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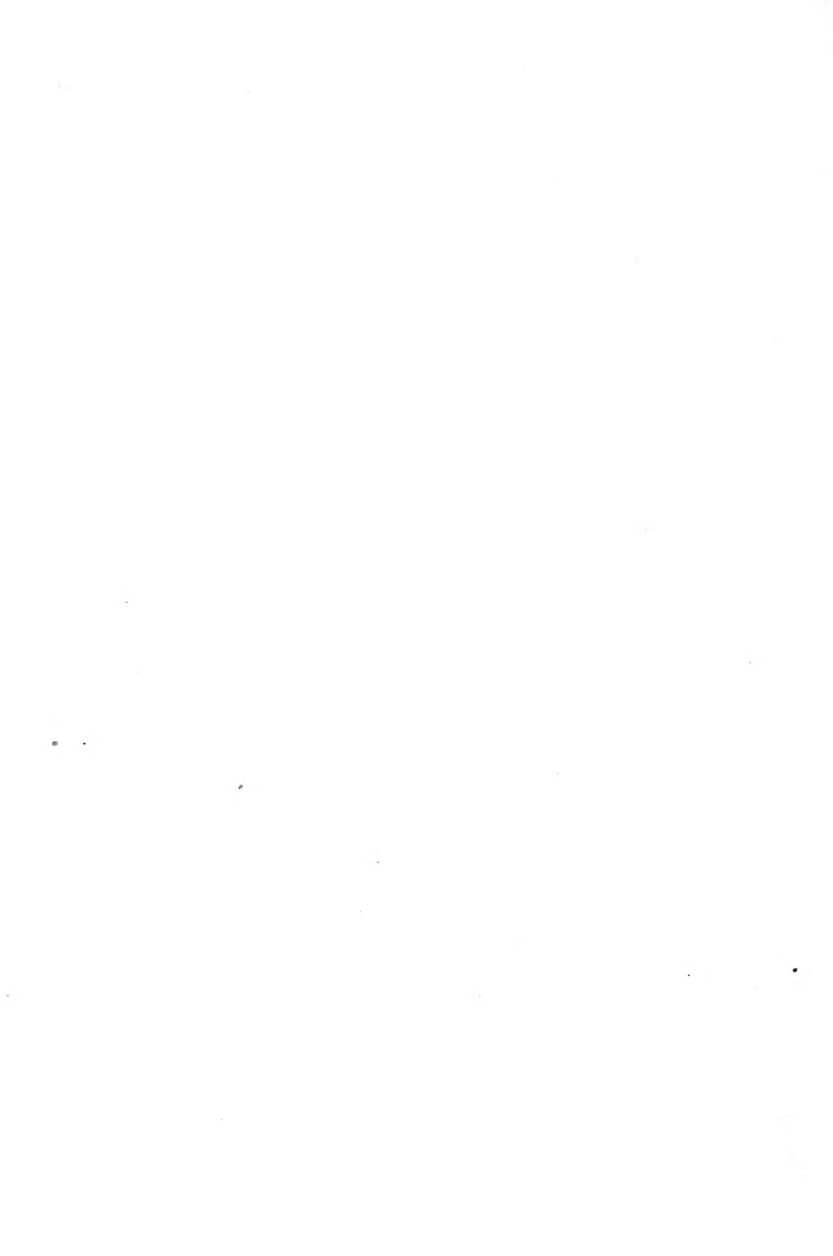
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ARCHIVES
OF THE
STATE OF NEW JERSEY.

FIRST SERIES.

Vol. X.

This volume was compiled and edited by authority of the State of New Jersey, at the request of the New Jersey Historical Society, and under the direction of the following committee of that Society :

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DOCUMENTS
RELATING TO THE
COLONIAL HISTORY
OF THE
STATE OF NEW JERSEY.

EDITED BY
FREDERICK W. RICORD AND WM. NELSON.

VOLUME X.

ADMINISTRATION OF GOVERNOR WILLIAM FRANKLIN.

1767-1776.

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Public Record Office, London, England.

Manuscripts of the New Jersey Historical Society.

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Records in the Office of the Secretary of State at Trenton.

*Documents relating to the Colonial History of the State of
New York.*

*New York Colonial Manuscripts in the State Library at
Albany.*

Pennsylvania Colonial Records, and Pennsylvania Archives.

CORRECTIONS AND ADDITIONS.

PAGE 109.—In note, for "factions and seditious," read "factious and seditious."

PAGE 131.—In next to last line of note, for "N. J. Archives, VII., VII.," read "N. J. Archives, VII., VIII."

PAGE 269.—In note, for "March 5" read "March 4."

PAGE 303.—In note, James Lawrence studied law 1794-6. instead of 1784-6.

PAGE 311.—In note, for "Chancy" read "Chauncy."

PAGE 312.—The reference in the last line of note is to Hawkes and and Perry's Historical Notes, appended to the reprint of proceedings of the First Protestant Episcopal General Conventions in the United States.

PAGE 413.—In note, for "One, Samuel Ford, was appointed," read "One Samuel Ford was appointed." He was probably not the person referred to in the text.

PAGE 417.—In note, for "The representatives * * * was," read "The representatives * * * were," etc.

PAGE 426.—In addition to the facts given on this page in relation to Charles Read, it may be mentioned that in Charles P. Keith's "Provincial Councillors of Pennsylvania," Philadelphia, 1883, it is stated (pp. 186-7) that Charles Read, the Philadelphia Alderman, Sheriff, Councillor, etc., died January 6, 1736-7, in the 51st year of his age. He married 1st, March 18, 1712, Rebecca Freeland, who was buried August 17, 1712; 2d, November 1, 1713, Anne Bond, daughter of Thomas Bond; she was buried February 18, 1731; 3d, October 17, 1733, Sarah Williams, widow of Joseph Harwood. His first child was Charles Read, baptised February 20, 1714-15, aged 20 days. He was admitted to the Pennsylvania bar October 10, 1733. He married, June 11, 1737, Alice, daughter of Jacob Thibou, a merchant of Antigua; she was born November 6, 1719, died at Burlington, N. J., November 13, 1769. Mr. Keith says Judge Read continued in office as Judge, and Collector of Burlington, "until the Revolution," which is incorrect. He also says he was that Col. Charles Read, of the Second Burlington Battalion, who sought a protection from Col. Donop, in 1776, which unpatriotic act was ascribed to Adjutant-General Joseph Reed for nearly a century, until the mistake was corrected by Adjutant-General Stryker, of New Jersey, in 1876. Judge Read left three children: 1. Charles, born September 24, 1739, died November 20, 1783; 2. Jacob, born January 1, 1741-2, died September 14, 1783; 3. James. If Judge Read settled in the West Indies in 1774, as was his intention, according to the letter of Governor Franklin, it would seem more probable that it was his son who was the Col. Charles Read in question.—[W. N.]

PAGE 573.—In last line of note, for "as" read "are."

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NEW JERSEY

COLONIAL DOCUMENTS.

*Commission of Maurice Morgann, as Secretary of the
Colony of New Jersey.*

[From Book AB of Commissions, Secretary of State's Office, Trenton, fol. 1.]

GEORGE the Third by the Grace of God &c. *To all* to whom these Presents shall come Greeting, *Whereas* wee did by our Letters patent under our Great Seal of Great Britian bearing Date at Westminster the Thirteenth day of November in the seventh year of our Reign,¹ Give and Grant unto our Trusty and well beloved Maurice Morgann Esquire the Office or Place of Secretary of our Colony of Nova Cæsarea or New Jersey in America To Have Hold Exercise and Enjoy the said Office or Place of Secretary of our said Colony of Nova Cæsarea or New Jersey in America unto him the said Maurice Morgann by himself or his Sufficient Deputy or Deputies (for whom he should be answerable) for and during our pleasure together with all such Fees Rights Profits Priviledges and advantages as Christopher Coates Esquire Deceased,² or any other secretary of our said Province hath formerly Held

¹ November 13, 1766.

² Coates had been continued in office by order of the King in Council, March 17, 1761.—*N. J. Archives*, IX., 257.

and Enjoyed, or of Right ought to have held and enjoyed the same, as by the same Letters Patent (Relation being thereunto had) may more fully and at Large appear. *And Whereas* Doubts might have arisen with Respect to the Extent of the said Grant Wherefore for the better manifesting our Intention therein and for the facilitating to the said Maurice Morgann the full Enjoyment thereof *Now know* ye that we have revoked and Determined and by these presents *Do* revoke and determine our said recited Letters patent and every clause Article & Thing therein Contained and also all other or former Grant heretofore made in our said Province of New Jersey of all or any of our Offices or Places of Secretary Clerk of the Council Clerk of the Supreme Court, Clerk of the Pleas, Surrogate and Keeper and Register of Records in our said Colony of Nova Cæsarea or New Jersey *And further know* ye that wee of our Especial Grace certain Knowledge & Meer Motion *have* Given and Granted and by these Presents *do* Give and Grant unto our said Trusty and Welbeloved Maurice Morgan Esquire the Office or place or Offices or Places of Secretary, Clerk of the Council, Clerk of the Supreme Court, Clerk of the Pleas, Surrogate and Keeper and Register of Records in our Colony of Nova Cæsarea or New Jersey in America. And him the said Maurice Morgann Secretary, Clerk of the Council, Clerk of the Supreme Court, Clerk of the Pleas, Surrogate and Keeper and Register of Records in our said Colony of Nova Cæsarea or New Jersey in America, we do make ordain and constitute by these presents *to have* Hold Exercise & Enjoy the said Office or Place, Offices or Places of Secretary, Clerk of the Council, Clerk of the Supreme Court, Clerk of the Pleas, Surrogate and Keeper and Register of Records in our said Colony of Nova Cæsarea or New Jersey in America, unto him the said Maurice Morgann by himself or his Sufficient

Deputy or Deputies¹ for whom he shall be answerable, during our Pleasure together with all such Fees Rights Priviledges advantages perquisities and Emoluments to the said Office or Offices Respectively in any wise belonging or Appertaining. *And lastly* Wee do hereby Grant unto the said Maurice Morgann that these our Letters patent or the Inrollment or Exemplification thereof shall be in and by all things Good firm valid Sufficient and Effectual in the Law according to the True Intent and Meaning thereof any Omission Imperfection Defect Matter Cause or thing whatsoever to the Contrary thereof in any wise notwithstanding. *In Witness &c* Witness ourself at Westminster the Eighteenth day of June in the Seventh year of our Reign.²

By Writ of Privy Seal 15th July 1767.

Examined with the Record and agrees therewith Samuel Reynardson one of the six Clerks of the Court of Chancery.

Recorded 5th Janr. 1768 Exd C. P.³

London:

WILLIAM CHAMBERLAYNE of Lincolns Inn in the County of Middlesex Gentleman maketh Oath and saith that he this deponant did on Wednesday the fifteenth day of this Instant July Carefully Examine the annext Paper Writing purporting to be a Copy of Letters Patent Granted by his Present Majesty to Maurice Morgann Esquire of Certain Offices therein

¹ Morgann was in New Jersey two years later, apparently to look after the administration of the office. See *post*, under date of October 27, 1769.

² At first glance this date is inconsistent with that first given above. But King George II. died October 25, 1760.—*N. J. Archives*, IX., 243. ("On the 25th day of October, 1760, he [the King] being then in the seventy-seventh year of his age, and the thirty-fourth of his reign, his page went to take him his royal chocolate, and behold! the most religious and gracious King was lying dead on the floor. The sacred Majesty was but a lifeless corpse."—*Thackeray's "Four Georges."*) Consequently, the "seventh year" of the reign of King George III. would extend from October 25, 1766 to October 25, 1767; hence, the date given at the beginning of this document is November 13, 1766, and the last date is June 18, 1767.—[W. N.]

³ Probably Charles Pettit.—See *post*, under date of October 27, 1769.

mentioned with the Original Record of the said Letters Patent in the Petty Bag Office with the Proper Officer there, and this Deponent further saith that the annexed Paper Writing is a true Copy of the Record of such Letters Patent now Remaining in the said Petty Bag office with the Proper Officer there.

WILLIAM CHAMBERLAYNE

Sworn the 16th day of July 1767 before me

ROB. KITE Mayor.

Recorded the 5th Jan. 1768 Exd. C. P.

To all to whom these Presents shall come I Sir Robert Kight Knight Lord Mayor of the City of *London* *In Pursuance* of an act of Parliament made and Passed in the fifth year of the Reign of his late Majesty King George the second *Intitled* an act for the more easy Recovery of Debts in his Majesties Plantations and Colonies in America *Do Hereby Certify* that on the day of the date hereof personally came and appeared before me William Chamberlayne the Deponent named in the affidavit hereunto annexed being a person well known and Worthy of Good Credit and by Solemn Oath which the said Deponent then took before me upon the Holy Evangelists of Almighty God did solemnly & Sincerely declare Testify & Depose to be true the several matters and things mentioned & Contained in the said Annexed Affidavit.



In faith & testimony whereof I the said Lord Mayor have caused the seal of the Office of Mayoralty of the said City of *London* to be hereunto put and affixed and the Copy of Letters Patent mentioned and Referred to in and by the said Affidavit to be hereunto also annexed Dated in *London* the sixteenth day of July in the year of our Lord one thousand Seven Hundred and Sixty Seven.

HODGES.

Recorded Jan. 1768. Exd. per C. P.

Deputation from Maurice Morgann to Joseph Reed, Jr., to be Deputy Secretary of the Colony of New Jersey.

[From Book AB of Commissions, in Secretary of State's Office, at Trenton, fol. 4.]

TO ALL TO WHOM these Presents shall come, Maurice Morgan of Parliament Street Westminster, Esquire Sendeth Greeting *Whereas* his Present Majesty by his Letters Patent under the Great Seal of Great Britain bearing Date at Westminster the Eighteenth day of June in the seventh year of his Reign Did Give and Grant unto the said Maurice Morgan the Offices and Places of Secretary, Clerk of the Council, Clerk of the Supreme Court, Clerk of the pleas, Surrogate and Keeper and Register of the Records in the colony of Nova Ceesarea or New Jersey *to have hold* exercise and Enjoy the said Offices and Places by himself or his sufficient Deputy or Deputies during Pleasure together with all Fees Profits Priviledges and advantages to the said Offices belonging and appertaining *now know ye* that for Divers Good Causes and Considerations him the said Maurice Morgann hereunto moving He the said Maurice Morgann hath made ordained Constituted Deputed and Appointed and by these presents Doth make Ordain Constitute Depute and Appoint Joseph Reed Junior¹ of the Colony of New Jersey aforesaid

¹ This is the person who figures in history as Washington's Adjutant-General, and later as President of the Supreme Executive Council of Pennsylvania. The "Life and Correspondence of Joseph Reed, by his grandson, William B. Reed," Philadelphia, 1847, is very meagre in details of the early life of the subject of the book. He was born at Trenton, New Jersey, August 27, 1741; soon after, his father (Andrew Reed), removed to Philadelphia, where he lived until 1752, when he returned to Trenton. Young Reed (who was sometimes called "Junior," probably to distinguish him from his uncle, Joseph Reed), having been graduated from Princeton in 1757, studied law with Richard Stockton, was admitted to the bar in 1763, and then went to London, where he entered the Middle Temple, remaining there until the spring of 1765, when he returned to America and began practising law in Trenton. What more natural than to suppose he won the favor of Mr.

Esquire his the said Maurice Morgann's Deputy of and in the said Offices of Secretary, Clerk of the Council, Clerk of the Supreme Court, Clerk of the Pleas, Surrogate and Keeper and Register of Records of the said Province for and during the Pleasure of him the said Maurice Morgann. *And* the said Maurice Morgann doth hereby authorize & Impower the said Joseph Reed to do Perform and Execute all and every such act and acts, Matters and things as to the Duty and Offices of Secretary, Clerk of the Council, Clerk of the Supreme Court, Clerk of the Pleas, Surrogate and Keeper and Register of Records of the said province shall appertain or belong or which may or ought to be Done Performed and Executed and also to have receive and take all Fees dues Rights profits priviledges and advantages whatsoever to the same Offices or any or either of them belonging or of Right appertaining thereto or which shall arise happen or become due during such time as he shall continue Deputy in the Offices aforesaid he the said Maurice Morgann hereby Ratifying and Confirming all and whatsoever his said Deputy shall Lawfully do or Cause to be Done in the Premises *In Witness* Whereof the said Maurice Morgann hath hereunto set his Hand and Seal this Twenty Seventh day of June in the seventh year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the year of our Lord one Thousand and Seven Hundred & Sixty Seven.

MAURICE MORGANN. [Seal.]

Morgann while pursuing his law studies in the Middle Temple? His father's illness, his growing practice and other interests doubtless combined to cause him to give up his office in 1769 (see *post*, under date of October 27, 1769), and his father having died that same year (December 16), in March, 1770, he went to England to claim his promised bride (Esther De Berdt), with whom he returned in October, when he settled in Philadelphia, and thereafter was identified with the history of Pennsylvania.—*Reed's Reed*, I., 26-42; *Hist. Pres. Church in Trenton*, by John Hall, D. D., New York, 1859, 74, 75, 196-200.—[W. N.]

Sealed and Delivered (being first duly stamp't) in the Presence William Chamberlayne, Thomas Cotton, Atty near the Hermitage.

Memorandum that on the Tenth day of October 1767 Joseph Reed Esq. in the within Deputation named appeared before me Charles Read Esq. one of the Justices of the Supreme Court of the Province of New Jersey and took the Oaths and made and Subscribed the Declaration appointed by Act of Parliament and also an Oath for the due Execution of the Offices within mentioned which I administered to him by Virtue of a Dedimus Potestatem.

CHAS. READ.

Recorded 5th Jan. 1768. Exd. C. P.

WILLIAM CHAMBERLAYNE of Lincolns Inn in the County of Middlesex Gentleman maketh oath and saith that he this Deponent did see Maurice Morgann of Parliament Street Westminster Esquire sign and seal and as his act and deed Deliver the Deed Poll or Instrument in Writing hereunto annexed in the presence of him this Deponent and Thomas Cotton Gentleman the other subscribing witness to the Execution thereof and this Deponent further saith that the name Maurice Morgann set and subscribed against the seal as the party Executing the Deed pol or Instrument in Writing hereunto annexed and the names Wm. Chamberlayne, and Thos. Cotton subscribed as witnesses to the Execution thereof are of the Respective Proper Hands writing of said Maurice Morgann Thomas Cotton and of this Deponent, Wm. Chamberlayne.

Sworn the 16th day of July 1767 before me

ROBT. KITE, Mayor.

Recorded 5th Jan. 1768 Exd. C. P.

To all to whom these presents shall Come I Sir Robert Kite Knight Lord Mayor of the City of London *In Pursuance* of an act of Parliament made and Passed

in the fifth year of the Reign of his late Majesty King George the Second *Intituled an Act* for the more easy recovery of Debts in his Majesty's Plantations and Colonies in America *Do hereby Certify* that on the day of the Date hereof personally came and appeared before me William Chamberlayne, the Deponent named in the Affidavit hereunto annexed being a person well known and worthy of Good Credit and by Solemn Oath which the said Deponent then took before me upon the Holy Evangelists of Almighty God *did* Solemnly & Sincerely declare testify and depose to be true the several matters and things mentioned and Contained in the said annexed Affidavit.



In Faith and Testimony whereof I the said Lord Mayor have Caused the seal of the Office of Mayoralty of the said City of London to be hereunto put and affixed and the Deed Poll or Instrument in Writing mentioned and Referred to in and by the said Affidavit to be hereunto also annexed *Dated* in London the sixteenth day of July in the year of our Lord one Thousand seven Hundred and Sixty Seven.

HODGES.

Recorded Jan. 5th 1768. Exd. per C. P.

Commission of Joseph Reed as Provincial and Principal Surrogate of New Jersey.

[From Book AB of Commissions, Secretary of State's Office, Trenton, fol. 8.]

By his Excellency William Franklin Esq. Captain General and Governor in Chief, in and over his Majesty's Province of New Jersey and Territories thereon depending in America, Chancellor and Vice Admiral

in the same, and Sole Judge of the Prerogative Court of the said province &c. To all to whom these presents shall come Greeting. *Whereas* His Majesty hath been pleased by his Letters Patent under the Great Seal of Britain dated at Westminster the Eighteenth day of June in the seventh year of his Reign to appoint Maurice Morgan Esqr. Surrogate of the Colony of New Jersey with Power of Deputation as by the said Patent on Record may more at large appear, And the said Maurice Morgan Esq. having by an Instrument under his Hand and Seal constituted Joseph Reed Esq. his Deputy in the said Office *And Whereas* some Doubts have arisen on the said Appointment and on the Power of the said Maurice Morgan to make a Deputy as to the Office of Surrogate: *In order therefore* That His Majesty's gracious Intentions in the said Patent expressed may have full Effect within this Colony and the Deputation of the said Maurice Morgan Esq. may not in respect to the Surrogate's Office, be disputed I *do hereby* Commissionate Authorize and Appoint you the said Joseph Reed to be provincial and principal Surrogate of the province of New Jersey and I by these presents, do disallow and make void all former Commissions heretofore granted, to Surrogates in the said province, Giving and by these presents granting unto you full power and Authority in my stead and place to swear or Affirm the Witnesses to Last Wills and Testaments, to Admit Administrations on the Estates of Persons dying Intestate, and to Administer the Oaths or Affirmations to Executors and Administrators, and their Accounts to State Examine and Approve, allow and discharge and *Quietus Est* thereupon to give and grant, and generally to do execute and perform all such Acts and things as to the said Office of Surrogate doth belong and appertain, so long as you shall Continue Deputy to the said Maurice Morgan under the Appointment aforesaid. Saving and

reserving, Nevertheless as Ordinary of the said province all Judicial power in Controverted Cases, according to the Usage and Custom of the said province hereby giving and granting unto you the said Joseph Reed the said Office of Provincial and Principal Surrogate of the Province of New Jersey, with all Fees, perquisites and Emoluments, profits and advantages to the same belonging or Appertaining or that of right ought to belong or appertain or that legally have been taken and received, or that of right ought to have been taken or received by any person formerly Surrogate in the said Province; you the said Joseph Reed being accountable to me or the Governor and Commander in Chief of this province for the time being, for the Seals Affixed in the said Office, *In Testimony* whereof I have hereunto set my hand and Caused the prerogative Seal of the said Province to be hereunto Affixed at the City of Burlington this nineteenth day of November in the Eighth year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. Anno Domini One thousand seven hundred and sixty seven.

W. FRANKLIN.

Circular Letter from the Earl of Hillsborough, to all the Governors in America, informing them of his appointment as Secretary of State for the Southern Department.

[From Plantations General (S. P. O.) CCLIV., No. 1.]

