whereby Perth-Amboy shall be established a port forever, 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 misdemeanor whatsoever, but only the persons guilty of the misdemeanor, shall be accountable and punishable for it.

This is the only thing that makes the province of any value to the proprietors, or give them hopes of re-imbursement 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 rights 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.

WILLIAM DOCKWRA, Secretary and Register.

APPENDIX NUMBER XII

TO THEIR EXCELLENCIES THE LORDS JUSTICES OF ENGLAND.

THE HUMBLE PETITION OF THE PROPRIETORS OF THE PROVINCES OF EAST AND WEST-JERSEY 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 governors there, and particularly colonel Andrew Hamilton, who administered 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 eighth years of his present majesty's reign, entitled an act for preventing frauds, and regulating abuses in the plantation trade.

Upon which law some doubt arising, whether a native of Scotland (as Col. 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 petitioner's 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 governors conduct, which were produced, and published by Mr. Basse, as a testimony of his being nominated governor with the knowledge and implicit 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 to 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 induced to re-appoint the said Col. 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 trial at law, declared they
could not consent to such an approbation, without prejudice to his majesty's right;
yet in regard to the necessity of the people's being under some government 'till the
right was determined, their lordships delivered their opinion, that Col. 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, Col. 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 those provinces, your excellencies will be graciously pleased,
immediately to approve of Col. 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.

Ormston, as having procuration, Miles Forster and Edward Antill, Gilbert
Molleson, Tho. Barker, Tho. Lane, Paul Dominique, Tho. Skinner, John Bridges,
APPENDIX NUMBER XIII

REPRESENTATION OF THE LORDS OF TRADE.

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-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 thereupon grant, convey and assign, the said provinces, (by the names of Nova-Caesaria or New-Jersey) to John lord Berkeley 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 aforesaid Jetters 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 subdivisions and sales, having in the mean while been made by the said lord Berkeley, sir George Carteret, and others claiming under them; he the said duke of York, did, by indenture, dated the 6th day of August, 1680, grant and confirm the province of West New-Jersey, with all the appurtenances thereunto belonging, to Edward Byllinge 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 forever; 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 aforementioned 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 these provinces, by several mean conveyances,
from and under the aforementioned 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 inconveniences 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 continued
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 governor 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 Col. Andrew Hamilton,
afterwards Mr. Jeremiah Basse; then again superceding their commission to Mr.
Basse, and renewing or confirming that to Col. Hamilton; and ever since that also,
some of them having sent another commission to one capt. Andrew Bown: The
inhabitants sensible of the defect 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 had 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 command, 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 governed, 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, left 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; though they still seem to assert their title to the government of the said provinces; yet nevertheless in the end, declare 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 properties and civil interests; and they therefore 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 person, but by others likewise, who would not join in the prayer of the petition) having again preaced their own pretended 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 privileges, 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 unconditional 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 rights, 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 aforementioned petition, that colonel Hamilton may at present receive his majesty's approbation to be governor of those 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 unto your excellencies, that not being satisfied, that the aforementioned grants from the duke of York, (the only title upon which the said proprietors claim a right to government) without any direct and immediate authority from the crown, were or could be of any validity to convey that right, (which we have been informed is a power unalienable from the person to whom it is granted, and not to be assigned by him unto any other; much less divided, sub-divided, and conveyed from one to 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 aforementioned surrender; but it being generally acknowledged, both by the inhabitants and proprietors of the aforesaid 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 that 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 that they may be also shewn to the proprietaries 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.

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

Whitehall, October 2, 1701.

See the memorial which follows.
APPENDIX NUMBER XIV

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 trial had in the court of king's bench, between Mr. Basse and the earl of Bellemont; 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 justice and goodness will incline him to grant the proprietors all reasonable privileges, which are necessary to preserve their civil rights, and the interest 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 privileges, as were granted to them by the late king James, when duke of York, or have been granted by his majesty to other proprietors of provinces in America, except the powers of government.

Second. 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, 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 independant 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, refuse to pay the quit-rents reserved.
The Colonial History of New Jersey

Samuel Smith

Third. 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.

Fourth. That the port of Perth-Amboy, in East-Jersey, and the ports of Burlington and Cohansie, in West-Jersey, may be established ports of those respective provinces forever; and that no ship 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.

Fifth. That the proprietors may appoint surveyors general, and other officers, for surveying, and recording of the surveys of land granted by and held of them.