WHITEHALL Jan: 23. 1768

Sir

His Majesty having been graciously pleased to appoint me to be one of his principal Secretaries of State, and to committ to my Care the Dispatch of all such

Business relative to His Majesty's Colonies in America, as has been usually Dispatched by the Secretary of State for the Southern Department, I have His Majesty's Commands to signify this Arrangement to you, and His Majesty's Pleasure that your Dispatches be for the future addressed to me, conformable to the Rule of Correspondence prescribed in His Majesty's Order in Council of the 8th of August, 1766, a Copy of which is herewith transmitted to you.¹

It is His Majesty's intention in making the present Arrangement that all possible facility & Dispatch should be given to the business of his Colonies and as nothing can more effectually contribute to this Salutary purpose than a frequent and full Communication of all Occurrences that may happen and a regular and punctual transmission of all Acts and Proceedings of Government & Legislature and of such Papers as have any Relation thereto, I have it in Command from his Majesty to recommend this to your particular Attention, His Majesty having observed with Concern that this Essential part of the duty of His Officers in America has scarcely anywhere been duly attended to, and in several Colonies particularly in the Charter and Proprietary Governments almost entirely neglected.

I have nothing further to add but to express my earnest wishes that by the utmost Attention & Application I can give, I may be able to fulfill His Majesty's most gracious Intentions, and I take the liberty to assure you that I will not omit to lay your Dispatches, as soon as I receive them before the King, and to forward and assist as far as I am able, your measures for the Publick Service

I am &c

HILLSBOROUGH

¹ See New Jersey Archives, IX., 566.

Letter from the Earl of Hillsborough to Governor Franklin, relative to making provision for quartering the King's troops, and expressing the King's satisfaction with the submission of the Colonies to the Authority of the Mother Country.

[From P. R. O. America and West Indies, Vol. 173 (191).]

WHITEHALL, Feb'y 23rd 1768

Governor of New Jersey.

Sir,

Since the Earl of Shelburne's Letter to You, dated the 18th of July last,¹ Your several Letters to His Lordship, N^o 3. 4. 5. have been received, and laid before the King.

The Law passed in June last for making Provision for quartering His Majesty's Troops, is before the Lords of Trade for their Consideration, and it will be a great Satisfaction to His Majesty, if upon their Lordships Examination of it, It shall be found to be conformable to what has been directed in that Case by Act of Parliament.²

The very becoming Testimonies which have been lately given by almost all His Majesty's Colonies of their dutyfull Submission and Obedience, to the Laws and Authority of the Mother Country, have given His Majesty the greatest Satisfaction, & cannot fail of restoring that mutual Confidence so essential to the Interest and Welfare of both.

As the future Disposition of His Majesty's Troops in

¹ New Jersey Archives, IX., 636.

² This act was passed June 24, 1767.—*Allinson's Laws*, 300-1. The Board of Trade recommended its repeal, June 10, 1768, and it was repealed by the King in Council, August 12, 1768.—See *post*, under these dates. See also *N. J. Archives*, IX., 576, note.—[W. N.]

America, will very soon come under the Consideration of the King's Servants,¹ I shall not fail on this Occasion to have a proper Attention to what is suggested by You in respect to the Dissatisfaction arising from the Inequality of the Expence attending the Manner in which they are at present stationed.

The Attention which has always been given by the Commander in Chief of His Majesties Forces in America, to establish good Order & Discipline, leaves no room to doubt, but that every Irregularity & improper Behaviour, either of the Officers or Soldiers, would, upon a proper Complaint, be severely punished, and therefore, it can never with Reason be urged, that the Injuries sustained by the disorderly Behaviour of the Soldiers, counterbalance the Advantages which the Colonies receive from the Money which is spent amongst Them.

I am &c^a

HILLSBOROUGH.

An Account of His Majesty's defacing in Council the old Seals of several of the Islands and Colonies in America.

[From P. R. O. B. T., Plantations General, Vol. 30 (28), V. 3.]

AT THE COURT AT ST JAMES'S THE 20TH DAY OF
APRIL, 1768.

PRESENT

The King's most Excellent Majesty in Council

WHEREAS there was this Day laid before His Majesty in Council pursuant to His Majesty's Orders in Council and Warrants the old Seals which have been

¹ Under date of October 22, 1767, Governor Franklin had suggested that England should "appropriate some of the Monies arising out of the Revenues of the Crown in America, and the Defraying of those Expences for the future."—*N. J. Archives*, IX., 643.—[W. N.]

received from the following Islands and Colonies in America in Order to their being Defaced Viz: Jamaica, Barbados, Leward Islands, South Carolina, Georgia, Nova Scotia, New York New Jersey and Massachusetts Bay And his Majesty was pleased to Deface the said Seals accordingly.

Circular Letter from the Earl of Hillsborough to the Governors in America, relative to a flagitious attempt to disturb the public peace.

[From New York Colonial Documents, Vol. VIII., p. 58.]

WHITEHALL, APRIL, 21. 1768

Sir

I have his Majesty's Commands to transmit to you the enclosed copy of a letter from the Speaker of the House of Representatives of the Colony of Massachusetts Bay, addressed by order of that House to the Speaker of the Assembly of each Colony upon the Continent of North America.

As his Majesty considers this Measure to be of a most dangerous & factious tendency calculated to inflame the minds of his good Subjects in the Colonies to promote an unwarrantable Combination and excite and encourage an open opposition to and denial of the Authority of Parliament, & to subvert the true principles of the Constitution; It is his Majesty's pleasure that you should immediately upon the Receipt hereof exert your utmost influence to defeat this flagitious attempt to disturb the Public Peace by prevailing upon the Assembly of your Province to take no notice of it, which will be treating it with the contempt it deserves.

The repeated proofs which have been given by the Assembly of ——— of their Reverence and respect for the laws, and of their faithful Attachment to the Con-

stitution, leave little Room in his Majesty's Breast to doubt of their shewing a proper Resentment of this unjustifiable Attempt to revive those distractions which have operated so fatally to the prejudice of this Kingdom and the Colonies; and accordingly his Majesty has the fullest confidence in their Affections But if notwithstanding these expectations and your most earnest endeavors, there should appear in the Assembly of your Province a disposition to receive or give any Countenance to this Seditious Paper,¹ it will be your duty to prevent any proceeding upon it by an immediate Prorogation or Dissolution.

I am &^{ca}

HILLSBOROUGH.

Commission of Daniel Smith, Jr., as Surveyor-General of West Jersey.

[From Book AB of Commissions, Secretary of State's Office, Trenton, fol. 11.]

To all to whom these Presents shall come. We Abraham Hewlings Vice President, John Monrow, John Hinchman, Daniel Ellis, and William Hewlings, a Majority of the Council of proprietors of the Western Division of the Colony of New Jersey send Greeting

¹ This circular letter of the Massachusetts Assembly is printed in full in the Pennsylvania Archives, Vol. IV., 1st Series, p. 286. It conveys in the most respectful language the sentiments of the Assembly in regard to the operation of the several acts of Parliament imposing duties and taxes on the American Colonies. It asserts that His Majesty's American subjects have an equitable claim to the full enjoyment of the fundamental rules of the British Constitution; that in this Constitution is engrafted as a fundamental law the unalterable right in nature, that what a man has honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent; that the American subjects may, therefore, exclusive of any consideration of charter rights, with a decent firmness, adapted to the character of free men and subjects, assert this natural constitutional right; that it was, moreover, the humble opinion of the Assembly, expressed with the greatest deference to the wisdom of Parliament, that the acts made there imposing duties on the people of that Province, with the sole and express purpose of raising a revenue, are infringements of the natural constitutional rights, because as they are not represented in the British Parliament, His Majesty's Commons in

Know Ye that by virtue of the Powers and privileges to the General Proprietors of the said Western Division of the said Colony granted by his late Majesty King Charles the Second by his Letters Patent under the Great Seal of England And in pursuance of the Trust and Power lodged and reposed in us and in our Successors, Councillors Elected by the said General Proprietors by the Original Concessions We *have* Constituted and appointed, and by these presents do Constitute and appoint Daniel Smith junior¹ of the City of

Britain by those acts grant their property without their consent; that were the right of Parliament ever so clear, yet for obvious reasons it would be beyond the rules of equity that their constituents should be taxed on the manufactures of Great Britain, in addition to the duties they pay for them in England, and other advantages arising to Great Britain from the Acts of Trade.

In this circular letter it is also stated that the House of Assembly had, in an humble, dutiful and loyal petition to His Majesty, submitted it to consideration whether any people can be said to enjoy any degree of freedom, if the Crown, in addition to its undoubted authority of constituting a Governor, should also appoint him such a stipend as it shall judge proper, without the consent of the people, and at their expense; and whether, while the judges of the land, and other civil officers in the Province, hold not their commissions during good behavior, their having salaries appointed by the Crown, independent of the people, hath not a tendency to subvert the principles of equity and endanger the happiness and security of the subject.

The circular further states that the Assembly had in a letter to their Agent in England directed him to lay before the ministry the hardship of the act for preventing mutiny and desertion, which requires the Governor and Council to provide enumerated articles for the King's marching troops, and the people to pay the expense, and also the commission appointing Commissioners of the Customs to reside in America, which authorizes them to make as many appointments as they think fit, and to pay the appointees what sums they please, for whose mal-conduct they are not accountable, from whence it may happen that officers of the Crown may be multiplied to such a degree as to become dangerous to the liberties of the people, by virtue of a commission which doth not appear to the House to derive any such advantages to trade, as many have been led to expect.

The circular concludes with an expression of the House in "their firm confidence in the King, our common head and father, that the united and dutiful supplications of his distressed American subjects will meet with his royal and favorable acceptance."

Such is the circular which Lord Hillsborough denounces as a "seditious paper," declaring it to be the duty of the Governors of the Provinces to prevent any proceedings upon it.

¹ DANIEL SMITH, JR., was the second son of Robert Smith, of Burlington; he called himself "junior" during the life time of his uncle, Daniel Smith. "He was a man of extensive reading, gentle, affectionate and religious in his disposition, but by no means devoid of energy. On the contrary, being chosen to the office of Surveyor-General, he filled it many years with great ability. He was a real estate lawyer and conveyancer by profession, and occupied during his life, the venerable

Burlington Gentn. our Surveyor General of the Lands in the Western Division of the said Colony, giving and hereby granting unto him the said Daniel Smith full Power and Authority to do and perform all and every Duty and Duties to the said Office belonging by himself or his lawfull Deputies, recommended by us or our Successors in Council: and to take and receive all such Fees Profits and Advantages as to the said Office do and shall hereafter appertain or of right ought to belong *to have and to hold* the said Office of Surveyor General of the Lands of the said Western Division of the Colony of New Jersey to him the said Daniel Smith for and during the Term of three years next ensuing *In testimony* whereof We have hereunto set our Hands and caused the Seal of the Proprietors of said Division to be hereunto Affixed this fourth day of May in the Eighth year of the Reign of King George the third Annoq. Domini One thousand seven hundred and sixty eight 1768. Abrm. Hewlings Vice Prst.: John Monrow: Jno. Hinchman : Daniel Ellis: Wm. Hewlings; Recorded 28th May 1768.

Endorsed. Memorandum on the 21st May 1768 Daniel Smith Junr. in the within Commission named appeared before me Charles Read Esq. thereto duly authorized and took the Qualifications and made and subscribed the declarations enjoined by Law, and an Affirmation for the true and Impartial Execution of the within Commission.

CHAS. READ.

mansion at Broad and Main streets (Burlington), built by his grandfather, Daniel Smith, of Bramham, and in which his father and his eldest uncle had also resided. Some of his verses, still remaining, show a genuine, though unpretending, vein of poetry, while in his profession of real estate law he left his mark very distinctly upon the history of the land-titles of his county."—*The Smiths of Burlington, a Family History*, Philadelphia, 1877, 117.—[W. N.]

*Address and Petition of the Assembly of New Jersey
to the King, praying relief from Acts of Parlia-
ment imposing a duty on them for the purpose of
raising a revenue.*

[From P. R. O. America and West Indies, Vol. 173 (191).]

MOST GRACIOUS SOVEREIGN,

We your Majesty's loyal Subjects, the Representatives of your Colony of New Jersey, confiding in your Majesty's paternal Affection for your People, humbly implore Permission to approach the Throne, and to present our Supplications in Behalf of ourselves and our Constituents, your Majesty's faithful and afflicted Subjects.

Before that happy Period, in which the Empire of the British Dominions was by the favour of Divine Providence, for the Felicity of those Dominions, and of Europe in general, established in your illustrious House, our Ancestors with the Consent of the Crown removed from their native Land, then abounding in all Blessings, but that perfect Security of Liberty, and that merciful Spirit of Administration, which renders your royal Family so justly dear to your remotest Subjects ventured with their helpless Relatives through a vast Ocean, and trusted themselves with their tender Companions to the inhospitable and unknown Wilderness of this new World, the Horrors of which no Consideration could render tolerable, but the Prospect of enjoying here that complete Freedom, which Britons never thought could be purchased at too great a Price.

The Subjects thus emigrating, brought with them as inherent in their Persons all the Rights and Liberties of Natural born Subjects within the Parent State,

In Consequence of these a Government was formed, Under which they have been as constantly exercised and enjoyed by the Inhabitants, and repeatedly and solemnly recognized and confirmed, by your royal Predecessors and the Legislature of Great Britain.

One of these Rights and Liberties, vested in the People of this Colony, is the Priviledge of being exempt from any Taxation, but such as is imposed on them by themselves or by their Representatives, and this they esteem so invaluable, that they are fully persuaded, no other can exist without it.

Your Majesty's signal Distinction is, that you reign over freemen; and your peculiar Glory, that you reign in such a Manner, that your Subjects, the disposers of their own property, are ready and willing whenever your Service calls upon them, with their Lives and Fortunes to assert your Cause.

Your People of this Colony, who share in the Blessings flowing from your Wisdom and Virtue, most gratefully sensible of their Obligations to so excellent a Prince, humbly hope, they never have been deficient in duely acknowledging them. Whenever it has been necessary that Supplies should be levied within this Colony, Requisitions by your Majesty or by your royal Predecessors conformable to the Rights and Liberties of this your People have been made, and by them loyally and liberally complied with.

We beseech your Majesty to do them the Justice to believe, that they can never fail on any future Occasion to demonstrate their Devotion to your Majesty, nor that they can resign without unutterable shame and Grief, the Honour and Satisfaction of voluntarily and cheerfully expressing, in the strongest Manner their Circumstances will admit, their unfeigned affection to your Majesty's Person, their distinguished Duty to your Government, and their inflexible Resolution to maintain your Authority, and defend your Dominions.

Penetrated, with these Sentiments, this your People with the Utmost Concern and Anxiety observe, that Duties have been lately imposed on them by Parliament, for the sole and express Purpose of raising a Revenue, This is a Taxation upon them, from which they conceive they ought to be protected by that acknowledged Principle of the Constitution, That Freemen cannot be legally taxed but by themselves or by their Representatives; and that they are represented in Parliament, they not only cannot allow, but are convinced, that from their local Circumstances they never can be.

Very far is it from our Intention to deny our Subordination to that august Body, or our Dependance on the Kingdom of Great Britain. In these Connexions and in the Settlements of our Liberties under the auspicious Influence of your royal House, We know that our Happiness consists, and therefore to confirm those Connexions and to strengthen this Settlement, is at once our Interest, Duty, and Delight. Nor do We apprehend, that it lies within our Power, by any Means more effectually to promote these great Purposes, than by zealously striving to preserve in Perfect Vigor those sacred Rights and Liberties, under the inspiring Sanction of which, inconceivable Difficulties and Dangers opposing, this Colony has been rescued from the rude state of Nature, converted into a populous flourishing and valuable Territory and has contributed in a very considerable Degree to the Welfare of Great Britain.

MOST GRACIOUS SOVEREIGN,

The Incessant Exertion of your truly royal cares, to procure your People a Prosperity equal to your Love of them, encourages Us with all Humility to pray, that your Majesty's Clemency will be graciously pleased, to take into Consideration our unhappy Cir-

cumstances, and to afford us such Relief as your Majesty's Wisdom shall judge to be most proper,

By order of the House

CORTLANDT SKINNER Speaker

House of Assembly of New Jersey May 6th 1768.

Letter from the Speaker of the House of Burgesses in Virginia to the Speaker of the House of Representatives in New Jersey, calling upon the House to join the Union in order to take steps to assert their constitutional Liberty.

[From P. R. O. America & West Indies, Vol. 174 (192).]

VIRGINIA, May 9th, 1768.

Sir

The House of Burgesses of this Colony having very Attentively Considered several late Acts of the British Parliament, and being of Opinion that they Manifestly tend to Deprive the Inhabitants of the Colonys of their essential Rights and privileges, have thought it their Duty as Representatives of a free people to take Every Regular Step to assert that Constitutional Liberty on the Destruction of Which those laws seem to be Erected.

They have therefore thought proper to represent that they are sensible of the Happyness & Security they Derive from their Connexions with & Dependance on Great Brittain and are under the Greatest Concern that any unlucky Incident should interrupt that Salutary harmony, which they wish Ever to subsist. They Lament that the remoteness of their Situation often exposes them to such misrepresentations as are apt [to] involve them in Censures of Disloyalty to their Sovereign and the want of a proper respect to

the British parliament. Whereas they have Indulged themselves in the agreeable perswasion that they ought to be Considered as inferior to none of their fellow subjects in loyalty & affection.

That they Do not affect an independancy of their parent Kingdom the prosperity of which they are bound to the utmost of their abilities to promote but Cheerfully acquiesce in the Authority of Parliament to make laws for preserving a necessary Dependance & for Regulating the trade of the Colonys Yet they Cannot Conceive and humbly insist it is not essential to support a proper Relation between a mother Country & Colonies transplanted from her, that She Should have a right to Raise Money from them Without their Consent, and presume they Do not aspire to more than the Natural Rights of British Subjects when they assert that no power on Earth has a right to impose taxes on the people or to take the Smallest portion of their propertys without their Consent given by their representatives in Parliament. This has ever been Considered as the Chief Pillar of the Constitution. Without this Support no Man Can be said to have the least Shadow of liberty since they can have no property in that which another can by right take from them when he pleases without their Consent. That their Ancestors brought over with them entire & transmitted to their Descendants the Natural and Constitutional rights they had enjoyed in their native Country, and the first principles of the British Constitution were early engrafted into the Constitution of the Colonies Hence a Legislative authority essential in all free states was Derived and assimilated as nearly as might be to that in England the executive power & the Right of assenting or Dissenting to all laws Reserved to the Crown & the privileges of Choosing their own Representatives Continued to the people & Confirmed to them by repeated and Express Stipula-

tions. The Government thus established they Enjoyed the fruit of their own Labour with a serenity which Liberty only can Impart, Upon pressing Occasions they Applied to his Majesty for relief & Gratefully acknowledge they have frequently received it from their mother Country; whenever their assistance was Necessary Requisitions Have constantly Been made from the Crown to the Representatives of the people who have Complied with them to the utmost extent of their abilities. The ample Provision made for the support of the civil Government in the reign of King Charles the Second & at his request & the large Supplies voted During the Last War upon requisitions from his Majesty & his royal Grandfather afford Early & late instances of the Disposition of the Assemblies of this Colony & are Sufficient proofs that the parliament of Great Britain Did not till lately *Assume* a power of imposing taxes on the people for the purpose of Raising a revinue. To say that the Commons of Great Britain have a right to Impose Internal Taxes on the Inhabitants of the Continent who are not and Cannot be Represented is in Effect to bid them prepare for a State of Slavery what must be their Situation Should such a right be established?

The Colonies have no Constitutional check on their liberty in Giving away their money Cannot have an opportunity of Explaining their grievances or pointing out the Easiest method of taxation; for their Doom will Generally be Determined Before they are acquainted that the subject has Been agitated in parliament and the Commons Bear no proportion of the taxes they Lay upon them. The notion of a virtual representation which would render all our Rights merely ideal has been so often & so Clearly refuted that nothing need be said on that head. The oppressive stamp Act Confessedly imposed Internal taxes and the late acts of Parliament giving & granting cer-

tain Duties in the british Colonies plainly tend to the same point, Duties have Been imposed to Restrain the Commerce of one part of the Empire that was likely to prove injurious to another & by these means the Wellfare of the whole promoted But Duties Imposed on such of the British exports as are necessarys of Life to be paid by the Colonists on Importation without any View to the Interest of Commerce but merely to raise a revenue or in other words to Compel the Colonists to part with their money against their Inclinations they Concieve to be a tax internal to all Intents & purposes. And can it be thought just or reasonable restricted as they are in their trade Confined as they are in their Exports obliged to purchase these very necessities at the British Market that they shou'd now be told they shall not have them without paying a Duty for them.

The Act suspending the Legislative power of New York they consider as still more alarming to the Colonies tho' it has that single province in View. If the parliament Can Compel them to furnish a Single Article to the troops sent over they may by the same rule oblige them to furnish Cloaths Arms & Every other necessary even the pay the Officers & Soldiers a Doctrine replete with Every mischief & Utterly Subversive of all thats Dear & Valuable for what advantage can the people of the Colonies Derive from their Right of choosing their own Representatives if those Representatives when Chosen not permitted to Exercise their own Judgments, were under a necessaty (on pain of being Deprived of their Legislative authority) of inforcing the Mandates of a British parliament * *

This Sir is a sketch of their Sentiments as they are Expressed in a petition to his Majesty, a memorial to the Right Honourable the Lords Spiritual and temporal in parliament assembled in a Remonstrance to the Knights Citizens & Burgesses of Great Brittain in

Parliament assembled; In all these Proceedings the Council of this Colony have Conceived & have Directed their Agent James Abercrombie Esq^r to join Edward Montague Esq^r the agent for his Colony in applying for redress of the Grievances they so Justly Complain of; Coppies were Delivered to the president who is Desired to transmitt them to the Secretary of State appointed by his Majesty to manage the affairs of North America and M^r Montague is enjoined to Consult the Agents of the other Colonies & to Cooperate with them in Every measure that shall be thought Necessary on this Delicate point. This House hope they have Expressed Themselves on this Occasion with a ffirmness that Becomes free men pleading for fundamental rights & with 'a Decency that will Exempt them from any Imputation of faction or Disloyalty; They have made known their proceedings on this subject with a view that the Representatives of your province being acquainted with them may go hand in hand in their opposition to measures which they think have an immediate tendency to inslave them & are perswaded the Candour of your respectable House will Consider it in no other light; They are not without hopes that by a hearty union of the Colonies the Constitution may be again established on its own genuine principles an End Equally to be Desired both by the Mother Country & her Colonies.

In the name & by order of the House of Burgesses,
I am with the greatest respect

Your most obedient hum^{le} Serv^t

PEYTON RANDOLPH, Speaker.

Representation from the Board of Trade to the King, recommending the repeal of an Act to appoint Commissioners for supplying the several Barracks, etc.

[From P. R. O., B. T., New Jersey, Vol. 17, p. 206.]

WHITEHALL, June 10, 1768.

To the Kings most Excellent Majesty.

May it please your Majesty,

Amongst the Laws passed in your Majesty's Colony of New Jersey in June 1767, intituled,

“ An Act to appoint Commissioners for supplying
“ the several Barracks erected in the Colony of New
“ Jersey with Furniture and other Necessary's for
“ accommodating the King's Troops in, or marching
“ thro' the same, for supplying Deficiencies, and De-
“ fraying other incidental Charges.” Whereupon we
beg leave humbly to represent.

That by an Act of Parliament passed in the fifth year of your Majesty's Reign, “for amending the
“ Mutiny Act, and for rendering it more effectual in
“ your Majesty's Dominions in America;” various
Regulations and Directions are laid down relative to
the quartering your Majesty's Troops in the Colonies,
the mode pointed out in which that Service is to be
provided for, and the Articles enumerated of which
those supplies are to consist. In the provincial Law
now submitted to your Majesty, the nomination of the
Commissioners for furnishing and supplying the Bar-
racks in your Majesty's Colony of New Jersey is made
the Act of the general Legislature, deviating thereby
from the directions of the Act of Parliament, which
empowers the Governor and Council to authorize and

appoint those Commissioners, and upon neglect or refusal of such Governor and Council vests that nomination and appointment in any two or more Justices of the Peace, residing in or near such place, where your Majesty's Troops shall be quartered.

Another Provision, wherein this Law appears to us not strictly conformable to the Act of Parliament, is with respect to the Articles wherewith it is directed that your Majesty's Troops shall be supplied; These are particularly enumerated in the Act of Parliament, and, are as follows, viz^t Fire, Candles Vinegar, and Salt, Bedding, Utensils for dressing their Victuals, and small Beer or Cyder, (not exceeding five Pints) or half a Pint of Rum mixed with a Quart of water to each Man; The Provincial Law does not recite the above particulars as enumerated in the Act of Parliament, but directs only that your Majesty's Troops shall be provided with Fire, Wood Bedding Blankets and other necessaries which have been heretofore usually furnished to the several Barracks in this Colony; And by a separate Clause further enacts that they shall be provided with Vinegar and small Beer the latter of which is limited to a less Quantity for each Man per Day than is prescribed by the Act of Parliament.

There is another Clause likewise, which provides that the Money thereby given shall not be applied to purchasing Necessaries for more than one Regiment in the Colony at any one time except during the time of relieving the Regiment quartered therein.

For these Reasons we do now, (as we did in the Case of a Law of the like nature passed in this Colony in the year 1766.) find ourselves under the repeated necessity of Laying the above Act before your Majesty for your Royal Disallowance.

Which is most humbly submitted.

CLARE.

W^m. FITZHERBERT.

SOAME JENYNS.

THO^s. ROBINSON.

Governor Franklin to Charles Read—The Case of John Wilkes—Benjamin Franklin's Accounts.

[From the original among the MSS. of William Nelson.]

BURLINGTON June 13, 1768.

Dear Sir

I receiv'd your Favour by M^r. Smith for which I am much oblig'd to you.

The Packet is arriv'd, but has brought no extraordinary News. By a Letter from Lord H.¹ I find that the Ministry greatly resent the circular Letter sent by the Speaker of Massachussets Ass^y to the several Speakers on the Continent.—Wilkes² surrendered himself to the Court of K. Bench at Westminster, but the Court determined that they could not take Cognizance of his Outlawry, as it did not come regularly before them, a Writ of *Capias Utlagatum* not being issued, nor had he surrendered himself to the Sheriff. But it is afterwards mentioned in the Papers that the abovement^d Writ has been since serv'd upon him, & the Legality of his Outlawry would be soon determin'd.—This is all the News of any Consequence in the Papers.

My Father has, I suppose, left England by this Time.—He writes me that he has lately rec^d. Nine Pounds 19s & 9^d being the Ballance of Mr. Sherwood's³

¹ Lord Hillsborough. The reference is doubtless to the circular letter of April 21.

² The notorious John Wilkes, whose arrest for libel on a general warrant, April 30, 1763, and his subsequent audacity in defying the officers of the Crown, the Courts and Parliament, by all of whom he was unduly persecuted, in the view of the people (the Government spending £100,000 in prosecuting him), made him a hero in the eyes of a London mob, so that in 1768, although an enforced exile, he was nearly elected to Parliament for London, and directly after was actually chosen for Middlesex. Presenting himself before the Court of King's Bench on his outlawry, the Court tried to evade the question, intimidated, it was thought, by the mob, but he was presently committed on a *capias utlagatum* (a writ of outlawry), was rescued by the mob, again surrendered himself and had his outlawry reversed, but was sentenced to twenty-two months' imprisonment and £1,000 fine.—*May's Constitutional Hist. England*, Chapters vii, xi; *Works of Benjamin Franklin*, by Jared Sparks, Boston, 1840, VII., 400, 403, 413.—[W. N.].

³ Joseph Sherwood, New Jersey's Provincial Agent in England.

Acc^t with you, which he desires me to pay you: you will therefore charge me with that Sum. The Acc^t is enclos'd. I should be glad to have your Acc^t with me settled as soon as you conveniently can.

I am, with much Esteem,

Dear Sir, Your most obed^t Serv^t

W^m FRANKLIN.

[Addressed: "To The Hon^{ble} Charles Read, Esq^r"
Endorsed in another hand: "Governor Franklin Ord^rs
my Father to Charge him £9:9:4."]

[Enclosure:]

Benjn. Franklyn Esqr. on account of Charles Read with Jos: Sherwood.

Dr.		Cr.	
1767.	To Bill for Business done	20	— 3
	To Ballance due to B.		
	Franklyn - - - -	9	19 9
		£30	— —
1767.	By Cash received	- -	30 — —

Letter from Governor Franklin to Secretary Hillsborough, giving an account of the manufactures, produce and trade of New Jersey.¹

[From P. R. O. America and West Indies, Vol. 173, (191).]

The Right Hon^{ble} the Earl of Hillsborough.

BURLINGTON, New Jersey, June 14th, 1768.

My Lord,

Your Lordships Letter. N. 3, enclosing a Duplicate of the Address to His Majesty from the House of Commons of the 27th of March 1766 I have had the

¹ Writing to his son, the Governor, under date of March 13, 1768, Benjamin Franklin says: "Mr. Grenville complained in the House, that the Governors of New Jersey, New Hampshire, East and West Florida, had none of them obeyed the orders sent them, to give an account of the Mannfactures carried on in their respective provinces. Upon hearing this, I went up after the House was up, and got a sight of the reports made by the other Governors. They are all much in the same strain, that there are no manufactures of any consequence. * * * These accounts are very satisfactory here, and induce the Parliament to despise and take

Honor to receive. The Lords Commissioners for Trade & Plantations did, as your Lordship mentions, transmit to me a Copy of that Address, which I receiv'd in Dec^r 1766; and it appears, by my Letter Book, that in January 1767 I sent their Lordships an Account of the Manufactures of this Colony, and at the same Time sent the like Account to M^r Lowndes Secretary to the Treasury.¹ The Occasion of my Sending it to the latter was, my having apprehended that in a Letter I had received from him, and which was then mislaid, he had signified that the Lords Commissioners of His Majesty's Treasury likewise required such an Account to be transmitted to them: But this I afterwards found to be a Mistake.

As to the Manufactures in this Colony, I can assure your Lordship, that there are none either of woolen or Linen which deserve to be call'd by that Name. It is true that many Families who live on Farms make some coarse Cloathing for themselves or Servants, but it is by no means sufficient for their Consumption. And tho' a considerable Number of People have, since the Affair of the Stamp Act, gone more into the Raising of Sheep than before, and have puff'd away in the News Papers of what great Matters they had done in that Way, yet it appeared by an exact Return of the several Species of Property, such as Horses, Cat-

no notice of the Boston resolutions. I wish you would send your account before the meeting of the next Parliament. You have only to report a Glass house for coarse window glass and bottles, and some domestic manufactures of linen and woolen for family use, that do not half clothe the inhabitants, all the finer goods coming from England and the like. I believe you will be puzzled to find any other, though I see great puffs in the papers."—*Works of Benjamin Franklin*, VII., 393. The glass house referred to was doubtless that established by Caspar Wistar, in 1738, on Alloway Creek, Salem county, and carried on after his death in 1752, by his son, Richard, until 1781, and for some time thereafter by the latter's son, John Wistar. Visitors used to journey many miles to see the rare and interesting sight of a glass factory.—*R. M. Acton, in Penn. Hist. Magazine*, for October, 1885, 344. The information desired by Mr. Grenville had been asked for by the Lords of Trade in a dispatch of August 1, 1766.—*N. J. Archives*, IX., 563.—[W. N.]

¹ Neither of these reports has been found.

tle, Sheep, &c. which was laid before the Assembly in April last, that there were not Three Pounds of Wool for every House even in those Counties which had gone most into the Raising of Sheep. So that when the Numbers that each Family consists of is considered, it is evident that there is not Wool enough produced to supply the Inhabitants with Stockings.

There are in this Colony Eight Blast Furnaces for the making of Pig-Iron, and Forty-two Forges for beating out Bar-Iron. There are likewise One Slitting-Mill, One Steel-Furnace, and one Plating-Mill, which were erected before the Act of Parliament respecting those Works. I am told that none of the three latter are carried on with Vigor, and that scarce anything has been done at the Steel-Furnace for several Years past.

A Glass House was erected about Twenty Years ago in Salem County, which makes Bottles, and a very coarse Green Glass for Windows, used only in some of the Houses of the poorer Sort of People, The Profits made by this Work have not hitherto been sufficient it seems to induce any Persons to set up more of the like kind in this Colony; but since the late Act of Parliament laying a Duty on Glass exported to the Colonies, there has been a Talk of erecting others, but I cannot learn that any are yet begun. It seems probable that, notwithstanding the Duty, Fine Glass can still be imported into America cheaper than it can be made there. Nothing but Grain and Lumber, Pig and Bar Iron are manufactured here for Exportation. Great Part of the two last are sent to Britain.

All the finer kind of Goods consum'd here are imported from Great Britain (except some Linen from Ireland) into the Ports of New York or Philadelphia. There are indeed but few articles but what may now be imported and sold cheaper than they can be manufactured here, owing to the high Price of Labour.

Some Persons, indeed, out of a Zeal for what they conceive to be for the good of their Country, have ever since the Commencement of the late Differences between the Mother Country and the Colonies, persevered in wearing and encouraging their own Manufactures, tho' to their manifest Loss in many Cases. How long this Temper may continue is uncertain, but in my Opinion, the Mother Country has very little to apprehend from any Manufactures in the Colonies, while there continues to be Plenty of Land for the People to settle on as Farmers, more especially if they were at the same Time allowed a moderate Quantity of Paper Currency to be issued on Loan as formerly. This, as Experience has evinced, would contribute more to the promoting of new Settlements, and the Consumption of British Manufactures, than any other Expedient whatever.

I have the Honor to be, with the greatest Respect,
My Lord, Your Lordship's
most obedient, & most humble Servant

W^m FRANKLIN

*From Governor Franklin to Secretary Hillsborough,
relative to the New Jersey Act of 1767, for quar-
tering the troops.*

[From P. R. O., America and West Indies, Vol. 173 (191).]

BURLINGTON, New Jersey, June 14th, 1768.

The R^t Hon^{ble} E. of Hillsborough.

My Lord,

I was lately honored with your Lordship's letter, N^o 4, informing me that the Law passed here in June, 1767, for making Provision for Quartering His Majesty's Troops, was then before the Lords of Trade for their

Consideration. I have not yet heard whether their Lordships reported in its Favour or not. They will probably make the same objections to the Mode in which that Provision is made as they did to the former Act. But there was no Possibility of having it altered in that Respect, and I was obliged at the last Sessions of Assembly either to consent to just such another Act for the current Year, or to let the King's Troops be unprovided with the Necessaries required by Act of Parliament. The only Difference indeed is about the Mode, not the Essentials, for the Assembly does not refuse to furnish the Troops with every Article required by the Act, but they insist on doing it in their own Manner, and as has been heretofore customary in this Province. The Council, when the last Bill came before them, amended it so as to make it conformable in every respect to the Act of Parliament, but the House unanimously refused to admit the Amendments, and adhered to their Bill; so that the Council, rather than His Majesty's Troops should suffer, receded from their Amendments, and advised me to pass the Bill as it was tendered; which I accordingly did, induced, as they were, by the Urgency of the Occasion.

All the Acts passed at the last Session, held at Amboy in April and May last, together with the Minutes of Council, are now Copying, and will be transmitted to your Lordship by the next Opportunity. The printed Minutes of the Assembly I send herewith.

By Advice of the Council, I dissolv'd the Assembly by Proclamation, soon after the last Session, and issued Writs for a new Election, returnable the 25th of this Month.

I have the Honour to be, with the greatest Respect,

My Lord, Your Lordship's

most obedient & most humble Servant

W^m FRANKLIN

Letter from Governor Franklin to Secretary Hillsborough, relative to a letter from the Speaker of the House of Representatives of Massachusetts Bay.

[From P. R. O., America and West Indies, Vol. 173 (191).]

BURLINGTON, June 16, 1768.

The Right Hon^{ble} the Earl of Hillsborough.

My Lord,

I am just honoured with your Lordships Letter, N^o 6, dated the 21st. of April last, enclosing a Copy of a Letter from the Speaker of the House of Representatives of the Colony of Massachusetts Bay, addressed to the Speaker of the Assembly of Each Colony in North America. It never fell in my Way to see a Copy of that Letter before, nor did I know that such a Letter had been receiv'd by the Speaker of the Assembly of this Colony, till I saw it mentioned on their Minutes that such a Letter had been laid before the House, and that a Committee was appointed to prepare & bring in a Draft of a Letter in Answer thereto. I then made Enquiry concerning it, and learnt that it was not likely to have much Weight with the Assembly. And tho' a Committee was at first appointed to answer the Letter, yet I cannot find that any such Answer was ever sent, or even prepared. The House, however, agreed, that an humble, dutiful, & loyal Address to His Majesty, respecting the late Acts of Parliament imposing Duties on the Colonies, should be prepared and transmittted to the Agent, to be presented by him, which was accordingly done, as appears by their Minutes; but I never saw it till the Minutes were printed. On the whole, I have no reason to believe that there is at present a Disposition in the

People of this Colony to enter into any unwarrantable Combination with the Massachuset's Assembly; I shall, however, not fail to be on my Guard, and use my utmost Endeavors to prevent any Thing which may have that Tendency.

I am with the greatest Respect,

My Lord, Your Lordship's

most obedient & most humble Servant

W^m FRANKLIN

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Circular Letter from the Earl of Hillsborough to the Governors in America, directing them to transmit their duplicates by the first opportunity that offers.

[From New York Colonial Documents, Vol. VIII, p. 82.]

WHITEHALL, July 11, 1768.

Sir

As I observe it frequently happens that intelligence of Public Transactions in the Colonies is received by private Persons in this City long before any Official Communication of it comes to me, for his Majesty's Information, I conceive this Inconvenience must arise in great measure from his Majesty's Governors not availing themselves of such casual Opportunities of Writing by private Ships as frequently happens, but confining themselves to the Channel of the Packets only; for this reason I desire that you will for the future send your Dispatches by the first opportunity that offers, and Duplicates of them by the next Packet, or in case the Packet shall be the first Opportunity that offers, then you will send your Duplicates by the Next private Conveyance.

I am &c

HILLSBOROUGH.

*Letter from Gov. Franklin to Secretary Hillsborough,
relative to a letter from the Speaker of the Massa-
chusetts Bay.*

[From P. R. O. America and West Indies, Vol. 173 (191).]

BURLINGTON, July 11, 1768

To the Right Hon^{ble} the Earl of Hillsborough.

My Lord,

I acquainted your Lordship in my Letter N^o 5, that I could not then learn that the Assembly of this Province had sent any Answer to the Letter they had receiv'd from the Speaker of the House of Representatives of the Colony of Massachusetts Bay. I was induced to believe they had not, as I could find no account of such Transaction on their Minutes, and as I had not the least Intimation thereof from M^r Skinner, the Speaker of the Assembly of New Jersey, who is His Majesty's Attorney General for this Province, and from whom I had a Right to expect Information of all Matters of a new or extraordinary Nature, which might be agitated in the Assembly. But I have since discovered that an Answer was wrote to the Massachusetts Letter on the 9th of May, and tho' signed, as it appears, by the Speaker "in the *Name* and by *Order* of the House" yet no Notice whatever is taken of it on their Minutes;—A printed Copy of the Letter I send your Lordship herewith.—The Assembly of this Province have since dissolv'd, and a new one elected, in which there are many new Members. But I have no reason to believe that the last Assembly had any Intentions of uniting farther with [that] of Massachusetts Bay than in Petitioning his Majesty, nor have I any cause to expect that the present Assembly would act

otherwise were they conven'd, which, however, it is not intended they shall be till May next, unless His Majesty's Service or some Emergency should make it necessary to call them together before.

I have the Honor to be, with the greatest Respect,
My Lord, Your Lordship's

most obedient & most humble Servant

W^M FRANKLIN

P. S. I take the Freedom to enclose to your Lordship a pamphlett publish'd in New York & reprinted at Philad.—the author unknown

*Affidavit of Stephen Skinner,¹ relative to the robbery
of the East New Jersey Treasury.*

[From N. Y. Col. MSS., Vol. XCV., p. 46, in the State Library at Albany.]

NEW JERSEY, CITY OF }
PERTH AMBOY, } ss:

Personally appeared before Frederick Smyth Esq. Chief Justice of the Province of New Jersey this twenty fifth Day of July in the year of our Lord one Thousand Seven hundred and Sixty Eight, Stephen Skinner Esq. Treasurer of the Eastern Division of New Jersey, who being duly sworn deposeth and Saith that about six o'clock on Friday Morning the twenty second Instant he was waked up by his Negro boy who told the Deponent that the Office Window was broke

¹ Stephen Skinner, Treasurer of the Eastern Division of New Jersey, had his office at Perth Amboy. It was broken open, as above stated, and robbed of £6,570, 9s 4d in coin and bills. There was a protracted wrangle over the matter between the Governor and the Assembly, the latter body imputing negligence, if no worse, to the Treasurer, and using the circumstance as an argument in favor of vesting the appointment in the Assembly, which the Governor conceded to them on the resignation (Feb. 23, 1774), of Mr. Skinner. The Treasurer blamed one Samuel Ford, who had carried on an extensive counterfeiting enterprise in Morris county with being the robber, but could never fasten the crime clearly on him. A detailed narrative of the affair, by Wm. A. Whitehead, will be found in the N. J. Hist. Soc. Proc. for September, 1850; Contributions to East Jersey History, p. 111; Gordon's Hist. N. J., 150; Sedgwick's Livingston, 161-6; Duer's Life of Lord Stirling, 97-101; "Early History of Morris County," by Rev. Dr. J. F. Tuttle, in Proc. N. J. Hist. Soc., May, 1869, in which many important facts are given not elsewhere published.—[W. N.]

open the Iron Chest opened and the Money taken out, and that this Deponents Sword was drawn and laid on the table in the Same Room, upon which this Deponent immediately went down the stairs, found the East Window of the same Room open and some marks of Violence on the Shutter, the Chest carried from its Place to the said Window and there opened with a Key that this Deponent hath never used, but always Kept locked up in a Private Drawer of a Desk that stood in the same Room, which Key was delivered to this Deponent by the Executors of Andrew Johnston Esq. the late Treasurer some time after he received from them the Iron Chest aforesaid. That the Money in the said Chest amounted to about Seven Thousand eight Hundred and fourteen Pounds, nine Shillings all in Paper Money except about seven Hundred Dollars in two Baggs. That the said Paper Money was the Remainder of a larger Sum this Deponent had bundled up Sometime in February Last, all which said Paper Money was stolen & carried off, except one hundred and Seventy Pounds left in the said Chest. And further this Deponent saith that the said Desk which stood in the said Room as aforesaid, was broke open and every Drawer searched, that in the said Desk was about forty Pounds in ragged Money and five or six Half Johannes which were also Stolen. And this Deponent further saith that the Key with [which] he always opened the said Chest was commonly and in the Night in which the Robbery was committed locked up in an Escretoire in a back Room: That the Bills Stolen are of different Denominations from six Pounds and under but most of fifteen Shillings & upwards signed by Richard Smith John Johnston and this Deponent, and are as this Deponent believes of the Emissions of One Thousand seven Hundred & Sixty three and One Thousand Seven Hundred and Sixty four Except about five or Six Hundred Pounds of said Bills which had been current and were a little worn and bundled up in

said Chest. That among the Bills left in the said Iron Chest after the Robbery aforesaid there was only one Bill of three Pounds the Remainder left of lower Denominations and mostly small Bills. This Deponent further saith that the Money stolen was bundled up twenty Bills in a Bundle and tied or Pinned round with a Piece of Paper and further this Deponent saith that he keeps the Public Money in Sheets as delivered him by the Signers. That from these Sheets he the Deponent usually cut the Bills from Time to Time and when so cut bundled the same up twenty in a bundle as aforesaid and for greater security hath always put the Money so bundled up in the said Iron Chest. That the said money as aforesaid stolen was by this Deponent so put in the said Chest in February last as aforesaid.


STEPHEN SKINNER.

Sworn the 25th day of July 1768, at Perth Amboy,
Before me

FRE: SMYTH.

Proclamation of Governor Moore, of New York, regarding the Robbery of the East Jersey Treasury.

[From N. Y. Col. MSS., Vol. CV., p. 48, in the State Library at Albany.]


 By his Excellency Sir Henry Moore
 Baronet Captain General and Governor in Chief in and over the
 Province of New York and the
 Territories depending thereon in America,
 Chancellor and Vice Admiral of the same.

A PROCLAMATION.

Whereas it appears on Oath, that in the night of the twenty first day of July last, the House of Stephen Skinner Esq^r. Treasurer of the Eastern Division of the

Province of New Jersey, was broke open and upwards of Seven thousand Pounds feloniously taken and carried away from thence, by some Person or Persons unknown, part of the said money consisting of Dollars, a small part of Gold and the Residue chiefly of New Bills of Credit of the Colony of New Jersey. And Whereas his Excellency the Governor of that Province, hath requested that I would give Directions to the Civil Officers within this Government to use their endeavors to discover and apprehend the Perpetrators of the said Felony, and for this purpose to examine all Persons who from the Possession of an unusual Sum of the Currency of the Colony of New Jersey, or other Circumstances, may be suspected of being concerned therein. I have therefore thought fit, by and with the advice of his Majesty's Council of this Province, to Notify the Premises by this Proclamation, Hereby also strictly enjoining and requiring all Magistrates, Justices of the Peace, Sherifs and other Officers within the same, diligently to exert themselves in order to discover the Perpetrator or Perpetrators of the Burglary and Felony aforesaid, and if found, him or them to apprehend and commit or cause to be apprehended and committed to the next Jail, there to remain to be dealt with according to Law.

Given under my Hand and Seal at Arms at Fort George in the City of New York, the third day of August one thousand seven hundred and sixty eight, in the Eighth Year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King, Defender of the Faith and so forth.

H. MOORE

By his Excellency's Command

G^{EO} BANYAR D Secry.