Sixth. That the proprietors of East-Jersey may hold three markets in every week forever, 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 [left blank] and each fair to continue six days; and that the proprietors of West-Jersey may hold the like number of markets in every week forever, on Monday, Wednesday and Friday, at Burlington, in West-Jersey; and four fairs in every year there, to begin the [left blank] Monday in the months of [left blank] and each fair to continue six days.

Seventh. That East and West Jersey may he 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 [left blank] and may meet on the first Monday in October, and oftener if need be.

Eighth. That the general assembly may consist of thirty-six representatives, to be chosen in manner following, viz. two by the inhabitants, householders of the city or town of Perth-Amboy, in East-Jersey; two by the inhabitants, householders of the city or town of Burlington, in West-Jersey; sixteen by the freeholders 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.

Ninth. That the governor’s council may consist of inhabitants of both
provinces; whereof an equal number to be chosen out of each province.

Tenth. That all necessary officers, and courts for administration of justice, in cases criminal and civil, be established in each province; and that one supreme 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 courts all 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.

Eleventh. That no appeal to the king may be in personal actions, where the cause of action is of less value than two hundred pounds.

Twelfth. 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.

Thirteenth. That his majesty will be pleased to permit the proprietors to nominate the first governor.

Fourteenth. That all such further privileges, 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.

JOSEPH ORMSTON.

August 12, 1701.

Joseph Ormston, having procuration from Miles Forster and Edward Antill, Gilbert Molleson, Thomas Barker, Clement Plumstead, Thomas Cooper, William Dockwra, Walter Benthal, Edward Ritchier, Joseph Brooksbank, Daniel Coxe, jun., Thomas Lane, Paul Dominique, John Bridges, Michael Watts, Thomas Skinner, Thomas Hart.
APPENDIX NUMBER XV

JOHN TATHAM, NEW JERSEY'S MISSING GOVERNOR

BY JOHN D. MCCORMICK

In 1684, Dr. Daniel Cox, of London, acquired an extensive interest in West Jersey, and in 1686 one in East Jersey. A late biographer, Mr. G. D. Scull, of England, says: "After the death of Governor Byllinge, in January, 1687, he purchased of his family their landed property in West Jersey, together with the right of government in the Province, under the grant of the Duke of York to Byllinge. Dr. Cox, in consequence, became Governor of West Jersey. Shortly after, on September 5, 1687, he addressed a letter to the Colony, detailing the circumstances connected with the transaction, and explaining his views as to the future."

From a paper quoted by Mr. Scull; the original being in the Bodleian Library, dated about 1688, it appears that "The above menconed Daniell Coxe, being resolved to sell his interest in Land and Government of the Collonies of East and West Jersey, the land Amounting, by a moderate calculacion unto one million of acres, whereof about 400,000 are surveyed and the Indian purchase paid."

"Besides the purchase of ye land many thousand pounds have been Expended upon the establishing of a whale fishing, which will bring for ye future very great profit." There were also large forests of timber suitable for masts for vessels, immense vineyards for the curing of raisins and the manufacture of wines. Also, lands underlying which were rich deposits of iron, brass, copper and lead. Besides these there were oyster beds, fisheries and other industries in profitable operation.

"Dr. Cox never visited America. This fact is expressly stated by Oldmixon," says Scull. He made John Tatham his agent in the Jerseys, the latter being a resident of Bucks county, Pa., in 1681, where he owned extensive tracts of land.

In the fall of 1687, the Assembly of West Jersey acknowledged Dr. Cox as Governor. He appointed Edward Hunloke his deputy, but soon after he commissioned his agent, John Tatham, to be his deputy Governor, and govern in his name, "who, being a Jacobite, and as such by principle disqualified him, the Assembly rejected." (Smith's History, pp. 191-92.) It was while working on a reprint of Smith's History that this quotation first met my eye, and directed my attention to him. The cause assigned for his rejection, that he was a Jacobite,
leaves no doubt as to his religious belief. James II, of the house of Stuart, was then upon the throne of England. His followers were known as Jacobites. To be a Jacobite and a Catholic were synonymous terms in those days.