GOD SAVE THE KING.

It appears by Governor Franklin's Proclamation of the twenty sixth of July that the Person who shall dis-

cover and bring the above Offenders or either of them to Justice will be entitled to Fifty Pounds from the Government of New Jersey, and to a farther Reward of One hundred Pounds to be paid by M^r Skinner, and that any Accomplice making such Discovery, will also be entitled to his Majesty's most gracious Pardon.

(The whole endorsed)

3^d August 1768. Proclamation for Apprehending Persons Concerned in Robbing the Treasurer of East New Jersey.

An order of the King in Council, repealing an Act passed in New Jersey in June, 1767, appointing Commissioners for supplying the Barracks, etc., and directing that the Governor should be admonished for having passed that Act contrary to an Act of Parliament.

[From P. R. O., B. T., New Jersey, Vol. 9, K. 73.]

AT THE COURT AT ST. JAMES'S the 12th Day of
August 1768.

PRESENT.

The King's most Excellent Majesty in Council

WHEREAS there was this Day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for plantation Affairs dated the 9th of this Instant in the words following Viz^t

“Your Majesty having been pleased by Your Order
“in Council of the 29th of June last to refer unto this
“Committee a Representation from the Lords Com-
“missioners for Trade and plantations Dated the 10th
“of the same Month in the words following Viz^t

“ Amongst the Laws passed in your Majestys Colony of Jersey in June 1767, there is one Entitled
“ An Act appointing Commissioners for Supplying
“ the several Barracks erected in the Colony of New
“ Jersey with Furniture and other Necessaries for
“ accomodating the Kings Troops, in or marching
“ through the same, for supplying Deficiences and
“ Defraying other Incidental Charges.

“ Whereupon we beg leave humbly to represent
“ that by an Act of Parliament passed in the fifth year
“ of your Majestys Reign, for amending the Mutiny
“ Act, and for rendring it more Effectual in Your
“ Majestys Dominions in America.” Various Regula-
“ tions and Directions are laid down relative to the
“ Quartering your Majestys Troops in the Colonies;
“ The Mode pointed out in which that service is to be
“ provided for and the Articles Enumerated of which
“ those Supplies are to Consist. In the provincial Law
“ now Submitted to Your Majesty, the Nomination of
“ the Commissioners for furnishing and Supplying the
“ Barracks in Your Majestys Colony of New Jersey is
“ made the Act of the general Legislature deviating
“ thereby from the Directions of the Act of parlia-
“ ment which Impowers the Gov^r & Council to
“ Authorize & Appoint those Commissioners and upon
“ Neglect or refusal of such Governor and Council
“ Vests that Nomination and Appointment in any two
“ or more of the Justices of the peace residing in or
“ near such place where Your Majestys Troops shall
“ be Quartered.

“ Another provision wherein this Law appears to
“ us not Strictly Comformable to the Act of parliament
“ is with respect to the Articles wherewith it is
“ Directed that your Majestys Troops shall be Sup-
“ plied; These are particularly Enumerated in the
“ Act of parliament and are as follow (viz^t) Fire,
“ Candles, Vinegar and Salt, Bedding, Utensils for

“ dressing their Victuals and Small Beer or Cyder (not
“ exceeding five pints) or half a pint of Rum mixed
“ with a Quart of Water to Each Man The provincial
“ Law does not recite the above particulars as Enu-
“ merated in the Act of parliament, but directs only,
“ that your Majestys Troops shall be provided with
“ Vinegar and small beer the latter of which is lim-
“ ited to a less Quantity for each Man $\frac{1}{2}$ Day then is
“ prescribed by the Act of parliament.

“ There is another Clause likewise which provides
“ that the Monies thereby given shall not be Supplied
“ to purchasing Necessaries for more than one Regi-
“ ment, in the Colony at any one time, except during
“ the time of relieving the Regiment Quartered there-
“ in for these Reasons We do now (as we did in the
“ Case of a Law passed in this Colony in the year
“ 1766, find ourselves under the repeated Necessity of
“ laying above Act before your Majesty for your Royal
“ Disallowance.” The Lords of the Committee in
obedience to your Majestys said order of reference this
Day took the said Representation and Act into their
Consideration, and do agree humbly to Report to your
Majesty as their opinion that the said act should be
disallowed; and that one of your Majestys principal
Secretaries of State should receive your Majestys
pleasure to Admonish the Governor of New Jersey, for
having passed this Law contrary to an Act of parlia-
ment, and this Notwithstanding a Law of the same
Nature passed in New Jersey in 1766 has before been
rejected by your Majesty in Council.

His Majesty taking the said Report into Considera-
tion was pleased with the Advice of His Privy Coun-
cil to Approve of what is therein proposed and accord-
ingly to Disallow the said Act; And his Majesty doth
hereby Order that the Right Honourable the Earl of
Hillsborough one of His Majestys principal Secretaries
of State do receive His Majestys pleasure to admonish

the Governor of the province of New Jersey for having passed the said Law contrary to an Act of parliament and this notwithstanding a Law of the same Nature, passed in New Jersey in 1766 has been before rejected by His Majesty in Council.

Letter from Gov. Franklin to the Earl of Hillsborough, recommending Mr. Richard Stockton to be appointed a member of the New Jersey Council in place of Mr. Woodruff, deceased.

[From P. R. O. America & West Indies, Vol. 173 (191).]

BURLINGTON, Aug.st 13, 1768

To the Right Hon^{ble} the Earl of Hillsborough.

My Lord

I am just informed that M^r Woodruff, one of His Majesty's Council for New Jersey, died on Wednesday the 10th Instant:¹ I therefore take the Liberty to recom-

¹ Samuel Woodruff was one of ten sons of Joseph Woodruff, Jr., son of Joseph, whose father, John, was one of the original settlers of Elizabeth-Town. Samuel was born about the first of the last century. He was engaged for many years in trading to the West Indies and elsewhere. His signature was appended to the petition in 1739, for a charter for the borough, and when the charter was granted, in 1740, he was named as one of the assistant aldermen; subsequently became alderman, and was Mayor of the borough from 1751 to 1759, and probably longer. He was also a Justice of the Peace for many years, serving as a member of the Board of Justices and Freeholders of the county. He was a prominent member of the First Presbyterian Church of the town, was chosen trustee in 1758, was treasurer, 1758-9, and president in 1762; was ordained an Elder in 1765, was a Member of the Synod of 1764-5, and was appointed one of the Building Committee to rebuild the church in 1766. He also served as a trustee of Princeton College, 1749-68, and sent his two sons, Benjamin and Joseph, to be educated there. As one of the principal men of the town, and of generous hospitality, he was a great friend of Governor Belcher, and "his house was the ministers' home, as George Whitfield and the two Brainerds found it."—*Hatfield's Elizabeth-Town*, 320-1, 337, 378-9, 383, 385, 400, 515, 517, 519, 582; *N. Y. Hist. MSS.*, II., 624; *Hist. Princeton College*, by John Maclean, D. D., I., 156, 209, 249; *Manual First Pres. Church, Elizabeth*, 1858, 8-10. Mr. Woodruff was nominated by Governor Belcher as a member of the Council, November 19, 1756, and being appointed March 1, 1757, took his seat July 25, 1757. He was reappointed in 1761. He declined to attend a special meeting of the Council called by Governor Franklin to take action in relation to the Stamp Act.—*N. J. Archives*, VIII., Part 2, 236, 257; IX., 274, 283, 511.—[W. N.]

mend Richard Stockton, Esq^r of Princeton in this Province to succeed M^r Woodruff in the Council. He is a Gentleman of Fortune, Character, and Abilities, everyway qualified to serve His Majesty in that Capacity; and, if I am not misinform'd, had the Honor to be known to your Lordship when he was lately in England.

I am, with the greatest Respect,

My Lord Your Lordship's most obedient
& most humble Ser^{vt}

W^m FRANKLIN

Letter from Secretary Hillsborough to Governor Franklin, relative to the letter from the Assembly of Massachusetts Bay, and the King's disapprobation of Governor Franklin's conduct in assenting to a law contrary to an act of Parliament.

[From P. R. O. America and West Indies, Vol. 173 (191).]

WHITEHALL 16th August 1768.

Gov^r Franklin.

Sir,

On the 14th of July I received your several Dispatches addressed to me numbered from 1 to 5 and immediately laid them before the King.

His Majesty is concerned to find by the Printed Votes of the House of Representatives, transmitted with your Letter N^o 3, and referred to in that numbered 4, that they have thought fit, by their Resolutions & Proceedings, if not openly to deny at least to draw in Question, the Power and Authority of Parliament to enact Laws binding upon the Colonies in all Cases whatever, and The King is the more surprized at such a Conduct in His Assembly of New

Jersey when His Majesty considers the Example set them by the Assemblies of the neighbouring Colonies of New York and Pensylvania, who appear to have entertained a very just Sense of the unwarrantable Measure recommended by the Assembly of Massachusetts Bay.

It is my Duty, upon this Occasion, to observe to you, that your entire Ignorance of what was passing in the Assembly, concerning the Letter from the Massachusetts Bay, which was the constant Object of their Deliberations almost from Day to Day for a Course of more than Three Weeks, betrays a very blameable Inattention to your Duty; and the declaring, when fully apprized of these Proceedings, that you had no Reason to believe there was a Disposition in the People to enter into any unwarrantable Combinations with the Massachusetts Assembly, indicates a Disposition that does not correspond with those Principles which ought to be the Rule of your Conduct.

In your Letter N^o 1, you acquaint me that you had thought fit to apply to the Assembly to enable you to send me a complete Collection of the Laws, and I presume you had good Reasons, (tho' I cannot guess at them,) for such an Application, which has, however only served to produce an Answer at least petulant, if not indecent, promising a Compliance with that as a Request of mine, which I had the Honor to signify to you, as a Command from His Majesty

The Practice, which has been but too prevalent, of Governors communicating to the Assemblies the confidential Correspondence between them and His Majesty's Servants here, is big with the greatest Mischiefs, and I cannot help being greatly alarmed to find upon the printed Journals of the Assembly of New Jersey, a Message from you in the following words, Viz^t, "The Governor lays before The House sundry " Letters and Papers which he has just received from

“ the Earl of Hillsborough One of His Ma'ty's Principal Secretaries of State.”

I have, upon this Occasion, had Recourse to the whole of my Correspondence, and cannot observe any one Letter of mine, which was in it's nature either necessary or proper to be laid entire before the Assembly; but if there were any that appeared to you fit to be communicated to them, you ought at least have acquainted me in your Letter with what you had done, and to have assigned Reasons for a Step that seems to have been an unwarrantable Deviation from your Duty, and a Disrespect to a Correspondence directed by The King Himself.¹

The enclosed Order in Council contains His Majesty's Disallowance of the Act passed by you in June 1767, for making Provision for quartering His Majesty's Troops; and the Copy of the Report of the Board of Trade will inform you of the Reasons for such Disallowance; it only therefore remains for me to acquaint you, that I have, in consequence of this Order, received the King's Commands to signify to you, His Ma'ty's Disapprobation of your Conduct, in assenting to a Law contrary to an Act of Parliament, and this notwithstanding a Law of the same Nature, passed in 1766, had been before rejected by His Majesty in Council for the same Reason.

It is a Matter of much Concern to me, to have had Occasion for Animadversion upon your Conduct in so many Instances; I can only say, that it is a part of my Duty that is very disagreeable to me; and that I shall be happy, by your Explanation of the motives of your Conduct, to find there has not been so just Grounds for it as I have too much Foundation to apprehend.

As the Petition to His Ma'ty resolved upon by the Assembly of New Jersey and entered upon the printed

¹ See *post*, under date of September 2, 1768.

Minutes of their Proceedings transmitted by you, has not yet been presented to me to be laid before His Majesty, it gives me good Reason to hope that they may have seen the Error of their Conduct upon this Occasion, and that I shall not be under the disagreeable Necessity of laying before His Majesty, any Resolutions or Proceedings of His Assembly of New Jersey, of such a Nature as cannot but give His Majesty great Dissatisfaction, and must be rejected as being null and void, in consequence of the Act of Parliament of the 6th of His present Majesty.

I am &c^a

HILLSBOROUGH.

Letter from Gov. Franklin to the Earl of Hillsborough, relative to a bill passed by the Assembly for striking £100,000 in bills of credit, to which he, the Governor, had refused his assent, desiring instructions.

[From P. R. O. America and West Indies, Vol. 173 (191).]

BURLINGTON, Augst 24th 1768

Right Hon^{ble} the Earl of Hillsborough

My Lord,

A Bill passed both the Council and Assembly, at the last Sessions, for Striking One hundred Thousand Pounds in Bills of Credit, and emitting the same on Loan: But as they had, contrary to the Act of Parliament, made the Money a legal Tender¹ (tho' I believe

¹ The Assembly had doubtless taken this liberty because the friends of a legal tender paper currency had strong hopes of getting the restraining Act of Parliament repealed. Writing February 17, 1768, Benjamin Franklin informed his friend Joseph Galloway, of Pennsylvania, that he had had a long conversation on the subject with Lord Hillsborough, who said that if application were made for taking off the restraint as regarded Pennsylvania, New Jersey and New York, as Franklin proposed, "it shoud have fair play; he would himself give it no sort of opposition."—*Franklin's*

not intentionally) and refus'd to add a Suspending Clause to the Bill, as my Instructions require, I deny'd my Assent to it. I besides expected that the Assembly would have appropriated some Part of the Interest to the Augmentation of Officers Salaries, which are scandalously low in this Province (as your Lordship may see by the enclosed Account of them); but they declin'd doing any Thing of the kind, tho' most of them cannot but acknowledge the Insufficiency of the Salaries, and that this would be the easiest Mode of raising Money on the People for the Support of Government. The whole of the Interest Money, after defraying the Expenses attending the Emission, was, by the Bill, to remain in the Treasury till apply'd to the support of Government, and to other publick Uses, by subsequent Acts of Assembly.—I wrote to your Lordship before, in my Letter N^o 2, that I thought a reasonable Sum of Paper Currency would be of Service both to the Province, and to the Mother Country. The People here are so anxious

Works, VII., 382, 430. Franklin was strongly in favor of a legal tender paper currency, with proper security, for use in the Colonies. "On the whole," said he, in 1734, when Parliament was about to enact the restraining bill, "no method has hitherto been formed to establish a medium of trade, in lieu of money, equal, in all its advantages, to bills of credit, founded on sufficient taxes for discharging it, or on land security of double the value, for repaying it at the end of the term, and in the meantime made a general legal tender. The experience of now near half a century in the middle colonies, has convinced them of it among themselves, by the great increase of their settlements, numbers, buildings, improvements, agriculture, shipping and commerce. And the same experience has satisfied the British merchants who trade thither that it has been greatly useful to them, and in not a single instance prejudicial."—*Works*, II., 354. Even his strong, practical sense did not enable him to foresee the evils invariably arising from the attempt to give a fictitious value, by legislative enactment, to that which has no value. A comprehensive explanation of the Colonial system of currency obtaining in New Jersey is given in a paper on "Taxes and Money in New Jersey before the Revolution," by R. Wayne Parker, published in the Proceedings of the New Jersey Historical Society for January, 1883. It may be interesting to mention, in connection with this note, that in a conversation in November, 1885, at his delightful home in Washington, the venerable historian, George Bancroft, informed the writer that he was then (although he had entered upon his eighty-sixth year) engaged on a history of paper currency in America, which he intended to be his final work, and hoped it might be instrumental in warning the people of the United States against the dangers of fiat money.—[W. N.]

about this matter, that they would not hesitate to take the Money, and mortgage their Estates for the Repayment of it with Interest, tho' it should not be made a legal Tender. Advantage should therefore, I think, be taken of this Disposition to bring them to make a more adequate Provision for the Officers of Government, unless indeed the Duties laid by the Acts of Parliament are supposed to render such a Measure unnecessary.— The Council have requested me to desire your Lordship's Sentiments on this Subject, and that you would be pleased to inform me whether His Majesty would have any Objection to my giving my Assent to a Bill for emitting a Hundred Thousand Pounds of Paper Currency on Loan, without a Suspending Clause, provided the Money is not made a legal Tender, and the Interest arising therefrom is appropriated to publick Purposes.

I have the Honor to be, with the greatest respect,
My Lord, Your Lordship's most obedient
& most humble Servant

W^m FRANKLIN

P. S. In the Hurry of making up my Dispatches, by the last Packet, I omitted sending your Lordship a printed Copy of the Laws, and a Part of the Privy Councils Minutes, mentioned in my Letter N^o 6. and therefore now send it herewith.

Civil Establishment of New Jersey 1768 In Gov^r Franklin's (N^o 9) of 24 Aug 1768.

The Salaries Annually granted to the Officers of the Government of New Jersey, amount to seventeen hundred and twenty five Pounds Currency, which at sixty ⅔ Cent, the Medium of Exchange with Great Britain,

amounts to £1075¹ Sterling, and is thus divided in Sterling Money viz:

	Sterling per Ann.
To the Governor - - - - -	£750 — —
To the Chief Justice - - - - -	93 15 —
To the second Justice of the Supreme Court	31 5 —
To the third Justice of the Supreme Court	31 5 —
To the Attorney General - - - - -	18 15 —
To one Treasurer residing at Amboy -	25 — —
To one Treasurer residing at Burlington -	25 — —
To the Clerk of the Council - - - - -	18 15 —
To the Agent residing at London - - -	62 10 —
To the Clerk of the Circuits - - - - -	12 10 —
To the Door Keeper of the Council - - -	6 5 —
	<hr/>
	£1075 — —

The Incidental Charges and daily Wages during the Attendance on Legislative Business are,

To the Members of the Council, and of the Assembly, three shillings and nine pence each p Day.

To the Clerk of Assembly, five shillings p Day

To the Serjeant at Arms to the Council & the Assembly one shilling and ten pence p day

To the Door Keeper of the Assembly two shillings p day.

To the Governor for House Rent thirty seven Pounds ten shillings p annum.

The other incidental Charges are such as arise from the repair of five Barracks built at the Expende of the Colony,² each capable to Contain three hundred Men, and the Allowance by Law to be made to the Troops from time to time quartered in them, which is altogether uncertain.

¹ Sixty per cent. of £1725 make £1035, instead of £1075.

² At Burlington, Trenton, Perth Amboy, New Brunswick and Elizabeth-Town.—*N. J. Archives*, IX., 576, note.

Also an allowance to the Chief Justice, or other Justices of the Supreme Court, of six Pounds, five shillings Sterling for holding a Court of Oyer and Terminer when there shall be occasion in any of the Counties of the Colony; and an Allowance to the Agent for petty Expences of about thirty pounds Sterling *per Annum*.

These Charges are now, and have been since my arrival in the Government paid by a Surplusage of Money struck for his Majesty's Service during the late War, which was to be sunk by a Tax in a time limited in those Acts, and the same has hitherto been Sunk with great regularity, under the Inspection of the Legislative Body. Before the War the Expense of Government was paid by the Interest of Money emitted on Loan, by his Majesty's Approbation; and when that Money was called in, (by Virtue of the Acts which gave it a Currency to a certain time) the Support of Government was raised annually by Tax on the Real and Personal Estates of the Inhabitants, which must be very shortly the Case again.

There are no Duties on the Import or Export of any Commodities, but such as are laid and appropriated by Acts of Parliament. The Collectors of His Majesty's Customs are the only Officers who have any Salary or Allowance from Great Britain.

All the Salaries and Incidental Charges of Government are Annually granted and Appropriated by Act of Assembly; these are issued (except Assembly Mens Wages) by Warrant of the Governor in Council, and Accounted for by the Treasurers to the joint Committees of Council and Assembly.

All the Salaries allowed in this Government are very Low, having been for the most part settled when the Province was in its Infancy, and as the Expense of Living is since greatly increased they are not suffi-

cient, with the Fees and Perquisites of Office added, which indeed are in most Cases very trifling) to support the Officers in a manner suitable to their Stations.

W^m FRANKLIN

Letter from Gov. Franklin to the Earl of Hillsborough, relative to the Complaint made by the Commissioners of Customs in America to the King.

[From P. O. America and West Indies, Vol. 173 (191).]

BURLINGTON, Augst 25, 1768

To the Right Hon^{ble} the Earl of Hillsborough

My Lord,

I am honored with your Lordship's Letter N^o 8—respecting the Complaint made by the Commissioners of His Majesty's Customs in America, of the Obstructions which their Officers have met with in the Execution of their Duty. There has been but one Complaint made to me of that kind by any of the Officers of the Customs within this Government, and that was from M^r Hatton the Collector of Salem. But after strict Enquiry had been made into the Affair before myself and His Majesty's Council, it was found that the Collector (who is a Man of a most unhappy Temper¹) had exceedingly misbehaved himself, and had no just Foundation for his Complaint. The Particulars of this Transaction I transmitted to the Commissioners at Boston, and

¹ Mr. Hatton's "most unhappy temper" got him into more serious trouble two years later. See *post*, under date of November 7, 1770.

your Lordship will see them in the Minutes of the Council sent with my Letter N^o 6.

I think it my indispensable Duty, and shall not fail to give the Officers of the Customs, and every other Officer of the Government, all the Assistance and Support in my Power.

I am with the greatest Respect,

My Lord, Your Lordship's most obedient
& most humble Servant

W^m FRANKLIN

*Commission of Governor Franklin to Charles Read,
John Smith and Samuel Smith to take charge of
the Seals during his Absence.*

[From Book AB of Commissions, in the Secretary of State's office, Trenton, fol. 23.]

By his Excellency William Franklin Esqr. Captain General Governor and Commander in Chief in and over the province of New Jersey and Territories thereon depending in America, Chancellor and Vice Admiral in the same &c.

To the Honble. Charles Read, Jno. Smith & Saml. Smith Esqrs. Members of His Majesty's Council for the Colony of New Jersey Greeting. *Whereas* The promoting his Majesties Service and the Prosperity and Security of the British Colonies on the Continent of America have induced me to Comply with the request of the Honble. Sr. William Johnson his Majesty's Superintendent of Indian Affairs, in giving my attendance at a Treaty to be held with the Six Nations and other Indians at Fort Stanwix in the Colony of New York to agree and fix upon a Boundary Line between the British subjects of the Northern Colonies and the Indians. *In Order* that there should be no Delay or interruption in carrying on the usual Business, which passes under the Publick Seal, or of the Seal of the Prerogative Office,

or my private Seal at Arms: I have left the said Seals in your Custody, hereby empowering you, or any two of you, to Affix either of those Seals to such papers as usually pass under the same, in the Common & Ordinary Course of Business, where a Delay till my return would be attended with publick Disadvantage or Loss, or inconvenience to the Persons applying, And I also empower you, or any two of you, in case it should be necessary from my unexpected long absence, Sickness, or other Accident to deliver the publick and prerogative Seals, and the Royal Instructions to the president of his Majesty's Council of this Province, at such time as a Majority of the Council shall Judge it necessary for the President of the Council to take upon him the Admnr. of the Government and for your so doing this shall be your Warrant. Given under my hand and Seal at Arms at Burlington the 26th of Augst. in the Eighth year of his Majesty's Reign Anno Domini 1768.