The days of the house of Stuart upon the throne of England were drawing to a close, and party feeling ran high. A study of the affairs of West Jersey at that period warrants the belief that the reason given for John Tatham's rejection was only a pretext. Thomas Olive, who had been twice Governor of West Jersey, led a vigorous opposition to the claims of Edward Byllinge, on account of a question as to the validity of his title, and also because of his financial embarrassments. Dr. Cox had inherited the rights of Byllinge, and it is not unlikely that a desire to annoy Governor Cox was the chief motive of the rejection of John Tatham. No other objection could be raised against him but his political affiliations, which also indicated his religion.

Notwithstanding the action of the Assembly, John Tatham continued to act as the agent of Governor Cox, and to take part in public affairs. The line of partition of 1676, dividing New Jersey into East and West Jersey, proved a source of public dissatisfaction to both sections. It grew to such proportions that Governor Cox, of West Jersey, and Governor Barclay, of East Jersey, resolved to remedy the evil. For that purpose they entered into a joint agreement, dated "London, September 5, 1688," for the final determination of all difficulties concerning the line of partition. Nothing came of that contract, however, but more jealousies and feuds.

On the 14th of December, 1687, the Proprietors of West Jersey met at Burlington, and eleven of their number were elected to act as commissioners for the ensuing year. The whole government of the Province was vested in them, and among the Proprietors, I find the name of John Tatham. He was also elected in that year one of the commissioners who exercised the above powers of government. The question of settling the long-disputed division line was entrusted to this commission, acting jointly with a similar commission from East Jersey. Deep-seated as was the trouble, I find no further reference to it after that. The first survey that I can find for him in West Jersey was made in March, 1689 (Hill's History of the Church in Burlington, p. 11).

On November 21st, 1681, the first Assembly of West Jersey under the Proprietors met at Burlington, and "agreed upon certain fundamentals of government," in the tenth section of which it appears, "That liberty of conscience, in matters of faith and worship, shall be granted to all people within the Province aforesaid, who shall live peaceably and quietly therein; and that none of the free people of the said Province shall be rendered incapable of office in respect to their faith and worship." (Smith's History, p. 128.)
John Tatham, as one of those who were invested with the powers of government above, is inseparably connected with the establishment of that religious liberty that was introduced six years before.

**AMERICA'S FIRST POTTER**

Governor Cox, in the inventory of his property offered for sale in the Jerseys in 1688, found in the Rawlinson manuscripts, Bodleian Library, says: "I have erected a pottery at Burlington, for white and Chiney ware, a great quantity of ye value £1,200 have been already made and vended in ye country, neighbor Colonies and ye Islands of Barbadoes and Jamaica, where they are in great request. I have two houses and kilns, with all necessary implements, divers workmen and other servts. Have expended thereon about £2,000." The "white" ware corresponded with the "white stoneware" produced by William Miles, of Hanley, Staffordshire, England, and the "Chiney" ware was similar to the "crouch ware" made at Burslem. It had all the elements of porcelain, and had John Tatham given his kilns a harder fire his ware would have been semi-transparent.

The pottery was built at the suggestion of John Tatham, who had some knowledge of the advantages resulting from the combination of clays, and he thus established the first pottery built on this side of the Atlantic. Two thousand pounds in 1688 possessed the purchasing power of $50,000 in 1890. The pottery was located near Mahlon Stacey's mill, on the Assanpink, in Trenton. The pottery industry in Trenton represents a capital invested of $2,500,000 in 1890, and is the most extensive industry in the city.

Affairs in East Jersey will now claim attention, in order to follow up the movements of John Tatham. Governor Robert Barclay died in October, 1690, and East Jersey was without a Governor. From some cause, the government of the twenty-four Proprietors became very unpopular, and they were naturally quite anxious to secure a successor to Governor Barclay who would be likely to bring about the desired popularity, and to overcome the prejudices of their opponents. On glancing over the statesmen and public men of East and West Jersey, they found none who possessed all the requirements except John Tatham. I will let a distinguished author, W. A. Whitehead, speak on the subject:

"So averse were the opponents of the Proprietors to the re-establishment of their authority, that for a time the public sentiment was in favor of a continuance of this state of comparatively imperfect organization as a government. For on the arrival of Hamilton in England, and the death of Governor Barclay, which occurred October 3d, 1690, the Proprietors appointed John Tatham to be their Governor, and subsequently, in 1691, Colonel Joseph Dudley, but both nominees the people scrupled to obey, on what ground is not stated." (Collections N.J.
Recent investigations enable us to understand the cause of the unpopularity of the government of the Proprietors. It was a grievance of long standing, and had its origin in this way: Some of the settlers in the Jerseys got title for their purchases of land under the Monmouth patent; others bought directly from the Indians, and still others under the grant of the Duke of York to Berkeley and Carteret. These two charters overlapped. The latter refused to recognize the validity of any title not granted by themselves, they claiming fuller authority, and demanded rents from all the landholders alike. A storm of opposition was raised, which broke out into open insurrection during the administration of Governor Phillip Carteret, and he was obliged to leave the Colony and take refuge in England. Concessions were made to the settlers; the matters in dispute were referred to the chancery courts, but a radical cure was not effected, and from time to time the trouble would break out anew. It was during one of these outbursts of popular disfavor that John Tatham was elected governor, and that was why the settlers "scrupled to obey."

From the foregoing, it is clear that John Tatham was elected to the highest position in the gift of the Proprietors, that of Governor of East and West Jersey, for they seem to have been under one Governor then, each Province having a separate Council. That he entered upon the duties of his office, and exercised the functions thereof, is equally plain, for he served one year in office, as is evident from the appointment of Colonel Dudley to be his successor, in 1691. All the authorities I have examined upon the subject lament that the records that have come down to us are very meagre, and throw but little light upon that interesting period of our Colonial history. (See East Jersey under the Proprietary Governors, by Whitehead.)

It is probable that Governor Tatham, understanding well the nature of the situation, has avoided those public acts that would cause irritation among the people, and allowed affairs to pursue the even tenor of their way, he contenting himself with simply holding the executive power in abeyance, to be used only in case there should be urgent necessity for its exercise. Those who govern best, govern least.

The "scruples to obey" on the part of the people did not mean that they refused to obey Governor Tatham, and defied his authority. It only meant that the government of the Proprietors was unpopular, and was only obeyed with reluctance. Hence the wisdom of the governor in pursuing the conservative course that he did.
A JUDGE OF THE COURT

The Hon. B. F. Lee, Clerk of the New Jersey Supreme Court, called my attention recently to an old minute-book of the court in his office. I am of the opinion that Mr. Lee has made an important discovery, and that the matter contained in the record is of great historical value, and that it illuminates a period of New Jersey history that has been shrouded in comparative darkness. The investigations of Bancroft and the late W. A. Whitehead failed to fathom that obscure period, and they were left to conjecture about it. Yet this record shows that the courts were held regularly at Burlington; we have the names of the judges who sat on the bench; we know who composed the grand jury, and we have a synopsis of the cases that came before the court, thus enabling the student of history to form a pretty correct idea of the state of society at that time.

The record is known as "The Court Booke. Containing the Orders and Proceedings of the Court at Burlington, and Liberties, Jurisdictions and Precincts Thereof. 1681." On page 79 we learn that the "Quarterly Sessions held at Burlington ye first Tuesday in February, the fifth of ye same month, 1688. Present there John Skene, Edward Hunloke, Wm. Biddle, James Marshal, Daniel Wills and Wm. Myers, justices present. John Tatham, Esqr., was foreman of the grand jury, which included the following: Tho: Hutchinson, Tho: Folke, Joshua Ely, Peter Rossa, William Budd, Brigall Sowle, William Hunt, John Lambert, John Bainbridge, Isaac Marriott, Edw: Rockhill, Robert Wilson and Tho: Scattergood." One of the cases that came before the court was that of a woman named Pearson, charged as a vagabond in the indictment. She was convicted and punished. Another case was that of Christof Snowden, indicted for misdemeanors, in selling liquor to the Indians. He was convicted. "The court therefore order and hereby prohibit said Christof Snowden from selling any strong liquors until next Quarter Sessions" (p. 79). He had his license revoked.

On June 5th, 1696, he appeared in behalf of Dr. Daniell Cox, plaintiff; vs. John Dubois, defendant. "At the Court of Sessions, February 26, 1692-3, Edward Hunloke, Dep. Gov. John Tatham, William Biddle, Daniel Wills, Fran. Davenport, Mahlon Stacey, Thomas Lambert, Thomas Gardner, William Righton, Daniel Leeds, Esqrs., justices upon ye bench" (p. 115). This was the first time that John Tatham performed the duties of a judge on the bench. He appears on the bench at the Sessions of May 8th, 1693, October 18th, 1693, October 20th, 1693, May 8th, 1694. He was on the bench at the Quarter Sessions and Common Pleas, November 8th, 1694, January 19th, 1694, November 4th, 1695, February 20th, 1695-6, May 8th, 1696, August 8th, 1698, November 3d, 1698. On that date "The Grand Jury returns into court and presents * * Christopher Wetherill for scandalizing John Tatham, by calling him a Papist" (p. 158). A session of the court
was held soon after in which it appears that "whereas, the grand jury presented Christopher Wetherill for scandalizing John Tatham; and whereas, the said Christopher Wetherill appeared in court and submitted, and was, discharged." John Tatham was not on the bench at that session, but he appeared, before the court as counsel for Daniell England (p. 160). The action of the court, at this session is worthy of note. It establishes the fact that Judge Tatham was a Catholic; and it also shows that religious liberty was something real and practical in West Jersey at that time, with William III. on the English throne.

A MEMBER OF THE GOVERNOR'S COUNCIL

In 1692 Andrew Hamilton returned to America, and became Governor of the Jerseys. After a time he solicited John Tatham to become a member of the Governor's Council, and he accepted. We have seen that he was a "Jacobite;" that is, an adherent of James II., and that he stood by him while there was any hope. But all hope having been extinguished at the battle of La Hague, in 1692, John Tatham accepted the inevitable, and took the oath of civil allegiance to William III.

He took part in the organization of Burlington township, and was present at its first meeting. It appears from the original records that on April 5th, 1694, "the Freeholders and Inhabitants of Said Town being Convened and * * Did Choose & Elect John Tatham Recorder." Shortly afterwards some disorders occurred in a liquor saloon on Sunday, that greatly disturbed the peace and quiet of Burlington, and the moral and law-abiding citizens thereof brought it to the notice of the town meeting. At its session of April 22d, 1695, the matter was considered, and disposed of by its reference to a committee of which John Tatham was chairman. His colleagues considered him a proper man to promote morality in the community, and to keep the liquor traffic within lawful bounds. (History of Burlington and Mercer Counties, by Woodward & Hageman.)

On May 20th, 1697, an "agreement was signed by Governor Hamilton and his Council and the members of the House of Representatives of West Jersey," in which they say that "whereas, there has been a horrid and detestable conspiracy, formed and carried on by Papists and other wicked and traitorous persons, for assassinating his Majesty's Royal person, in order to encourage an invasion from France on England, to subvert our religion, laws and liberty, &c." And "we do hereby further freely and unanimously oblige us to unite, associate and stand by each other in supporting and defending the succession to the crown." Soon after, another address, somewhat similar in wording, was signed, congratulating the King on his happy escape, &c. (N.J. Archives, Vol. II, pp. 145, 146). John Tatham, in common with the other members of the Governor's Council, and the public men
of West Jersey, signed those documents. They contain nothing but an expression of loyalty to the King in the civil order, and of abhorrence of the crime of assassination.

The plot that gave rise to the expressions of loyalty above proved to be a genuine plot. Let the reader note well who it was that frustrated it. The would-be assassins had landed in England, and had laid their plans so well that the life of King William was in imminent danger. Every detail had been agreed upon. The plot was revealed and frustrated by "a Roman Catholic gentleman of known courage and honor named Pendergrass." * * "My Lord," said he to Portland, "as you value King William's life, do not let him hunt to-morrow. He is the enemy of my religion, yet my religion constrains me to give him this caution. But the names of the conspirators I am resolved to conceal. Some of them are my friends; one of them is especially my benefactor, and I will not betray them." (See Macauley's History of England, p. 598.)

Pendergrass had been led to believe that the plan was to simply make a prisoner of William. At the trial of the conspirators, nothing was found upon them or elicited in evidence that would criminate James II. or anybody of note in church or state. The spectacle of a Catholic like Pendergrass coming forward voluntarily to save the life of the King, and of John Tatham remaining true to his obligations to the King, were acts well calculated to disarm their enemies of their hostility.

I now approach the end of John Tatham's public life. "Att a Council held at Perth Amboy 30th of May Anno Domi 1698, were present Governor Basse and full Council.

"The Governor administered an oath of Secrecie to John Tatham, Esqr., hee not being of the Councill of this Province, but of West Jersey, who was, Accordingly Admitted to this board to Assist them with his Advice." (Minutes of the Governor and Council, p. 198.)