Letter from Gov. Franklin to Secretary Hillsborough, relative to a Treaty with the Indians for settling boundary between them and the Northern British Colonies.

[From P. R. O. West Indies, Vol. 173 (191).]

BURLINGTON Augst 27th 1768

To the Right Hon^{ble} the Earl of Hillsborough

My Lord,

Having receiv'd an Intimation from Sir William Johnson, Bar^t His Majesty's Superintendant for Indian Affairs, that he was shortly to hold a Treaty with the Indians, for Settling a Boundary Line between them

and the Northern British Colonies, and that it might be of publick Service if, on this very important Occasion, Commissioners were to attend the Treaty in Behalf of this Province, I laid the Matter before the Council, who were of Opinion that the Notice was too short to call the Assembly together to make Provision for defraying the Expence of sending Commissioners to the Treaty, but they thought my Prescence there might answer very good Purposes to this Province, as well as to the other Parts of the British Dominions in America. I have thereupon consented to attend the Conference, and am this Day to set off for Albany, accompanied by M^r Smyth, one of His Majesty's Council for this Province.—Matters are so settled that no Inconvenience can arise by my Absence, which I have Reason to believe will not exceed four or five Weeks.¹—By this Opportunity I have answered all the Letters I have had the Honour to receive from your Lordship by the May Packet. The June Mail is not yet arrived, and, 'tis feared, is either lost or gone to the West Indies.

I have the Honor to be, with the greatest Respect,
My Lord Your Lordship's most obedient
& most humble Servant
W^m FRANKLIN

¹ The proceedings at Fort Stanwix between the whites and the Indians during October and November, 1768, for the settlement of the frontier boundary, are detailed fully in N. Y. Col. Docs., VIII., 110–137. Governor Franklin was accompanied by Chief-Justice Smyth. "Some of the incidents are worthy of a note here. On the second day of the conference (Oct. 25) "Canaghquieson, Chief of Oneida, stood up & addressing all present, observ^d that the several American Governors had Indian names, by which they were known to the Indians, the Governor of New Jersey excepted; that he therefore thought it necessary to compliment him with a name, which he did by bestowing his own name upon him, on which his Excellency Gov^r Franklin shook him by the Hand & returned him thanks." Subsequently "the Cheifs arose & shook hands with Gov^r Franklin & Canaghquieson addressing him said, that as he had given him his own name, he hoped that he would endeavour to acquire as much reputation with it amongst the People as *he* had done. The Governor returned them many thanks." The next day, "Conoghquieson stood up and said that the Six Nations not being satisfied with his having given his own name to Govern^r Franklin had met upon it, and

Circular letter from the Earl of Hillsborough to the Governors in America, relative to letters received by them from his Majesty's Secretaries of State.

[From P. R. O. America and West Indies. Vol. 254 (272).]

WHITEHALL Sept^{ber} 2nd 1768

Circular to all the Governors in America

The King having observed that the Governors of His Colonies have upon several Occasions taken upon them to communicate to their Councils and Assemblies either the whole or parts of Letters which they have received from His Majesty's Principal Secretaries of State, I have it in command from His Majesty to signify to you that it is His Majesty's Pleasure that you do not,

in testimony of their sense of his, and his Peoples justice in causing the murderers of some Indians to be put to death within his Government did now confer upon him the name of *Sagorighweyoghsta*, or the Great Arbiter or Doer of Justice, wishing that he and the people of his Government might continue to act with the same Justice they had hitherto done. Whereupon Gov^r Franklin returned them thanks for the favor and assured them both himself and the people of his Government would upon all occasions manifest their esteem for the Indians and their inclination to do them justice." On November 4th, Sir William Johnson, in addressing the Indians, said: "The Gov^r of New Jersey being called hence by some urgent business has desired me to inform you that he can not think of taking leave of His Brethren the Six Nations without once more expressing the Happiness he has received from finding that they entertain such right sentiments of his justice, & that of the good people under his Government. He has himself the highest sense of the value & importance of the name conferred on him & doubts not but that future Governors & the chief men & inhabitants of New Jersey will be ever carefull to deserve so Distinguished a Title among the Indian Nations as that of *Sagorihw-ioughstha*, Doer of Justice. The Governor has likewise requested me to remind you that at a Treaty held at Easton in the year 1758 the Delaware and other Indians who had any pretensions to Land in New Jersey, did for a valuable consideration give a general release for all the Lands in that Province except such parts as were reserved by Law for the use of those Indians who chose to live under the protection of that Governm^t. This was done in public Council in the presence of many of the Six Nations and the Governor would therefore be glad, that at this Congress (where are present so many chiefs of the different Nations belonging to the Confederacy & when a general Boundary Line between the subjects of His Brittannic Majesty in America & their Bretheren the Indians is to be settled) you would do the Province of New Jersey the justice to confirm the said Release by acknowledging in public that that Province is entirely free from all Indian Claims, except as before

upon any pretence whatever, Communicate *either* to the *Council or Assembly* any Copies or Extracts of such Letters as you shall receive from His Majesty's Principal Secretaries of State, unless you have His Majesty's particular directions for so doing.

I am &c^a

HILLSBOROUGH

Letter from Secretary Hillsborough relative to the letter from the Assembly of Massachusetts Bay.

[From P. R. O. America and West Indies, Vol. 173 (191).]

WHITEHALL, October 12th 1768.

Governor Franklin.

Sir,

On the 1st Instant I received Your Letters N^o 6. 7. and 8, and have laid them with their Enclosures before The King.

Those numbered 6. and 8. the one containing your Observations upon the Laws of the last Session of Assembly the other recommending M^r Stockton to supply the Vacancy in the Council by the Death of M^r Woodruff, are ordered by His Majesty to be communicated to the Board of Trade.

ment^d. His Reason for this request is that this matter may be held in remembrance by all the nations present & by that means be more surely handed down to their Posterity." The next day (Saturday, Nov. 5), the Indians in reply said: "We are glad to see that Governor Franklin is so well pleased with our having bestowed one of our own names upon him & are well pleased [to] hear you promise that he will always be ready to do us justice. We hope that all future Governors will act the same part. We acknowledge that several of our Nations now present were witnesses to the transaction at Easton & therefore acquit that Province of any demand & we have only to desire of him to follow your example in his future conduct towards us, which will sufficiently recommend him and his people to our esteem." —N. Y. Col. Docs., VIII., 115, 117, 131-2-4. The proceedings at the Treaty of Easton, referred to, are related fully in Smith's New Jersey, 450; in Penn. Col. Record, VIII., 174-223, and the results are briefly summarized in N. J. Archives, IX., 139-42.—[W. N.]

The pains which appear by your Letter, N^o 7 to have been taken by the Assembly to conceal from you their proceedings upon the Letter from the Assembly of Massachusetts Bay, shews but too plainly the sense they had of the measures they were about to pursue, & it is very proper that M^r Skinner should know that his Conduct upon this Occasion has not escaped His Majesty's Notice.

I am &c^a

HILLSBOROUGH

Order in Council appointing Richard Stockton, Esq., to be of the Council of New Jersey, in the room of Samuel Woodruff, Esq., deceased.

[From P. R. O. America and West Indies, Vol. 107.]



AT THE COURT AT S^T JAMES'S THE 2ND
DAY OF NOVEMBER 1768.

PRESENT

The Kings most Excellent Majesty in Council.

Whereas there was this Day read at the Board, a Representation from the Lords Commissioners for Trade and Plantations, dated the 1st of this Instant Setting forth, That Samuel Woodruff Esquire, one of His Majestys Council for the province of New Jersey, is Dead, and that Richard Stockton Esquire hath been recommended to the said Lords Commissioners, as a person every way Qualified to serve his Majesty in that Station, they therefore humbly propose, that he may be appointed of His Majestys Council in that province in the room of the said M^r Woodruff deceased His Majesty in Council approving thereof, is pleased to Order, as it is hereby Ordered, that the said Richard Stockton

Esquire be constituted and appointed a Member of His Majestys said Council for the province of New Jersey, in the room of the said Samuel Woodruffe Esquire deceased and that the Right Honorable the Earl of Hillsborough, one of His Majestys principal Secretaries of State do cause the Usual Warrant to be prepared for His Majestys Royal Signature accordingly¹

W. BLAIR.

Letter from Secretary Hillsborough to Gov. Franklin, relative to the New Jersey bill for issuing £100,000 and the unwarrantable proceedings of the Assembly in connection therewith.

[From P. R. O. America and West Indies. Vol. 173 (191).]

WHITEHALL Nov: 15th 1768

Governor of New Jersey

Sir,

I have received and laid before the King your Dispatches to me numbered 9. 10. 11. 12. Of these Dispatches the only one upon which I have any commands from His Majesty is that numbered 9, in which you desire to be instructed, whether you may give your assent to an Act for emitting £100,000 in Bills of Credit upon Loan, without a Clause suspending its execution, until His Majesty's pleasure can be known, provided the Bills are not made a legal Tender, and the Interest is appropriated to publick purposes.

If the whole merit of this measure depended upon these circumstances, and it did require no other restriction and limitation, His Majesty's consent would seem to follow of course; but the King apprehends that this

¹ For a sketch of Richard Stockton, see *post*, under date of February 28, 1774.

is by no means the case, and thinks that the necessity there is for so large a Sum as this is, the nature and extent of the public Services to be provided for, and the Fund and Security for the redemption of the Bills, are some, amongst many other material circumstances, necessary to be fully set forth and explained, before His Majesty can decide upon the propriety of the measure; and therefore His Majesty does not think fit, that any Law of this kind should be assented to by you, unless a Draft of the Bill has been first transmitted, for His Majesty's approbation, or that there is a Clause suspending its execution, until His Majesty's pleasure can be known.

The petition to His Majesty of the House of Representatives of New Jersey on the subject of some late Acts of Parliament, which Petition is mentioned by you, in your Letter N^o 5. to have been agreed upon by the Assembly has not yet been received from you (which is undoubtedly the proper Channel through which it should pass to the Throne) nor has it been presented by any other person, although printed and published under the direction of the Assembly, a Proceeding which His Majesty cannot but consider as most unwarrantable & disrespectful.

Inclosed I send you His Majesty's speech to His Parliament at the opening of the Session on the 8th instant, together with the Addresses to the King from both Houses, one of which Addresses passed nemine contradicente, and the other without a division.

This happy unanimity and the resolution to preserve entire & inviolate the supreme authority of the Legislature of Great Britain over every part of the British Empire, so strongly expressed in these Addresses, will, I trust, have the happy effect to defeat and disappoint the wicked Views of those, who seek to create disunion and disaffection between Great Britain & her Colonies, and that all His Majesty's Subjects in America, who

wish well to the peace and prosperity of the British Dominions, will give full credit to Parliament for that true affection towards the Colonies, which appears in the declaration that they will redress every real grievance of His Majesty's American Subjects, and give due Attention to every Complaint they shall make in a regular manner, and founded upon principles not inconsistent with the Constitution.

I have the pleasure to acquaint you that the Queen was happily brought to bed of a Princess on Tuesday last, & that both Her Majesty and the young Princess are as well as can be desired. I most heartily congratulate you upon this increase of the royal Family, an Event that affords the greatest satisfaction to all His Majesty's Subjects. I am &c^a

HILLSBOROUGH

Letter from Chief-Justice Smyth to the Earl of Hillsborough, relative to the insufficiency of his Salary.

[From P. R. O. and West Indies, Vol. 174 (192).]

NEW JERSEY Nov^r 20th 1768

My Lord,

On the recommendation of Lord North, M^r Charles Townshend, M^r Attorney General, D^r Hay, and M^r Bacon, of Norfolk, about four years ago I was appointed Chief-Justice of New-Jersey.

If the Letters which I had the happiness to obtain from your Lordship, and others of His Majestys Ministers, at the time I left England, to the Governor of this province, had produced that effect in the Assembly of New-Jersey in my behalf which might reasonably have been expected, I should have now no occasion to trouble your Lordship with this application; but after having resided in this province so many years, con-

stantly engaged in the duty of my station, with a conduct irreproachable even in times of the utmost danger, and difficulty, so far from any support or allowance from this Country adequate to my station or services, my applications to the Assembly for that purpose, repeated at every Session, have been hitherto utterly disregarded.

My circumstances are such that I should not have allowed myself to continue in an office of the Crown which I am obliged to fill almost at my own private expence, if I had not been assured before I left England that the Judges in the Colonies might expect to receive their Salaries from the Crown, and be made independent of the people.

The language of a late Act of Parliament gave me farther hopes that this measure would be accomplished.

I have also had in view the instance of the late Chief-Justice of New-York, who to compensate the neglect of the Assembly obtained a Mandamus for the payment of £500 Sterling pr. ann out of the Quit rents due to the Crown in that Province.

But by some information I have lately received from the Agent of this Colony, it seems now to be doubtfull if any alteration will take place with respect to the payment of the Judges in general in the Colonies. .

The Governor of this Province assures me that he has so often applied to your Lordship and the Ministry from time to time in my behalf, that I am unwilling to trouble him farther; tho' I know my application to your Lordship would be more regular through him. But permit me my Lord once more to beg the honour of your patronage and assistance, that the bounty of the Crown may be extended to me as some reward for past services, and as an encouragement to continue the same resolution and address in the discharge of the duty of my station, which I will be bold to say has

hitherto contributed very greatly to the preservation of that order, and regularity, for which this province has been particularly distinguished.

I am my Lord with the utmost respect

Your Lordships most oblig^d obed^t Hum^{bl} Serv^t

FREDERIC SMYTH.

Letter from Gov. Franklin to the Earl of Hillsborough, defending his Conduct during the last Session of the Assembly of New Jersey against the Censures of his Lordship.

[From P. P. R. O., America and West Indies, Vol. 172 (162).]

BURLINGTON New Jersey Nov^r 23^d 1768

To the Rt Hon^{ble} the Earl of Hillsborough

My Lord,

The Animadversions and Censures which your Lordship, in your Letter No. 13. has thought proper to make upon my Conduct during the last Session of the Assembly of this Colony, give me much Concern; but my Uneasiness would be far greater were I not conscious that they are unmerited, and that it is in my Power to prove them so to every impartial Person. As such, I flatter myself I may address your Lordship, as you have, with the greatest Appearance of Candor and Impartiality, been kindly pleas'd to say, "that you should be happy, by my Explanation of the Motives of my Conduct, to find that there has not been so just Grounds for those Animadversions as you have too much Foundation to apprehend." This Explanation, my Lord, I shall therefore give you fully and freely, as it is a Duty I owe to your Lordship's Station, and to my own Character.

The first Matter mentioned by your Lordship is, That "His Majesty is concerned to find by the "printed Votes of the House of Representatives, "(transmitted by me) that they have thought fit, by "their Resolutions and Proceedings, if not openly to "deny at least to draw into Question the Power and "Authority of Parliament to enact Laws binding upon "the Colonies in all Cases whatever." As this relates to the Assembly only, whose Sentiments or Conduct I am no ways concerned to vindicate, and as I have myself neither openly nor privately deny'd or call'd in question the Power of Parliament, it is not necessary for me to urge any thing in my own Behalf on this Head. I shall therefore only observe to your Lordship, that the Right of Parliament to lay Taxes on the Colonies is not questioned by the Assembly of New-Jersey alone, but also by every other House of Representatives on the Continent. Your Lordship, however, says "The King is the more surpriz'd at such a Conduct in "his Assembly of *New-Jersey*, when His Majesty considers the Example set them by the Assemblies of "the neighbouring Colonies of *New-York* and *Pensylv-* "*vania*, who appear to have entertained a *very just* "*sense* of the unwarrantable Measure recommended "by the Assembly of Massachusetts Bay." But I do assure you my Lord, that whoever gave the King such Information respecting the Assemblies of New-York and Pennsylvania, has been greatly mistaken. The Assembly of New-York had it not even in their Power to set such an Example, had they so inclin'd, for they never met from the Time the Massachusetts Circular Letter was wrote till the 27th of last Month, which was above Six Months after the Meeting of the New Jersey Assembly, and even Two Months after the Date of your Lordship's Letter now before me. After they had met some Time, I happened to pass thro' New York in my Way Home from the late Congress, when

I was inform'd by some of the principal Gentlemen there, that the House was a good deal embarras'd about the Massachuset's Letter. Some of the Members were for Suppressing it totally, being apprehensive that they would involve themselves or the Colony in some Difficulties with Government, should they take that Notice of it which they would think themselves under the Necessity of doing, if it was once laid before them. Other Members were for having it immediately communicated to the House, as they should otherwise, they said, lose their Interests and Characters with their Constituents, and excite their Resentment for having given up their essential Rights and Privileges. In this Dilemma were they for a few Days after their Meeting, till at length they agreed, to postpone the Laying of the Massachusets Letter before the House till they had compleated the Business of the Session, and that their Speaker should only lay before them the Letter he had receiv'd from the Speaker of the House of Burgesses in Virginia; the Contents of which were not known in England when your Lordship's Letter, directing the Governor to prorogue or dissolve the Assemblies in case of their receiving, &c. of the Massachuset's Letter, was wrote. This Account, as I before mentioned, I had from some of the principal Gentlemen of New York, and the printed Journals of the Assembly seem to confirm it. For not the least Notice is there yet taken of the Massachuset's Letter, but it appears that the one from Virginia (which I believe your Lordship will think full as exceptionable as the other) was laid before the House by the Speaker; when, so far were the Assembly from inclining to set such an Example, as your Lordship mentions, to the other Colonies, that they soon determin'd to follow the Example of Massachuset's Bay in the same Manner as had been done before by Virginia. In Pursuance of this Resolution, they made the following Order, viz:

“Ordered, That a Committee be appointed to draw up
“an humble, dutiful, and loyal *Petition* to His Majes-
“ty, a Memorial to the Lords, and a *Remonstrance* to
“the Commons of Great Britain, praying *Relief* from
“the *Grievances* His Majesty’s Subjects within this
“Colony labour under, from the Act of Parliament
“passed in the Sixth Sessions of the last Parliament,
“imposing Duties in the Colonies for the Purpose of
“Raising a Revenue, and of the several *other* Acts
“passed by that Parliament, relative to the Colonies;
“and a Committee was appointed accordingly.” And
since this Order, they have resolved “That they will
“draw up proper and constitutional Resolves *asserting*
“the *Rights* of His Majesty’s Subjects within the Col-
“ony, which they conceive have been greatly *abridged*
“and *infringed* by several Acts passed by the last Par-
“liament of Great Britain.” These Proceedings, I
doubt not, will convince your Lordship, that however
blameable the Conduct of the Assembly of New Jersey
may be, that of New York is not materially different.
Nor is the Instance of the Behaviour of the Assembly
of Pennsylvania, on this Occasion, any more applicable
to the Purpose than the other. To convince your
Lordship of the Truth of this Assertion, I shall quote
the Account publish’d by some of the leading Members
of the House, to obviate the Reflections which had
been cast upon them by many of their Constituents
for having too much slighted the Massachusetts’s Letter,
and for having avoided going into the Measure therein
recommended. It is as follows, viz. “Philadelphia
“July 25. 1768. We can assure the Publick, that the
“Assembly of this Province so early as February last,
“took into their Consideration the Act of Parliament
“imposing a Duty on Paper, Glass, &c. and there-
“upon, under a *sense* of the *Oppression* of that Act.
“prepared and sent to their Agents in London, *full*
“and *positive* Instructions to *unite* with the Agents

“of the other Colonies in an Application to Parliament,
“praying a Repeal thereof. That this was *long before*
“the Receipt of the *Circular Letter* from the Ass^y of
“the Massachusetts Bay, & before the House could cer-
“tainly know what *Measures* would be pursued by the
“Legislature of that or any other Colony. That upon
“the Receipt of the Circular Letter by the Speaker of
“this Province, which was *after the Adjournment* of
“the House, he immediately wrote to the Speaker of
“the Massachusetts Bay, acknowledging it, and assur-
“ing him that he should take the *earliest opportunity*
“of laying it before the Assembly of this Province.
“That this *was done* in the *May* Sitting. But as the
“House had before given the above mentioned In-
“structions to their Agents, in a good Degree *antici-*
“*pating* the *Design* of the Circular Letter, and con-
“cluded that they should be *more capable* of pursuing
“the Measures proper and necessary to *Support* the
“*Rights* of the Colonies, from Information which they
“expected to receive from their Agents and otherwise,
“they postponed the further consideration of that
“Letter, and other publick Business, to their Sitting
“in *September*, and adjourned to an *earlier Day* in
“that Month than *usual*, for *that Purpose*—when
“there is not the least room to doubt but that they
“will pursue *every Measure* that shall be further
“necessary to *assert the Rights of America in gen-*
“*eral*, and those of their constituents in particular.”
When the Assembly met in September they accordingly resumed the Consideration of this Matter, and besides agreeing upon Petitions to the King and Parliament, came to the following Resolutions, upon your Lordship’s Letter to their Governor, viz^t

“Resolved. That by the Charter of Privileges
“granted by William Penn, Esq^r the first Proprietor
“of the Province, and by Laws confirmatory thereof,
“which have received the Royal Approbation, the

“General Assemblies of this Province have an undoubted Right to sit on their own Adjournments, and the Governor for the Time being cannot on any Pretence whatsoever prorogue or dissolve them. Resolved, That it is the indisputable and inherent Right of the General Assemblies of this Province at all Times to receive Letters from any or all of the Representative Bodys of the People of the other Colonies respecting the Greivances of the said Colonies, and in Consequence thereof to form and present decent and dutiful Petitions to the King or the Parliament for Redress.”

My Motive in giving your Lordship so particular an account of the Transactions of the Assemblies of New York and Pennsylvania, is not to palliate or justify the Conduct of the Assembly of New Jersey, but merely to shew that they have not been singular on the occasion, and that even the Colonies which his Majesty thought had set them an Example to the contrary, had acted in a manner nearly similar. Indeed I think it my Duty to assure your Lordship, while I am on this Subject, that it is my firm Opinion, That there is scarce an Assembly man in America, but what either believes that the Parliament has not a Right to impose Taxes for the Purposes of a Revenue in America, or thinks that it is contrary to Justice, Equity and Sound Policy to exercise that Right, under the present Circumstances of the Colonies, supposing it ever so unquestionable.

The Disputes between Great Britain and her Colonies on this Head are of the utmost Importance to the British Interest, and tho' they have now subsisted for several years seem not the nearer being settled. The Parliament, it is true, did by an Act passed in the the 6th year of his present Majesty, declare that they had full Power & Authority to make Laws binding upon the Colonies in all Cases, whatever; and this

Act, tho' it was far from satisfying the Minds of the Colonists as to the Point of Right, yet they in general quietly acquiesc'd in it, upon a Supposition that the Parliament would be contented with having made that Declaration of their Power, and never attempt to exercise it more in raising a Revenue within the Colonies. But when an Act passed last year "for granting certain Duties in the Colonies & Plantations in America," it immediately rekindled the Flame that had subsided from the Time of the Stamp Act, and has occasioned as general Dissatisfaction and Uneasiness as ever prevailed among any People. A Military Force has been sent over, which I believe, will have the good Effect to prevent such scandalous Riots, and Attacks on the Officers of Government, as had before prevail'd in the Town of Boston, and probably be a Means of hindring (for some Time at least) any public Opposition being given to the Execution of Acts of Parliament. But this does not remove the principal Difficulty. Mens Minds are sour'd, a sullen Discontent prevails, and, in my Opinion, no Force on Earth is sufficient to make the Assemblies acknowledge, by any Act of theirs, that the Parliament has a Right to impose Taxes on America. And tho' the People may, for a while, avoid publicly opposing Duties and Taxes laid on them by Great Britain, yet I apprehend that, as long as this Temper continues, they will do all in their Power, in their private Capacities, to prevent the consumption of British Manufactures in the Colonies, that the Mother Country may thereby lose more in her Commerce than she can possibly gain by way of Revenue.

Having given your Lordship, as I thought it my Duty to do, this Information respecting the Sentiments & Disposition of the Assemblies and People of the Colonies in general, I shall now proceed to those Parts of your Lordship's Letter which particularly

concern myself. Your Lordship is pleased to observe “that my entire Ignorance of what was passing in “the Assembly concerning the Letter from the Massachusetts Bay, which was the constant Object of “their Deliberations almost from Day to Day for a “Course of more than three Weeks, betrays a very “blameable Inattention to my Duty.” There are two Mistakes in this Observation of your Lordship. In the first Place I was not *entirely ignorant* of what was doing in the Assembly concerning the Letter, nor was the Letter the constant Object of their Deliberations almost from Day to Day; and I cannot but be surpriz’d where your Lordship could get such Information. It could not come from me; for I expressly told your Lordship in my Letter N^o 5, “that I *saw* it “mentioned on their Minutes [which are generally “delivered to me every Evening during the Session] “that such a Letter had been laid before the House, “and a Committee appointed to prepare and bring in “a Draft of a Letter in Answer thereto,” and that “I “*then* made Enquiry concerning it, and learnt that it “was not likely to have much Weight with the Assembly.” And as to the other Point it is evident by the Minutes of Assembly which I sent your Lordship, that the Letter was only read the 15th and taken into Consideration the 16th of April when a Committee was appointed to prepare and bring in an Answer; and from that Time to the End of the session, which was the 10th of May, not the least Notice was taken of the Letter, nor even Mention made whether there was or was not an Answer prepared. This it was that led me to think that they had declined answering it at all, but it has since appeared that an Answer was wrote & sent, tho’ neglected to be entered on the Minutes. If your Lordship means that the Subject on which they petitioned His Majesty was daily an Object of their Deliberations, that too will be found to be a Mistake,

for it was not taken into Consideration at all till the 22^d of April, when a Committee was ordered to prepare a Draft of a Petition, and from that Time till the 5th of May following, when the Draft was brought in, no Notice whatever was taken of the Matter. It receiv'd a Second Reading, was amended, and ordered to be engross'd the next Day; which being done it was signed of course, and ordered to be transmitted to the Agent. The Chief Object of their Attention during the Session was indeed a Bill for a Paper Currency, and tho' they went thro' a considerable Deal of other Business, yet they spent very little Time on any one Matter except that particular Bill.

It is true, that "I did not (as I acquainted your Lordship) *know* that the Massachuset's Letter was *receiv'd* by the Speaker of the Assembly of this Colony till I saw it mentioned on their Minutes." I had a short Time before, indeed, read in a Newspaper "That the Assembly of Mass^{ts} Bay had agreed to send Letters to the several Assemblies on the Continent, recommending it to them to join in humble dutiful & loyal Petitions to His Majesty &c respecting the late Act of the Parliament granting duties in the Colonies." But I never heard anything more of the Matter till I went to Amboy to meet the Assembly, which was in about six Weeks after. Nor would this appear strange to your Lordship if you knew my situation. I live in a very Small Town where there is Scarce any Business carried on with any other Place, and no Posts passing through it, we have not so quick, nor so full, or regular Intelligence of Occurrences in the other Colonies as they have in most of the other Seats of Government in America. At the Time of Year the Massachuset's Letter is dated, viz^t in the Month of February, and for near a Month after, our Commerce with Philadelphia, from whence we get the chief Part of our Intelligence, is generally stop'd for several Weeks

together on Account of the Ice in the River Delaware. The Speaker of the New Jersey Assembly resides at Amboy, Fifty Miles from this Place, and as we seldom correspond, I had but little Chance of hearing that he had receiv'd a Letter from the Mass^{ts} Speaker until I came to Amboy. I arrived there the 11th of April, and was to have met the Assembly the next Day, but a sufficient Number of Members to make a House did not appear till the 15th. The Speaker had not in this Time thought proper to inform me of his having receiv'd any Letter from the Mass^{ts} Bay, nor did he think it necessary to mention anything of the Matter to me. This too, I believe, was the Conduct of every other Speaker who receiv'd such a Letter to every other Governor. They look'd upon it as belonging to the Assembly alone to whom it was directed, and that no other Persons whatever in the Province had or ought to have any Concern with it. However when the Minutes of the 15th were brought to me in the Evening, and I found that such a Letter had been receiv'd and that Day laid before the House, I immediately made Enquiry concerning it, and was inform'd that it was only a Letter to acquaint them with what the Assembly of Massachusetts Bay had said in the Petitions & Representations they had sent to England against Some later Acts of Parliament, and requesting them, if they view'd those Acts in the same Light, that they would likewise petition against them. This, one of the Members inform'd me, was the Substance of the Letter, but he at the same Time said that he believed it would have very little Weight with the House; however, I might rely that there was no Danger of their going into any Measures with the Mass^{ts} Assembly, unless it might be so far as to petition His Majesty, and to return them a complaisant Answer to their Letter. As I receiv'd this Information from one in whom I had a Confidence, I became easy as to that

Matter. Soon after I was taken extremely ill with a Fever, which confin'd me to my Bed for about Ten days, so that it was not in my Power to attend much to any Business, and in a few Days after I recovered the Assembly having gone thro' their Business, desired to be dismissed, and I prorogued them accordingly. I had observed by the Minutes which were brought me a Day or two before the House was dismiss'd, that a Petition to his Majesty was agreed upon, but the Petition itself was not entered in the Copy of the Minutes sent to me, but only the Place mark'd where it was to be inserted. I had, however, no Reason to imagine that the Petition would be worded in such a Manner as to give Offence, as the Resolve on which it was founded was couched in the following respectful Words, viz: "Resolved, That an humble dutiful & "loyal Petition be presented to His Majesty, humbly "beseeching him to take the distressed Condition of "the Colonies in general, and this in particular, into "his paternal Consideration; and therein making "Such Representations to His Majesty, as may best "tend to obtain Redress from the Laws complained "of." And Several of the Members have since told me that it was their Intention, and they thought they had carefully avoided giving any possible Cause of Offence, for as to the Passage wherein they appear to call in question the Right of Parliament to impose Taxes on the Colonies, it was in their Opinion express'd in Language as humble and diffident as the Nature of the Case would admit: For that they had not deny'd the Power, but only said in their Petition, "That it was a Taxation upon them from which they "conceived they ought to be protected by the acknowl- "edg'd Principles of the Constitution that Freemen "cannot be tax'd but by themselves or their Represen- "tatives," &c They added, That the Cause of their Petitioning the King was not so much the Quantum of the

Tax impos'd upon them, as its being imposed by a Body of Men among whom they had no Representatives, and that therefore they might as well not have petition'd at all, as not to have mention'd their Sentiments on this Head. However, as I inform'd your Lordship in my former Letter, I never saw the Petition till it was printed in the Minutes, which was several Weeks after the Assembly were prorogued; and when I said, in my Letter to your Lordship, That "the House "had agreed that an humble dutiful & loyal Address "should be prepared & sent to His Majesty " I did not mean that I thought it such, or indeed to give any Opinion of it whatever, but only to quote the very Words of the Resolve on which it was founded. But if I had seen the Petition immediately after it was agreed to, it would not have been in my Power to have prevented their transmitting it to England; for had I either prorogued or dissolved them upon it, the Members could have sent it to their Agent notwithstanding. I must, however beg your Lordship to remember that I had not at that Time, nor for Five Weeks after the House was prorogued, and near a Month after that Assembly had been actually dissolved, receiv'd your Lordship's Letter of the 21st of April, enclosing a Copy of the Massachusetts Circular Letter, and directing me, if "there should appear in the Assembly of this Prov- "ince a Disposition to receive or give any Countenance "to that seditious Paper, to prevent any Proceeding "upon it, by an immediate Prorogation or Dissolu- "tion." Had I receiv'd your Lordship's Letter before or during the Sitting of the House, I should most certainly have obey'd the Directions it contain'd; but as I had never seen the Massachusetts's Letter, nor had any other Knowledge of its Contents but what I had from a Member as before mention'd, I apprehend I could not with any Propriety have prorogued or dissolved them for Receiving and Answering it or for agreeing

to petition His Majesty on the Subject of the late Acts of Parliament. Petitioning the King is generally deem'd an inherent Right of the Subject, provided the Language be decent, and had I attempted to hinder the Assembly from exercising this supposed Right, without Orders from my Superiors, I had Reason to apprehend that I should not only have been accused here of an unwarrantable Stretch of Power, but have been blam'd by His Majesty and his Ministers: For, in a Letter which I had the Honour of receiving from your Lordship's immediate Predecessor in the American Department, (after mentioning His Majestys Gracious Approbation of my Conduct) is this Paragraph, viz. "The *Ease* "and *Honor* of His Majesty's Government in America "will greatly depend on the Temper and Wisdom of "those who are entrusted with the Administration "there. A Conduct regulated by just and liberal "principles, suffering no Encroachments on the one "Hand, on His Majesty's just & lawful Prerogative, "and on the other, beholding with Pleasure the prudent and decent Exercise of that *Freedom which belongs to the People*, cannot fail engaging the Hearts "of His Majesty's American Subjects, and of continuing in New Jersey that dutiful Disposition towards "His Majesty & Confidence in Government, which you "represent, so much to its Honour to have prevailed "there."—It is on these Principles, my Lord, that I have constantly acted since I have had the Honor to preside in this Government, and I have Reason to think that it is in a great Measure owing to such Conduct that this Province has occasion'd no Trouble to Administration, and been kept so quiet during the late & present Disturbances in America. It had His Majesty's Approbation at the Time of the Stamp Act, and I was in hopes that the like Cause would have produc'd the like Effect on the present Occasion.

Your Lordship proceeds to say, “That my declaring
“when fully appriz’d of these Proceedings [of the As-
“sembly] that I had no Reason to believe there was a
“Disposition in the People to enter into any unwar-
“ratable Combinations with the Massachuset’s As-
“sembly indicates a Disposition that does not corre-
“spond with those *Principles* which ought to be the
“Rule of my Conduct.” I doubt not but your Lord-
ship will allow, that Truth & Honor are Part of the
Principles by which I ought to be govern’d; and I am
sure I should have acted very contrary to the Dictates
of these, had I said I had any Reason to believe there
was at that Time a Disposition in the People to enter
into any unwarrantable Combinations with the Mass^{ts}
Assembly. But had they agreed to enter into any
Measures with them for Opposing the Execution of the
Acts of Parliament they complain’d of, or gone any
further Lengths with them than Petitioning I should
have deem’d it an unwarrantable Combination, and
have immediately given all the Opposition in my
Power. Nothing, however, of this kind I was con-
vinc’d was intended by the Assembly of New Jersey,
and I therefore acquainted your Lordship with my real
Sentiments of their Disposition in this respect.—Your
Lordship will wrong me if you suppose what I have
said in Behalf of the Ass^y is owing to any particular
Attachment I have to them;—for their Conduct with
regard to His Majesty’s just Prerogatives, the Publick
Good, and to myself, has been in several Instances
such as I could by no means approve. But I am not
one of those Governors, and I hope I never shall be,
who because they happen to differ in Sentiments, or
fail in carrying a Point, with an Assembly, think
themselves justifiable in misrepresenting all their
Actions, catching at every Trifle, & magnifying it to
that Degree that it may appear a Matter of the utmost
Consequence. If that was my Disposition, I could, to

be sure, very soon throw the Province into a Flame, involve the Assembly and People in Disputes with Government, and obtain a Character of being one of the most active zealous Officers in His Majesty's Service; but at the same Time I should most probably do essential Hurt to the real Interest of His Majesty and the Publick. I have always, however, when I conceiv'd that the Assembly had acted contrary to their Duty, if it was in a Matter of Importance, inform'd His Majesty's Ministers of it, but at the same Time I have never omitted acquainting them with the full Merit due to the Assembly on other Occasions. And it has been a great Pleasure to me to find that their Conduct as well as my own has so often met with His Majesty's Approbation.—Your Lordship is the first Minister among the Number I have had the Honor to transact Business with, since my Appointment to this Government, by whom my Conduct has been any-ways censured, or indeed from whom I have not receiv'd some Commendation.—But what gives me the most Concern is, that your Lordship seems even to doubt if my *Principles* are such as they ought to be.—It is not my Disposition to make ostentatious Professions: But if my entering very early into and frequently risking my Life in His Majesty's Service: If my having been very active, with my Father, in assisting General Braddock and his Forces on their Arrival in America, without any Pay or Reward except the Strong Commendations of the General: If upon his Defeat, my going in the Depth of Winter and assisting my Father in erecting a Line of Forts on the Frontiers of Pennsylvania, at a Time when the Indians were Spreading Desolation and Terror throughout the Province, and when even the then Governor was for having the Inhabitants of all the Frontier

¹ See Franklin's Works, I., 183-8; Penn. Archives, II., 309.

Counties abandon their Settlements, but which they were prevented from doing only by the Measures which we took for their Protection:¹ If the Approbation of all His Majesty's Ministers, and the Acknowledgment of all the Commanders in Chief of the King's Forces in America, on Account of my Activity, Zeal, and Success in promoting His Majesty's Measures, since my Residence in New Jersey:—I say if all these are not sufficient Testimonials that my *Principles* are such as ought to be the Rule of my Conduct in the Station His Majesty has honour'd me with, nothing I can say or do besides will be of any Avail. Your Lordship was, very probably, unacquainted with these Circumstances; nor should I have made any Mention of them, but in my own Justification, as your Lordship had thought proper to call my Principles in question.

With regard to the Assembly's Answer to my Message desiring them to enable me to send your Lordship a complete Collection of the Laws, I am far from justifying it, and I told several of the Members, soon after it was presented to me, that I greatly disapprov'd of it, and did not doubt but it would give your Lordship offence. They answered that they did not mean any, that they were a plain People not skill'd in courtly Language, and all they meant was that your Lordship should know that this Colony had done its Duty in regularly transmitting their Laws to England. —The Reason why I apply'd to them on this occasion was, because I had not a complete Collection of the Laws myself, nor knew where to get them to transmit to your Lordship, unless they could furnish me with them in Print, or enable me to employ Clerks to make out a Copy in Manuscript. Some years ago all that were then in Force were collected & reprinted in Two

¹ See Franklin's Works, I., 197-8; Penn. Col. Records, VII., 15-17; Parton's Franklin, I., 361-2.

Volumes Folio,¹ but those pass'd since that Time have been publish'd separately, and many of these are out of Print, or in private Hands who do not chuse to part with them. The House generally reserve four Copies of the printed Acts of each session for their own Use, so that I was in hopes that they would have been able to have spar'd one of them for the Purpose your Lordship desired, but it seems that by some means or other they have but one complete Copy left. The Speaker inform'd me a few Days ago, that he had not been able as yet to complete the Collection ordered by the House, but that he was using his Endeavors, & hoped to have it in his Power to send it to me in a short time. The Assembly will, I believe, at their next Session, agree to have a 3^d Volume publish'd, including all the Laws which have been pass'd since the Printing of the Second Volume.--If the House really considered the Application to them on this Head merely as a Request of your Lordship, and not as a Command from His Majesty, as your Lordship apprehends they did, I know of no Reason for it, nor do I see why it should have made, if it did make, any material Difference with them. Your Lordship, in your present Station, might certainly, with great Propriety, make such a Request, & expect it to be comply'd with, tho' it was not in pursuance of His Majesty's particular Commands. I am inclined to think that the Assembly were not aware of, and did not intend, the Distinction, tho' their words seem to imply it. To prevent Mistakes, however, I communicated your Lordship's Letter on the Subject to them, and stated the Application, in my Message, exactly conformable to that Letter, viz^t "The Governor desires the House will "enable him to transmit to the Right Honorable the "Earl of Hillsborough, a complete Collection of the "Laws of this Colony, *to be laid before His Majesty,*

¹ Nevill's Laws, Vol. I., 1752; Vol. II., 1761.

“as *requested* in his Lordship’s Letter No. 2.” And the Words of your Lordship’s Letter are, “I have it in Command from His Majesty to *desire* you will by the first Opportunity transmit to me, *to be laid before His Majesty*, a complete Collection of the Laws of the Colony.”

I am entirely of Opinion with your Lordship, That the Practice which has been but too prevalent, of Governors communicating to the Assemblies the confidential Correspondence between them and His Majesty’s Servants in England is big with the greatest Mischiefs.” But my Practice I can assure you, my Lord, has been uniformly otherwise, and I have ever carefully avoided communicating to the Assembly any Letter which was in its Nature the least confidential. The letters of your Lordship which I laid before the House were N^o 1, 2, and an Extract of N^o 4 The first was to acquaint me with His Majesty’s having appointed your Lordship Secretary of State for the Colonies, and directing me to address my Dispatches to you for the future. This Letter was merely official, and contain’d nothing of a secret or confidential Nature. It has been always usual to communicate the Letter, Signifying the Appointment of a new Secretary, to the Assemblies, and no ill Consequence ever has or could possibly ensue from that Communication: Besides, as His Majesty, whenever he thinks proper to make a Requisition of an Assembly in America, always signifies the same by the Secretary of State for the American Department, it seems necessary that the Assembly should Know from the best Authority who that Secretary is, and that He is authorized to make such Requisition. The Second Letter was likewise no ways confidential. It was only to inform me that you had it in Command from His Majesty to desire I would transmit to you to be laid before His Majesty, a complete Collection of the Laws of the Colony

“under my Government.” As it was not in my Power to comply with this Desire of your Lordship, I requested the Assembly would enable me to do it, and to shew that it was likewise a Requisition from His Majesty I laid the Letter itself before them.—The letter N^o 3, I did not communicate any Part of, but if I had communicated the whole it could not have been of any ill Consequence, as it only contain’d a Duplicate of an Address to His Majesty from the House of Commons in the Year 1766, which had been publish’d, and was well known in all the Colonies in America.—And as to the Letter N^o 4, I only laid the three first Paragraphs before the Assembly. The first of these was just to inform me of your Lordship having receiv’d several of my Letters that were directed to the Earl of Shelburne. The 2^d & 3^d Paragraph are as follows, viz. “The Law passed in June last for making Provision for Quartering His Majesty’s Troops, is before the Lords of Trade for their Consideration, and it will be a great Satisfaction to His Majesty. if, upon their Lordship’s Examination of it, it shall be found to be conformable to what has been directed in that Case by Act of Parliament.”—“The very becoming Testimonies which have lately been given by almost all His Majesty’s Colonies, of their dutiful Submission and Obedience to the Laws and Authority of the Mother Country, have given His Majesty the greatest satisfaction, and cannot fail of restoring that mutual Confidence essential to the Interest & Welfare of both.” As the Assembly had at the Time I receiv’d this Letter a Bill for making Provision for Quartering the King’s Troops under their Consideration, it was the Opinion both of the Council & myself, that these Paragraphs of your Lordship’s Letter would be likely, if any thing could, to induce them to frame their Bill conformable to the Act of Parliament. To answer this desirable Purpose I communicated them.

The other Parts of the Letter tho' they could Scarcely be thought confidential, I did not think quite so proper for their Perusal, and therefore only gave them an Extract containing the above Paragraphs. This was all the Communication of your Lordship's Letters which I have made to the Assembly, nor had I receiv'd any other from you till after the Assembly were prorogued. I am very Sorry your Lordship has been so "greatly alarmed" upon this Occasion. Had I suspected that there was the least Probability that you would have deem'd it "an unwarrantable Deviation from my Duty, and a Disrespect to a Correspondence directed by the King himself," to have laid any of your Lordship's Letters before the House, I should have been very far from doing any thing of the kind. But I trust your Lordship will excuse me when you find that nothing in its Nature confidential has or really could have been communicated by me at that Time.—I might indeed, in my Letter to your Lordship, have assign'd my Reasons for communicating those Letters, and should probably have done it, had I thought the Matter of Sufficient Consequence to trouble your Lordship with.