"After the reading of the late proclamation, signed by Bellamount, Governor of New York, the 24th of May, 1698, the board were of opinion that Mr. James Dundas should be sent for, to acquaint them of what he knew of any order lately come from England to Bellamount concerning our port, who accordingly came. "And it was agreed by this board that there should bee a Proclamation issued out, asserting the authority of our Port." (Ibid., p. 199.)

The cause of so much anxiety arose from the fact that New York became jealous of Perth Amboy as a port of entry, and endeavored to have it closed. Governor Basse had but just succeeded Governor Hamilton, when this grave public question was forced upon him. He summoned the ablest men of New Jersey to his side, and seems to have placed a high estimate upon the advice of John
The Colonial History of New Jersey

Samuel Smith

Tatham, who was the only representative from West Jersey, where he was a member of Governor Basse's Council, as appears from the minutes of the Council. His last public service of which we have any record was performed in defence of New Jersey's rights, and to uphold her honor.

HE NEVER TOOK THE OATH OF SUPREMACY

There is one thing about which I am certain, and that is, that John Tatham never took the oath of supremacy to William III. We have no record to let us know what oath he took when he entered upon the duties of Governor of the Jerseys, but we can show by later occurrences that he only took the oath of civil allegiance. We have a positive record in the Minutes of the Governor and Council of the oaths taken by Governors Barclay, Hamilton and Basse when they assumed office. They all first subscribed to the oath of civil allegiance, and then to the oath of supremacy. Portions of their Councils did the same. The name of Governor Hamilton, and also several members of his Council, appear on the record before me, but the name of John Tatham is not there. It is true his name is not in the Council first chosen by Governor Hamilton, because he was selected later on, and it may be objected that because he was not among the first batch he might have been overlooked.

But this objection entirely disappears when we approach the administration of Governor Basse. John Tatham was among the few who turned out to publicly receive Governor Basse on his arrival in Burlington, as is recorded in the N.J. Archives. He was among the first Council of Governor Basse beyond doubt, as is evident from the Minutes of the Council (p. 198), quoted elsewhere. The name of Governor Basse, and a few of his Council, are recorded as having taken the oath of supremacy.

But John Tatham is not in the list. If he had taken the oath of supremacy when he became Governor, he would also have taken it when called to Governor Hamilton's Council, and be so recorded. He would certainly be among the subscribers to the oath of supremacy in Governor Basse's Council, if he took it. His name does not appear as having taken any of the oaths. But neither do the names of other members of Governor's Councils who did not take the oath of supremacy. We have the case of Richard Hartshorne, a Quaker, I think, who objected to the oath of supremacy when selected upon Governor Basse's Council. He did not take it, yet he appears upon the list of the Governor's Council in East Jersey at subsequent meetings.

HIS DEATH

On July 15th, 1700, John Tatham made his last will and testament. In the
opening clause he said: "I do give my soul to God, hoping for remission of my sins, through and on account of the pure merits and suffering of my glorious Lord and blessed Redeemer, and my body to the earth." Judging from the signature to the original document, I believe that he also wrote the body of the will with his own hand. It would seem from this that the strong religious sentiments he expressed were the outpourings of a Christian heart, and not the mere form common to such documents. His death soon followed, for the will was admitted to probate July 26th, 1700. The inventory of his personal effects was made September 27th, 1700. Among them was a silver-hilted rapier and belt. He has no doubt been a military man. It is something unusual to find swords mounted with the precious metals in actual service, and it is probable that he received it in recognition of deeds of bravery performed upon some bloody field.

JOHN TATHAM’S LIBRARY

His library was valued in bulk at £50. The total value of his goods and chattels was estimated at £3,765: 18: 3, an immeasurable sum in those days. He made his wife, Elizabeth Tatham, his sole executor. No conditions were imposed; no restrictions were placed upon her. This fact gives us a glimpse at his domestic life, and shows it to have been harmonious. She did not long survive him. Her will bears date October 15th, 1700. It was admitted to probate May 21st, 1701. The inventory of her own and her late husband’s effects throw much light upon his character. Under the head of "Church Plate" are the following: "1 handle cup, 1 small plate, 1 box, £10: 12; 1 small case, £1: 2: 6; 1 silver universal dial, 12s.; 1 silver grater, 6d.; 1 round armed silver Crucifix, 1 plate of St. Dominique, 1 small silver box with reliques, 1 wooden cross with image of Christ, £1: 12."