But nothing contain'd in your Lordship's Letter has more astonish'd me, than that Part where you mention that "you have receiv'd the King's Commands to "Signify to me His Majesty's Disapprobation of my "Conduct in assenting to the Act [passed in June "1767] for making Provision for Quartering His Majesty's Troops, notwithstanding a Law of the same "Nature, passed in 1766, had been before rejected by "His Majesty in Council, for the same Reasons." I have that Confidence in the Goodness & Justice of my Royal Master, which persuades me to believe that this could not have happened, had the Matter been rightly represented to His Majesty. It is possible that your Lordship may be unacquainted with the Circumstances

of that Transaction, as it was previous to your Appointment to the American Department. I must therefore beg leave to state them fully to your Lordship, that you may be the better enabled to judge whether my Conduct in this respect has really merited the Censure it has receiv'd. The *first* Act of Assembly for Supplying the King's Troops quartered within this Province with Necessaries was passed in *June* 1766, the Year after the Act of Parliament for that Purpose. When I transmitted it to the then Secretary of State I wrote to him concerning it, as follows, "*In the Act for Supplying the several Barracks erected in this Colony with Furniture, and other Necessaries for accommodating the King's Troops in, or marching through this Colony, they have, instead of Specifying the several Articles required to be furnished by the late Act of Parliament, impowered the Barrack Masters to provide Firewood, Bedding, Blankets, & such other Necessaries as have been heretofore usually furnished to the several Barracks within this Colony. I did all I could to prevail on them to insert the very Words of the Act of Parliament, and to impower the Barrack Master to furnish, at the expence of the Province, the same Articles as were therein required. But it was to no Purpose. They said they had always furnish'd every Thing which was necessary; that the Officers & Soldiers who had been quarter'd here never complain'd, but on the contrary many of them acknowledg'd they were better accommodated here than they had ever been at Barracks in Europe: They added, that they look'd upon the Act of Parliament for quartering Soldiers in America, to be virtually as much an Act for laying Taxes on the Inhabitants as the Stamp Act, and that it was more partial as the Troops were kept in a few of the Colonies. I was therefore oblig'd to take the Act as*

“it was tendered, or to let His Majesty’s Troops
“remain unprovided with Necessaries. I have, how-
“ever, the Pleasure of finding the Regiment station’d
“in this Province perfectly Satisfy’d with their Quar-
“ters. No Complaints whatever have been made to
“me, and I believe there are but few if any Articles
“of Consequence required by the Act of Parliament
“but what they are furnished with here.”—I was in
hopes, when I sent this Letter, that I should receive
an Answer to it before the next meeting of Assembly,
and learn whether the Act had been approv’d or was
likely to be approv’d of by His Majesty; that I might
thereby know how to regulate my Conduct when
another Act for the Same Purpose should come under
Consideration. But in this I was greatly disappointed,
for when the Assembly met, in June following, (the
usual Time of Year for Passing the Annual Bills) I
had heard nothing on the Subject from the Ministry:
And as a considerable sum of Money more than was
granted by the first Act had been expended, I found
myself under the Necessity of applying to the Assem-
bly to provide for the Repayment of that Money to
those who had advanced it for His Majesty’s Service
on the Credit of the Province, and for a further Sup-
ply for the King’s Troops. Accordingly I told them
in my Speech at the Opening of the Session, “That
“the Provision made at the last Session for Supplying
“such of the King’s Troops as might come within this
“Colony with Necessaries, had proved considerably
“deficient. I must therefore recommend it to you, to
“discharge the sums which have been advanced by
“the Treasurer & Barrack Masters on this Account,
“and to make Provision for the further Support of
“those Troops *in the Manner His Majesty expects.*
“You will probably think it necessary, for the future,
“to place a greater Confidence on these Occasions in
“the proper Officers of Government (who have always

“manifested their Frugality & Oeconomy with regard to the Publick ; and not put them under the disagreeable Necessity of advancing Money at the Risque of their private Fortunes, or of applying for a Meeting of the Assembly on every new or unforeseen Application from the General.” In their Answer, near the Close of the session, they told me, “That they had made Provision by Law, for Discharging the Arrears due to the Barrack Masters, and for Supplying the King’s Troops quarter’d in this Colony with Necessaries, that would not be liable to the Inconveniencies I had mentioned.” The Provision made by the Assembly at this Session (June 1767) for the further Support of the Troops, was 500£ for each of the five Barracks in this Province, instead of 100£ allow’d the year before, and an Allowance of Vinegar & Small Beer, the only two Articles that were required by the Act of Parliament which were not “*heretofore usually furnished*” by the Province to the King’s Troops when quarter’d in Barracks. This I look’d upon as a very considerable Point gain’d, as here was an absolute Compliance with the spirit of the Act of Parliament, in furnishing *all* the Necessaries required, tho’ there was some Variation from the Mode which that Act directed. This Variation, it was the Opinion of His Majesty’s Council and myself, was not of sufficient Importance to justify our total Rejection of the Bill, especially as there was not the least Hopes of inducing the Assembly to give up the Point, and as there was no other way that we know of in which the King’s Troops could be furnished with those Necessaries. Besides, at this Time I did not know but what the Law of 1766, (tho’ by no means so full a Compliance with the Act of Parliament) had met with the Royal Approbation, as I had *then* heard nothing to the contrary. Your Lordship will therefore, I hope, do me the Justice to acknowledge that it is greatly aggrava-

ting my Supposed offence, to say “That I assented to
“a Law contrary to an Act of Parliament *notwith-*
“*standing* a Law of the same Nature, passed in 1766,
“had been before rejected by His Majesty in Council
“for the same Reasons.” This Representation con-
veys the Idea that I assented to a Law in 1767 of ex-
actly the *same* kind as that of 1766, *notwithstanding* I
knew at the Time that the latter had met with His
Majesty’s Disapprobation. On the contrary, the Law
of 1767 was very materially different from that of
1766, it granting all the Necessaries required by Act of
Parliament, which the other did not : And it was not
even possible for me, at the Time of the June Session
in 1767 to know that the Law of 1766 had been rejected
by His Majesty in Council. The first Intelligence
which was sent me of it was in a Letter from the Earl
of Shelburne, dated the 7th of *August* 1767, which I
receiv’d the latter End of October following, four
Months after that Session was over. His Lordship
had indeed wrote to me on the 18th of *July*, that “His
“Majesty was displeas’d at the *Assembly* for having
“avoided a complete Obedience to an Act of the
“British Parliament,” &c but his Lordship did not
give me the least Intimation in this Letter that *my*
Conduct in Passing it was in any wise disapprov’d, nor
acquaint me whether the New Jersey Law of 1766 was
or was not disallowed, and if he had, it was then too
late to prevent the Law of 1767.—Had I understood
before the Passing of this Law that the one passed in
1766 was repealed, and that His Majesty disapprov’d
of *my Conduct* in having *assented* to it, or had I re-
ceiv’d any Intimation from the King’s Ministers that
I must not, on any Consideration whatever, give my
Assent to a Law for that Purpose, unless it was a com-
plete Obedience in every respect to the Act of Parlia-
ment, I should not on any Account have acted con-
trary. But as I receiv’d no Commands or Intimations

of the kind, I was induced to think that I was left to act, as I had done before, in the best Manner I could for His Majesty's Service, & the Publick Good ; and that if it should not be in my Power, after using my utmost Endeavors, to obtain these Purposes exactly in the Manner required, I was then to obtain them in the best way I could, and not for mere Modes to Sacrifice Essentials. This, I know, has hitherto been the Rule of Conduct with several other Governors, as well as myself ; and many Instances may be given where Governors in order to carry His Majesty's Measures into Execution, and to serve the Public, have been obliged to deviate from the strict Letter of the King's Instructions. But no Instance do I remember of the Gov^r being blam'd for such a Deviation, especially where the principal End of the Instruction was obtain'd : And tho' the Deviation in the present Case is from a Mode prescribed by an Act of Parliament, yet I humbly conceive, the same Occasion, (the King's Service and the Publick Interest,) will justify this as well as the other. I do not mean, however, that Governors have, or ought to have a Power of Dispensing with Acts of Parliament, but only that they may be at Liberty, where Circumstances render it necessary, to consent to some small Deviation from the *Mode*, provided the *principal End* of the Act is obtain'd, and the Deviation is not contrary or repugnant to *that*.

I have perused the Report of the Board of Trade to which your Lordship refers me for "the Reasons for the Disallowance of the Law of 1767." -The first of these is the Nomination of the Commissioners for supplying the Barracks, which is made the Act of the General Legislature instead of the Governor and Council, as directed by the Act of Parliament. This I took a good deal of Pains to have altered ; and before the passing of the last Act I went so far as to give private Assurances to several of the members that I would ap-

point the very same Persons Commissioners whom they had nominated in the Bill, provided they would give up that Point. They were determined, however, that their Law should vary in some Instances from the Act of Parliament, and seem'd to be of Opinion, that as they had complied with that Act so far as to grant all the Necessaries required, it would not be thought a Matter of much Consequence whether the Commissioners were nominated in the Law, to which the Governor and Council gave their Assent, or by the Authority of the Governor & Council alone. But I urg'd that the Nomination of Commissioners for such Purposes was a Matter which concern'd the Prerogative, and that it ought to be by the Gov^t & Council only even if the Act of Parliament had not particularly enjoin'd it ; but all I could say had no Effect, & they adhered to their Bill. In Pensylvania, I am told, the Barrack Master, who supplies the Troops with the Necessaries allow'd by Law, is appointed Solely by a Resolve of the House of Representatives. As to the Second Objection made by the Board of Trade, I must inform your Lordship, that tho' the New Jersey Law "does not recite the Particulars as enumerated in the Act of Parliament," yet the Words "*other Necessaries which have been heretofore usually furnished*" include, with the particular Articles that are enumerated, all those required by the Act of Parl^t except Vinegar & Small Beer, which are afterwards allowed by a separate Clause. As to what their Lordships say of "the latter being limited to a less Quantity for each Man $\frac{1}{2}$ Day than is prescribed by the Act of Parliament," I am told it was not look'd upon in that Light by the Assembly. The Words of the Act are "*not exceeding Five Pints,*" which were construed, by some of the Barrack Masters, to give them a discretional Power in that respect ; and therefore to prevent any Dissatisfaction being given to the Troops on that Account, En-

quiry was made of the Officers what Quantity of Small Beer would satisfy them, and they declared that four Pints would be quite sufficient, upon which the Barrack Masters were no longer left to their Discretion in that Matter, but absolutely enjoin'd to furnish that Quantity, and the Troops are, as far as I can learn, perfectly contented therewith.—The other objection is, That “there is a Clause which provides that the Money “given shall not be applied to purchasing Necessaries “for more than one Regiment in the Colony at any “one Time, except during the Time of Relieving the “Regiment quartered therein.” On this I have only to observe, That there is not one of the Assemblies in the Northern Colonies which has made, or could be induced to make Provision for the Supply of the Troops, either in the Mode or to the Extent required by the Act of Parliament. Not one of their Laws, I understand, has the least Reference to that Act. Even the Law of New York, which the Attorney & solicitor General are said to have reported to be a sufficient Compliance with it, and which has, as such, been approv'd of and Confirm'd by the Crown, takes no Notice of the Act of Parliament; and tho' this Law does not limit the supply to one Regiment, yet it limits the Sum to Fifteen hundred Pounds that Currency, whereas the New Jersey Law, now repealed, allows 500£ to each of the five Barracks in the Province,—in the whole Twenty five hundred Pounds Proclamation Money, which is a Penny in the Shilling better than that of New York. The Assembly of New York thought that 15,00£ was sufficient for the Supply of one Regiment for one year, and therefore granted that Sum. The Assembly of New Jersey, as they could not exactly ascertain what would be sufficient for the Purpose granted 25,00£. If more than one Regiment should hereafter be quartered in New York the 15,00£ would be insufficient, and the Governor would of

course be oblig'd to call the Assembly together to make a further Provision. Such would likewise be the Case, if another Regiment was quartered in New Jersey, and the Assembly of this Province can be call'd together in as short a space of Time as that of New York. No Assembly, however, I am convinc'd will make an Unlimited Provision, as the Act of Parliament Seems to require. They will either limit the Sum, or the Number of Troops to be supported, or both, and expect, if a further Provision should become necessary, to be call'd upon for that Purpose.

At the Session held at Amboy, in April and May last, I was under the same Uncertainty with regard to the Fate of the Law of 1767 for Supplying the Troops with Necessaries, as I had been before on Account of that of 1766. Tho' I had transmitted it in July 1767, no Notice was taken of it to me till in your Lordship's Letter of the 23^d of Feb^ry 1768, which I receiv'd during the above mentioned Session;—but all the Information that this Letter afforded me was, that the Law was then under consideration of the Board of Trade. However, the Money granted by it being expended, and more immediately wanted, and there being no Certainty when I might know the Issue of their Lordship's Deliberations or His Majesty's Determination upon it, I call'd upon the Assembly to make a further Provision, in these Words, viz^t “Gentlemen
“ of the General Assembly; Besides providing for the
“ due Support of Government, I have in Command
“ from His Majesty, to Signify to you that he *expects*
“ and *requires* that you will make those Provisions for
“ the Supply of the King's Troops in this Province
“ which are *directed by Act of Parliament*.”—The Assembly, in their Answer, say, “As we have heretofore paid all due Regard to His Majestys Requisitions, so we shall make such Provision for Supplying the Troops, quartered in this Colony as are Consistent

with our Duty to our Constituents and our Loyalty & Zeal for His Majesty's Service." They would not even in their Address name the Act of Parliament, much more have any Reference to it in their Law. The Pains both the Council and myself took to get the Law made conformable to that Act, and the Reasons why at length we gave our Assent to it, I have already laid before your Lordship in my Letter N. 3, and in the Minutes of Council of the Session in May 1768, and it is therefore needless for me to trouble your Lordship with a Repetition of them here. I shall only add, That as I understood that the Law of New York had been approv'd, I took the Pains at this Session to send there for it, in hopes that the Assembly would have been prevail'd on to make their Act conformable to it, but a Majority of the House refused, tho' several of their Members thought it would be a good Expedient for preserving the Appearance of not giving up any of their supposed Rights and Privileges, and at the same time not occasion any Umbrage to the King or Parliament. I should not have given my Assent to this Law of May 1768 after all, if I had thought that the Law of 1767 would have been actually repeal'd. But the Board of Trade did not, it seems, report against it till the 10th of June, nor was it disallow'd by the King in Council till the 12th of August 1768, and your Lordships Letter enclosing it is dated the 16th of that Month, so that I could not learn its Fate till several Months after it had had its full Effect, and another Act was passed for the Same Purpose. I had besides, Reason to believe, that the King's Ministers were much pleased with my having been able to obtain a Law so nearly complying with the Act of Parliament, considering the Spirit which so generally prevail'd in the Colonies at the Time; and I had likewise heard that the Act passed in New York was deem'd a sufficient Compliance with the Act of Parliament, notwithstanding it was liable in some Respects to the same Objections as that of

New-Jersey. These Considerations, I hope, will have some Weight in removing any objections that may be made to my Conduct on this Occasion.—It is most certain that I could have no possible interest or Inducement to give my Assent to any of these Laws, but His Majesty's Service, which I had reason to think would suffer if the Troops were not furnished with the Necessaries allow'd by Parliament, and the Province besides being thrown into Confusion on that Account. However, let the Event be what it may, I shall never Venture again to give my Assent to any Act of the like Nature, without positive Orders for the Purpose; and as it is highly probable that when the Assembly is called upon for a further Supply (which must be in May or June next,) they will act in the same Manner as before, I hope I shall by that Time receive explicit Directions for my Conduct. As to Dissolving them in Case of Non Compliance, I am sure it will not avail anything. I have known that Experiment frequently tried by Governors, but I never knew of an Instance where Government found any Advantage by it. The Succeeding Assembly has been either the same Men or worse; for as their Dissolution is generally on some popular Point, it only serves to increase their Popularity, and enables them, if the Governor has a few Friends in the House, to get them removed, and others of a different Complexion elected in their Places. There are but very few of them that put any Value on their Seats, for they cost them Nothing, and their Attendance on the Business of the Publick is frequently productive of Inconvenience to their private Affairs, and seldom proves of any Advantage to them. The Governor of this Province has no other Means of influencing them but by his Prudence and Management, for he has not a Post or Place in his Gift that is worth any of their Acceptance, they being chiefly Men of independent Fortunes, and the Salaries of Offices here so

very low, that it is often difficult to find Persons who are any ways qualified to accept of them. The only Offices from which any Profit can be made are the Attorney General's and those now annexed to the Secretary's office; but these Officers and the Chief Justice are generally appointed in England. The latter as I have before inform'd your Lordship complains much, and with Reason of the Smallness of his allowance. And as to my own Office, I can with Truth assure your Lordship that I have never in any one Year receiv'd a Thousand Pounds Sterling, Salary & Fees included; nor is there any Way for me to make more, unless I have Recourse to Measures that I would not be concern'd in for all the Governments in the World. Perquisites there are none, nor has a Governor here any of those Fees and Advantages which the Governors have in other Provinces, where they have the Granting of the King's Lands, &c. A Governor of New-Jersey (tho' his Salary is much inferior to that of any other of the King's Governors) is Subject to an Expence & Inconvenience that no other in America is liable to, by reason of there being Two Seats of Government, where he is oblig'd to meet the Assembly alternately. I seldom go from Home on this Account that it does not cost me 150£ extraordinary. In short, the necessary Expences of Living are so much increas'd in America, and particularly to one in my Station, that I have not been able with all the Frugality and Oeconomy in my Power to save any Thing out of my Income; nor is it possible that I should, unless I was to live in a Manner that would disgrace His Majesty's Commission, which I shall not do while I have the Honour to hold it.

I beg your Lordship's Pardon for the Length of this Letter. I could have made it shorter, but that I was unwilling to omit any Circumstance which might explain the Motives of my Conduct, or have a Tendency

to remove His Majesty's Displeasure,—than which Nothing could affect me more sensibly, as I have long valued myself on a strict Performance of my Duty, and the strongest Attachment to my Sovereign. I hope that I have not, in the Course of my Defence, dropt any Expression which can any way offend your Lordship. I am sure it was not my Intention. I have the highest respect for your Lordship's Character, and greatly wish to stand well in your Lordship's Opinion. If I succeed in Removing His Majesty's Displeasure, and your Lordship's Prejudices against my Conduct, I shall be happy. But whatever may be the Event, my Sentiments of Duty and Loyalty will remain the same, and I shall chearfully Submit to the Pleasure of that King whom it has hitherto been my chief Glory to serve faithfully.

I have the Honor to be, with the greatest Respect.

My Lord, Your Lordship's

most obedient & most humble Servant

WM: FRANKLIN

Letter from Gov. Franklin to the Earl of Hillsborough, relative to the Treaty with the Indians for settling the boundary line between them and the British Colonies.

[From P. R. O. America & West Indies, Vol. 174 (192).]

BURLINGTON, Dec^r 17, 1768

Right Hon^{ble} the Earl of Hillsborough.

My Lord,

I acquainted your Lordship in my Letter N^o 12, that I was then on the Point of setting out on a Journey to Fort Stanwix, to assist at a Treaty with the Six

Nations for settling a Boundary between them and the British Colonies. I was much longer absent than I had any Reason to expect, owing to the Senecas and some other distant Nations not coming in till several Weeks after the Time fix'd for holding the Conference. —Your Lordship will, of course, receive a particular Account of the Transactions there from Sir William Johnson, so that it is needless for me to trouble your Lordship with any Recital of them here. So far as they particularly concern'd this Colony, your Lordship will see them in the Minutes of Council sent herewith. I would only beg leave to observe in general, that there was the greatest Number of principal Indians assembled that was ever known at any Treaty, who all seem'd perfectly satisfied during the Course of the Negotiations, and return'd home in the best Disposition that was ever known on such an Occasion.—If the Boundary is Speedily ratified by His Majesty, I have no doubt it will add greatly to their Satisfaction, and contribute more towards securing a permanent and lasting Peace with them than any other Matter whatever.

On my Return Home I found your Lordship's Dispatches from N^o 9 to 13 inclusive. The latter I have already answered in my Letter N^o 13, and your Lordship may rely that I shall not fail paying punctual Obedience to the Directions contained in the others, as far as is in my Power.

* I have the Honour to be, with the greatest Respect
My Lord, Your Lordship's

most obedient & most humble Servant

W^m FRANKLIN

Governor Franklin to Cortland Skinner.

[From the original among the MSS. of G. D. W. Vroom.]

BURLINGTON Jan^{ry} 22^d, 1768.¹ [1769]*Dear Sir*

I receiv'd your Letter of the 5th Ult^o with the first and second Volumes of the Laws, also another of the 9th Instant, mentioning that you are unable to furnish me with all the Laws since the last Book, and referring me to M^r Lawrence for such of them as can be obtain'd. He has not yet completed the Collection, and I much doubt whether he will be able. I have already acquainted Lord Hillsborough with the Difficulty that will attend the Making a complete Collection of the separate Laws, and mentioned my Hopes that the Assembly would, at their next Sitting provide for the Re-printing them in another Volume.²

M^r Samuel Wharton,³ Merchant of Philadelphia, who is a particular Friend of mine is going in the next Packet to England. He has some Business to transact there, in which he does not know but he shall have Occasion to employ a Solicitor, he has therefore desired me to give him a Letter of Introduction & Recommendation to M^r Wilmot our Agent, of whose

¹ The date, 1768, is manifestly a slip of the pen for 1769.

² See Governor Franklin's letter to Lord Hillsborough, June 13, 1768.

³ Samuel Wharton was the second son of Joseph Wharton, a very successful merchant of Philadelphia, where he was born, May 3, 1732. He was "one of the signers of the Non-Importation Resolutions of 1765, a member of the City Council of Philadelphia, of the Committee of Safety of the Revolution, and of the Colonial and State Legislatures. He was a prominent member of the Ohio Company, whose plan of forming a settlement on the Ohio river was projected by Sir William Johnson, Governor Franklin, and others. * * In 1780 he returned to Philadelphia, and was a member of the Continental Congress, 1782-3. His will was admitted to probate, March 26, 1800."—*The Wharton Family*, by Anne H. Wharton, in *Penn. Hist. Mag.*, I., 326, 455-7. See also Governor Franklin's letter to Major William Trent, Jan. 14, 1771.—[W. N.]

Abilities he has heard a great Character. But as I have not any acquaintance or correspondence with M^r Wilmot, I shall be much obliged to you if you would recommend M^r Wharton to him as a Gentleman of Character, and acquaint him that any Civilities he may shew him will be deem'd an Obligation to yourself. If it is agreeable to you to write such a Letter, I shall be glad that you would do it without Delay, and send it to M^r Parker, Printer, at New York, enclosed under Cover to M^r Wharton. He has an intimate Acquaintance with, and a particular Esteem for your Brother John, so that if you have any Letter, or other Thing to send to him, Mr. Wharton will take Care of it with Pleasure or render you any other Service that may be in his Power. This would be a good Opportunity to remit the Agent his Salary, if not already done. He will sail next week.

I have a Letter from Lord H——¹ Part of the Contents of which I want to communicate to you, but do not chuse to do it by this Opportunity for fear of Accidents, but perhaps I shall have an Opportunity of doing it by M^r Parker, on his return from Philad^a

Mrs. Franklin joins me in Complts. & the wishes of the season, to you & Mrs. Skinner,

I am with great Esteem Dear Sir

Your most obed^t serv^t

W^m FRANKLIN

To Cortland Skinner Esq^r.

¹ Lord Hillsborough's dispatch, October 12, 1768, censuring Speaker Skinner.

Letter from Gov. Franklin to the Earl of Hillsborough, giving further reasons for issuing £100,000 in bills of credit, etc.

[From P. R. O. America and West Indies, Vol. 174 (192).]

BURLINGTON, New Jersey Jan^y 28, 1769

To the Right Hon^{ble} the Earl of Hillsborough

My Lord,

Your Lordship's Dispatches N. 14, 15, & 16, were duly receiv'd.

I shall be careful to observe His Majesty's Commands contain'd in that numbered 14, respecting the Communication of Letters from the Principal Secretaries of State.

I have intimated to M^r Skinner what your Lordship mentions, in N. 15. concerning his Conduct, and am inclin'd to believe that it will be productive of very good Effects.

That your Lordship may the better judge of the Bill which I mention'd in my Letter N. 9. (& which is remark'd upon in yours N. 16.) for Emitting 100,000£ in Bills of Credit upon loan, I have transmitted a Draft of it herewith. The Necessity which appear'd to the Council and Assembly for this Sum is set forth in the Preamble. The Nature and Extent of the public Services to be provided for, as far as they have thought proper to mention them, are express'd in the last Paragraph, by which your Lordship will see that this Act contains in itself no particular Appropriation of the Revenue that is to accrue from it (except defraying the Expences of Printing, &c) but has left it to "be
" applied to the Support of the Government of this

“ Colony, and to such other public Uses, and in such
“ Sort Manner and Form as by *Acts of the General*
“ *Assembly* of this Colony shall hereafter be directed.”
The fund and Security for the Redemption of the Bills
are by Mortgages in at least double the Value in Lands,
and in at least three Times the Value in Houses, as is
particularly set forth and explain’d in Pages 8 & 9,
and other Parts of the Bill.