In order to give the reader some idea of how rare it was to find a library of 500

193 There were 478 books, by actual count, in his library, mostly with Latin titles, some of the works comprising several volumes, making a total of about 500 volumes. They treat of church discipline, commentaries on the Scriptures, law, logic, theology, controversy, history, medicine, metaphysics, music, astronomy, surveying, biography, and kindred subjects. These show the owner to have been a man of education and culture, and strong religious tendencies. (See Burlington Wills, 1693-1703.)
The Colonial History of New Jersey

Samuel Smith

volumes in the Jerseys at that time, I will quote from an address of Hon. Charles D. Deshler, at the celebration of the Bi-Centennial of the first Legislature of New Jersey, delivered at Trenton, March 1st, 1883. He says: "If their means of intercommunication were few and rude, their means for moral and intellectual culture were fewer still. There were few churches and no school-houses. There was no post-office and no newspaper. * * * The publication of books and pamphlets in this country was not merely discouraged, but was prohibited, and even in England the publications were few and far between."

What an intellectual centre John Tatham's house has been! I feel safe in saying that he has had more books in his library than there were in the combined libraries of all the rest of the people of West Jersey put together. I have examined the "inventories" of many of the Proprietors and settlers of West Jersey, and have good ground upon which to base such an opinion. He probably had the largest library in either East or West Jersey.

JOHN TATHAM'S HOUSE

Gabriel Thomas, in his History of Burlington, published in 1698, says, after speaking of other things: "Besides the great and stately palace of John Tatham, Esq., which is pleasantly situated on the North side of the Town, having a very fine and delightful Garden and Orchard adjoining it, wherein is variety of Fruits, Herbs, and Flowers, as Roses, Tulips, July Flowers, Sun Flowers, Carnations, and many more." It will be interesting to trace the history of the beautiful property briefly described above. On October 17th, 1712, the "Society for the Promotion of the Gospel in Foreign Parts," an Episcopal organization whose headquarters were in London, purchased the "Great and Stately Palace" of John Tatham, for £600. The report of the Society for that year says that the property was to be known henceforth as "Burlington House." It was fitted up as a residence for the Rev. John Talbot, first rector of St. Mary's Episcopal Church, Burlington. He was afterward consecrated Bishop. "Burlington House" subsequently took fire and was partially destroyed. It was refitted up as a residence for the Governor of New Jersey, but was allowed ultimately to fall into ruin and abandonment. (See Hill's History of the Church in Burlington, p. 15.) On July 23d, 1881, while some workmen were engaged in making an excavation in Tatham street, Burlington, to lay a water main, the foundation walls of the "Great and Stately Palace" were discovered.

OVERLOOKED AS GOVERNOR

I have examined many books of reference that give lists of New Jersey's Governors, and find no mention of him. There is a blank between the
administrations of Barclay and Hamilton. I have searched for several years for some sketch of him that would guide me, but only found one of half a dozen sentences. He seems to have been entirely overlooked. His name is never mentioned. He is known to but a few investigators. This should not be so.

Of his enterprise, his executive ability, his versatile talents and his integrity, we have ample proof in the fact that he was the agent and enjoyed the confidence of Governor Cox to the last. From his reports to Governor Cox we learn that he had a correct knowledge of the mineral resources of New Jersey, as will be apparent to anybody who examines our geological reports. He introduced and established many industries, including the potter's art. His public services were of the first order, both in Colonial and local affairs. A high public official under Cox, he succeeded Governor Barclay and governed both Provinces for a year during a turbulent period, owing to the rebellion of Jacob Leisler in New York. A judge of the court for many years, he administered Jersey justice with impartiality. He acted upon the Councils of Governors Hamilton and Basse, and seems to have risen above those factious disputes that at times almost paralyzed public affairs. Like Samuel Jennings, Thomas Olive and Thomas Revell, he enjoyed the confidence of the people when others were retired to private life. Closely identified with the establishment of religious liberty, his work forms the basis of our constitution and laws. Intellectually he was the peer of any of his contemporaries. He propagated morality, temperance and respect for the Sabbath.

From the days of Carteret down to those of Leon Abbett, our present honored Executive, there is probably no State in the Union that possesses such a long and unbroken line of wise statesmen and patriots as New Jersey's Governors. John Tatham is well worthy to be placed where he belongs in that honored roll. The historians and the press of New Jersey will see that it is done. His name has been brought forth from the obscurity in which it has remained for nearly two hundred years, and will never again be forgotten.

TRENTON, July, 1890.