As a Majority of the principal Inhabitants of the
Colony are of Opinion, that there is a great Necessity
for an Act of this Nature, and are very anxious to ob-
tain it, I have no doubt but the Council and Assembly
will at their next Meeting, pass such another, and
press for my Assent. It would therefore be a Further-
ance of Business, as well as a great Ease to me, if His
Majesty’s Pleasure, with regard to any Alterations or
Amendments of this Bill, could be known by that
Time, which I expect will be the latter End of May or
Beginning of June at farthest.—The form of the Paper
Bills, viz “ This Bill *by Law* shall *pass current*, &c.
I apprehend should be altered, as it seems to imply a
legal Tender, and I believe the Assembly will readily
agree to such an Alteration as it was not their Inten-
tion to make the Money, to be issued by this Act, a
legal Tender; and they thought that they had Suffi-
ciently provided against its being so, by leaving out
the Clause for that Purpose which had been always
inserted in the former Laws for Emitting Paper Money.
The following Form, perhaps, would remove the Ob-
jection, viz [This Bill shall be taken in the Loan Offices
in New Jersey for — in any Payment for the Discharge
of Mortgages taken in the said Offices by Virtue of an
Act of Assembly made in the Ninth Year of the Reign
of King George the III. Dated 1769.]—With regard to
the Appropriation, if His Majesty should chuse to have
the whole Sum appropriated to Purposes to be partic-
ularly mentioned in the Act, rather than to be left, as

at present to the Disposition of *future* Acts of the Legislature, and will be pleas'd to specify what those Purposes should be, and the particular sums which should be allotted for each, it is probable that the Assembly will acquiesce, in Consideration of the public Advantages which they expect from the Act. What I before said on this Head, in my Letter N^o 9, need not be repeated here; your Lordship will of course pay that Attention to it which you may think it deserves.—As to the Fund and Security for the Redemption of the Bills, they are quite Sufficient, and I really believe that the Sum requested, in Addition to our present Currency, is not so large as to endanger the Value of it in the least;—on the contrary, much more seems wanted for a Medium of Commerce, and to promote the Improvement of lands, &c.

I cannot account for the Petition of the House of Representatives of this Colony, not being presented to His Majesty. I have heard that the Speaker transmitted it to the Agent for that Purpose, soon after the House were prorogued. The proper Channel for it to pass (as your Lordship justly observes) was through me, and why they did not desire me to transmit it, as they did their Address to His Majesty on the Repeal of the Stamp Act, I cannot say, unless it was owing to a Suspicion that I should object to the Contents, and therefore decline complying with their Request.—Their Publishing it, however, before they knew it had been presented, is certainly very blameable; nor do I know what they could offer in their Vindication, if they were in Being;—but that Assembly, as I before inform'd your Lordship, have been since dissolv'd and a new one chosen.

I sincerely wish that the happy Unanimity which your Lordship mentions to have prevail'd in both Houses of Parliament, in their Addresses to the King, may be attended with those good Effects in the Colo-

nies your Lordship hopes for, and so far as my Endeavors can in any ways contribute thereto they shall not be wanting.

M^r Skinner, the Speaker of the late House of Representatives of this Colony, has sent me the enclosed Copy of a Letter which he receiv'd since the Dissolution of the House from the Speaker of the Assembly in Virginia. As the new Assembly for this Province when they meet, will probably incline to have this Letter laid before them, and to answer it, notwithstanding any Thing I can urge to persuade them to the contrary; and as it is of the same Nature with the Circular Letter from the Speaker of the Assembly of the Massachuset's Bay, I shall be glad to know His Majesty's Pleasure Whether in case the Assembly determine upon Receiving and Answering it, I should prevent their Proceedings thereon by a Prorogation or Dissolution.

I have likewise receiv'd from M^r Skinner the two first Volumes of the printed Laws of this Colony and all of those which have been since printed that he can collect. They are too bulky to send by the Post to go by this Packet: I shall therefore take the first opportunity of transmitting them by a Vessel from Philadelphia.

The late Increase of the Royal Family¹ is an Event that could not but afford the greatest Satisfaction to me, and the rest of His Majesty's Subjects within this Province. I am extremely oblig'd to your Lordship for the Intelligence, and heartily congratulate you upon the joyful Occasion.

I have the Honor to be, with the greatest Respect,
My Lord, Your Lordship's most obedient
& most humble Servant

W^m FRANKLIN

¹ The birth of the Princess Augusta Sophia, November 8, 1768.

Letter from the Earl of Hillsborough to Gov. Franklin, relative to the bill of the New Jersey Assembly for issuing £100,000.

[From P. R. O. America and West Indies, Vol. 174 (192).]

WHITEHALL. March the 22nd 1769.

Governor of New Jersey.

Sir,

I have received and laid before the King, your letter of the 28th of January, containing observations upon a Bill, (inclosed therein) for issuing One Hundred Thousand Pounds in paper Bills of Credit upon Loan.

This letter and the Bill therein referred to, have been by His Majesty's Command communicated to the Lords of Trade for their Consideration, and I shall not fail to transmit to you, by the earliest opportunity, such instructions as His Majesty shall think fit to give you, in consequence of their Lordships' report.

With regard to the letter from the Speaker of the House of Burgesses of Virginia, mentioned in your dispatch of the 28th of January, it is impossible to foresee in what manner it may be treated by the Assembly, in case they should take up the Consideration of it, and therefore I cannot give you any precise instructions upon that head; If however their Proceedings upon this letter should be of such a disrespectfull and unwarrantable Nature as to amount to a denial of the authority of the Legislature to enact Laws binding upon the Colonies in all cases whatsoever, it will certainly become you to shew a proper resentment of such Conduct; But it is His Majesty's Pleasure that you should exert your utmost endeavours to reduce the Minds of His Subjects in New Jersey to that

just confidence in His Government, which a calm and dispassionate consideration of it, cannot fail of making them see the strongest foundation for.

Your letters N^s 13 & 14. were received yesterday, and have been laid before the King, and I shall be very glad if your letter N^o 13, so far as it is intended to be a fair and candid justification of your own Conduct, shall produce in His Majesty's Mind the effect you wish.

I am &c

HILLSBOROUGH

Order of the Lords of the Committee of Council for Plantation Affairs, directing the preparation of Drafts of Instructions to the Governors of the several Colonies and Plantations in America for regulating their conduct in respect to bills for raising money by way of lottery.

[From P. R. O. B. T. Plantations General, Vol. 30 (28), V. 16.]



AT THE COUNCIL CHAMBER WHITEHALL
THE 24TH DAY OF APRIL 1769.

By the Right Honourable the Lords of the Committee of Council for plantation Affairs.

His Majesty having been pleased to referr unto this Committee, a Representation from the Lords Commissioners for Trade and plantations, Dated the 7th of last Month, proposing (for the Reasons therein Contained) that proper Instructions should be Circulated to the Governors or Commanders in Chief of the several Colonies and plantations in America, directing them not to give their Assent to any Act of their re-

spective Legislatures, whereby Money is proposed to be raised by the Institution of publick or private Lotteries ;¹ but that in all Instances, where the exigency of the Case may seem to Warrant a departure from such general restriction, the Governor under such Circumstances, may be Instructed to transmit proposals as Heads of a Bill for this purpose, Stating the Reasons which, in his Opinion, makes such a measure Expedient, and submitting the whole before it is attempted to be passed into a Law, to His Majestys Consideration and decision. The Lords of the Committee, in Obedience to His Majestys said Order of Reference, this Day took the said Consideration [Representation] into Consideration, and are hereby pleased to Order that the said Lords Commissioners for Trade and plantations, do prepare and lay before this Committee, Draughts of Instructions to the respective Governors of the several Colonies and Plantations in America Agreeable to what is above proposed.

STEPH: COTTRELL

¹ This subject had come before the King in Council, March 6, 1769, when a lottery act of the Pennsylvania Assembly was under consideration. The Lords of Trade had reported that "they could not omit observing that this is a practice which in their opinion ought by no means to be encouraged, as obviously tending to disengage and mislead Adventurers therein from Industry and Attention to their proper callings and Occupations, and introduce a Spirit of Dissipation prejudicial to the Fortunes of Individuals, and the Interests of the Public."—*Penn. Col. Records*, IX., 638. This doubtless led to the promulgation of the Order in Council, given above. Lotteries had been prohibited by acts of the New Jersey Assembly, of December 16, 1748, and December 5, 1760, but public sentiment favored lotteries, and the acts in question did not prove "effectual for the Purposes thereby intended," and other acts were passed March 11, 1774, and February 13, 1797, for the same purpose.—*Nevill's Laws*, I., 405; *Allinson's Laws*, 187, 231, 445; *Paterson's Laws*, folio ed., 227. For some account of Provincial Lotteries, see Whitehead's *Contributions to East Jersey History*, 321.—[W. N.]

Representation from the Lords of Trade to the King, recommending disallowance of an Act of the New Jersey Assembly for issuing £100,000 in Bills of Credit.

[From P. R. O., B. T., New Jersey, Vol. 17, p. 212.]

WHITEHALL May 2^d 1769

To the King's most Excellent Majesty.

May it please your Majesty,

We have had under Our Consideration a Bill passed by the Council and Assembly of Your Majesty's Province of New Jersey, for making Current one hundred thousand Pounds in Bills of Credit." Whereupon we humbly beg leave to represent to Your Majesty;

That this Bill which for the reasons set forth in the Preamble, was passed by the Council and Assembly of New Jersey for the purpose of emitting one hundred thousand Pounds in Bills of Credit upon loan, enacts, that the said Bills of Credit shall pass current in the above Province for the several Sums for which they shall be struck, thereby importing that the same shall be received within this Province as a legal Tender in payments of Money. From this without instancing any other objection, it is obvious, that the above Bill in its present form cannot be allowed to pass into a Law, as being contradictory to an Act of Parliament passed in the 4th Year of Your Majesty's Reign for preventing paper Bills of Credit thereafter to be issued in any of Your Majesty's Colonies or Plantations in America, from being declared to be a legal Tender in payments of Money; But as your Majesty's Governor of New Jersey strongly represents the necessity of an Act of this nature free from the

objection above stated, and therefore prays to receive Your Majesty's Instructions thereupon before the next meeting of the Council and Assembly at which time he expects they will pass such another Bill and press for his Assent, we do for these reasons humbly recommend to Your Majesty to signify to your said Governor, in case the actual necessity of emitting Bills of Credit upon loan to the high amount now proposed can be made to appear, and provided care be taken effectually to observe the restrictions of the Act of Parliament prohibiting such Bills to be deemed a legal Tender that no objection occurs why an Act of Assembly under proper limitations should not be allowed to be passed for the purposes above mentioned but as many regulations may be found necessary, when a measure of this consequence shall come under consideration which cannot now be pointed out and prescribed, we would humbly propose to your Majesty that Your Governor of New Jersey should be expressly restrained from assenting to any proposals for the above purposes whereby the same may be carried into effect without reference to Your Majesty's Approbation for which end we humbly recommend, that he should be directed either to transmit them (as in the present instance) in the form of a Bill, or if the same shall be passed into an Act, to take Care that a Clause shall be inserted therein, suspending its execution till Your Majesty's pleasure thereupon can be obtained.

Which is most humbly submitted.

HILLSBOROUGH	SOAME JENYNS
JOHN ROBERTS	W ^m FITZHERBERT
THO ^s ROBINSON	LISBURN

An additional instruction to all the Governors in America, directing them not to permit public or private lotteries in their respective governments.

[From P. R. O. B. T. Plantations General, Vol. 42, p. 347.]

May 11, 1769

Additional Instruction to Our Trusty and Well-beloved William Campbell Esquire, commonly called Lord William Campbell, Our Captain General and Governor in Chief in and for Our Province of Nova Scotia in America. Given at Our Court at S^t James' the —— day of —— in the —— year of Our Reign.

Whereas a practice hath of late years prevailed in several of Our Colonies and Plantations in America, of passing Laws for raising Money by instituting publick Lotteries; and Whereas it hath been represented to Us, that such practice doth tend to disengage those, who become Adventurers therein, from that Spirit of Industry and Attention to their proper Callings and Occupations, on which the publick Welfare so greatly depends; And Whereas it further appears, that this practice of authorizing Lotteries by Acts of Legislature hath been also extended to the enabling private Persons to set up such Lotteries, by means whereof great frauds and Abuses have been committed; It is therefore Our Will and Pleasure, that you do not give your Assent to any Act or Acts for raising Money by the Institution of any publick or private Lotteries whatsoever, until you shall have first transmitted

unto Us by one of Our Principal Secretaries of State a Draught or Draughts of such Act or Acts, and shall have received Our directions thereupon.

A like additional Instruction was prepared for S^r Francis Barnard Bar^t Gov^r of Massachusetts Bay John Wentworth Esq^r Gov^r of New Hampshire S^r Henry Moore Bar^t Gov^r of New York William Franklin Esq^r Gov^r of New Jersey etc etc.

Circular Letter from Lord Hillsborough to the Governors in America, informing them that His Majesty's Government have had no design to lay taxes on America for purposes of revenue.

[From New York Colonial Documents, Vol. VIII, p. 164.]

Circular

WHITEHALL, May 13th, 1769.

Inclosed I send you the gracious Speech made by the King to his Parliament, at the close of the Session on Tuesday last.

What His Majesty is pleased to say in relation to the Measures which have been pursued in North America,¹ will not escape your notice, as the satisfaction His Majesty expresses in the Approbation His Parliament has given to them, and the assurances of

¹Said the King in his speech to Parliament on Tuesday, May 9, 1769: "The measures which I had taken regarding the late unhappy disturbances in North America, have already been laid before you. They have received your approbation; and you have assured me of your firm support in the prosecution of them. Nothing, in my opinion, could be more likely to enable the well disposed among my subjects, in that part of the world, effectually to discourage and defeat the designs of the factions and seditious, than the hearty concurrence of every branch of the legislature in the resolution of maintaining the execution of the laws in every part of my Dominions. And there is nothing I more ardently wish for, than to see it produce that good effect."—*Dodsley's Annual Register*, for 1769, 229-30—[W. N.]

their firm support in the prosecution of them, together with His Royal opinion of the great Advantages that will probably accrue from the concurrence of every branch of the Legislature in the Resolution of maintaining a due Execution of the Laws cannot fail to produce the most salutary effects.

From hence it will be understood that the whole Legislature concur in the opinion adopted by His Majesty's Servants, that no Measure ought to be taken which can any way derogate from the Legislative Authority of Great Britain over the Colonies ; but I can take upon me to assure you, notwithstanding Insinuations to the Contrary from men with factious and Seditious views, that His Majesty's present Administration have [at] no time entertained a Design to propose to Parliament to lay any further Taxes upon America for the purpose of raising a Revenue, and that it is at present their Intention to propose in the next Session of Parliament to take off the Duties upon Glass, Paper & Colours, upon consideration of such Duties having been laid Contrary to the true principles of Commerce.

These have always been and still are the Sentiments of His Majesty's present Servants and [the Principles] by which their Conduct in respect to America has been governed, and His Majesty relies upon your prudence and fidelity for such an explanation of His Measures as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her Colonies, and to reestablish that mutual confidence and affection, upon which the Glory and Safety of the British Empire depend.

I am &c

HILLSBOROUGH.

Governor Franklin to Benjamin Franklin—Captain Trent's Affairs—the Governor's farming operations — Secretary Morgan and Deputy Reed — Matters in New York and Massachussetts.

[From "Letters to Benjamin Franklin," p. 41.]

BURLINGTON, May 11, 1769.

Hon'd Father :

A few days after I was favoured with your Letter of the 20th of March by Capt. Creighton, the packet which left England the 7th of March is since arrived, but I had no letter by her from any one. I suppose (tho' you do not mention it) that you have wrote to me before relative to the letters I sent you by the January mail; perhaps by Sparks, who is not yet arrived. I wait impatiently for the arrival of the April packet, and do not think it proper to convene the Assembly till I have answers to some Letters I have wrote to the Ministry.

Mr. Galloway¹ has sent me (agreeably to your desire) copies of the clauses added to the last Mutiny Act.² I am very glad that they have passed, as I am convinced our Assembly would not have receded from the former mode of providing Necessaries for the Troops in quarters; and, consequently, altercation and confusion must have ensued.

¹ Joseph Galloway, the eminent lawyer, of Philadelphia, Speaker of the Penn. sylvania Assembly, 1765-74, member of the Continental Congress, 1774, up to which time he had been zealous in the popular cause. But in 1776 he joined the British, and in 1778 went to England, where he died in 1803. A full sketch of his life is given in Sabine's *Loyalists*, I., 453; a sketch is also given in *Works of Benjamin Franklin*, VII., 276.

² The annual military appropriation bill passed by Parliament is called the "Mutiny Act."—*May's Constitutional Hist. of England*, II., 490.

I have wrote Col. Croghan¹ what you mention concerning his affair. I hope the application will be attended with success.

Capt. Trent² met with some unexpected delays, but I suppose is by this time arrived in England. I hear that Sir Wm.³ has a letter from Lord H.,⁴ mentioning that his Maj'y entirely approves of all the Transactions

¹ Col. George Croghan, an Irishman, was for many years a prominent figure on the frontiers, having great influence with the Indians. In 1763 he was sent to England by Sir William Johnson, to urge upon the Ministry the importance of settling the frontier boundary, and he was present at Fort Stanwix when that matter was arranged. At the same time and place he secured from the Indians a tract of 100,000 acres, and was a leading spirit in forming the Ohio Land Company, in which Governor Franklin, Benjamin Franklin and Samuel Wharton were deeply interested. He died at Pasayunk, Penn., in 1782.—*N. Y. Col. Docs.*, VII., 982-3; *Works of Franklin*, IV., 233, 302; VII., 355; *Hist. of the Mission of the United Brethren among the Indians of North America*, London, 1794, III., 58, 60; *Penn. Col. Records*, and *Penn. Archives*, passim—[W. N.]

² Captain William Trent was the youngest son of William Trent, Chief-Justice of the New Jersey Supreme Court, November 23, 1723—December 25, 1724. He was born in Lancaster, in 1715, and turned his attention to business in preference to books. He engaged in the Indian trade, learned the Indian language, and acquired over the dusky denizens of the frontiers a commanding influence, which he exercised for many years in the interest of peace. When Pennsylvania raised 400 men in 1746 for service in reducing Canada, the command of one of the four companies was given to William Trent, while William Franklin, then a lad of sixteen years, was ensign in another company. It was doubtless in this expedition that the two men formed or at least cemented a friendship which was to last for thirty years.—2 *Penn. Archives*, II., 489. Capt. Trent did gallant service in this expedition, and on his return in December, 1747, received the thanks of the Pennsylvania Assembly. During the next twenty years he was continually on duty on the frontiers, and in 1753 started a fort where Pittsburgh now is. Having become impoverished by frequent depredations of the Indians, the friendly chiefs of the Six Nations at the Treaty at Fort Stanwix, in 1768, granted to Trent and Samuel Wharton and their associates a tract of 3,500,000 acres of land. The King demurred to confirming the grant, and early in 1769, as above intimated by Governor Franklin, Trent sailed for England, and succeeded in getting the King's signature. The Ohio Company disputed the claims of the grantees to some of the lands, and the Revolution came on and extinguished the claims of both parties before their dispute was settled. Capt. Trent returned to America in the spring of 1775 (*Hist. Mag.*, I., 85-6), and resumed his residence at Trenton, where he had lived before going to England, and where his family had dwelt during his long absence. In 1784 he returned to Philadelphia, where he resided until his death, in 1787. During all these years he was frequently on the frontier, engaged in treaty-making with the Indians, and in looking after the interests of his Indiana Company. Some of his descendants have occupied prominent positions in New Jersey.—*Genealogy of Early Settlers of Trenton*, by Rev. Eli F. Cooley, Trenton, 1883, 283-291; *Penn. Col. Records* and *Penn. Archives*, passim; *Journal of Capt. Wm. Trent*—[W. N.]

³ Sir William Johnson.

⁵ Lord Hillsborough.

of the Treaty,¹ so that I imagine that Capt. Trent will meet with no difficulty in his application. Indeed, it is necessary to our friend W.'s² affairs that he should finish his Business in England in a short time, for those with whom he has left the care of his affairs find a good deal of difficulty in keeping matters quiet with some of his Creditors during his absence.

I have entered far into the spirit of Farming, and have lately made a considerable addition to my Farm on very reasonable terms. It is now altogether a very valuable and pleasant place. I must beg of you not to omit sending me the *drain-plough* I wrote to you for, invented and made by Wm. Knowles, at Newport, in the Isle of Wight. I observe by his Advertisement that he is to be heard of at Mr. Bailey's, Register of the Society for the Encouragement of Arts. I likewise want a *Rotheran or Patent Plough*, as it is called. There is a draft of one in Mill's Husbandry and in the Select Transactions of the Edinburgh Society, but can't get our workmen here to make one by it. They understand the making of no other Ploughs but what are in common use here. I was thinking to request Knowles to make me one of this kind also (as he advertises making all sorts of Ploughs on the best mechanical Principles); but since I have learnt that he lives in the Isle of Wight, I am at a loss to know how it or the Drain-Plough can be sent without a great Expense, as I believe none of our Vessels in the time of peace touch at Portsmouth, and to send it to London (if by land) will make it come very dear. If, however, there are opportunities of sending them by water to London, or some other Seaport whence vessels sail to Philad'a, the expence may not, perhaps, be worth minding. •

I have not yet seen Mr. Caiger, who was recommended to you by Mr. Small and Mr. More, nor heard

¹ The Treaty at Fort Stanwix.

² Samuel Wharton ?

of his arrival in America. Should it be in my power to serve him in what he requests, I shall readily do it.

Mr. Morgan, our Secretary, is in Canada. I had a very polite letter from him last week, in which he mentions his intention of being here some time this month or the next. Mr. Reed, our Dep'y Sec'y, has, I understand, let his House in Trenton, and intends soon for England, to marry De Berdt's Daughter.¹ He has not, however, mentioned his intention to me, and perhaps will not think it necessary. He never comes here but at the time of the Courts, leaving his Business of Secretary entirely to Clerks, both here and at Amboy. Mr. Morgan intimates as if he had a design of changing his Deputy, but it is a matter I don't choose to interfere in; all that I shall desire is, that whoever he appoints may be obliged to reside here, and may be properly qualified to execute the Business.

Public Affairs remain much the same on this side of the water as when I wrote to you last. The Members of the New York Assembly are differing greatly among themselves. Col. Schuyler and Mr. Walton² went out to fight a Duel, but thought better of the matter when they got on the ground, and settled their differences amicably. Col. Lewis Morris is expelled for not being a Resident of the Borough of West Chester, for which he was elected, though he has a considerable Estate in the Borough. Mr. Livingston, their late Speaker, is like to be expelled on the same account. By the Resolves of the House, they allow non-residents have a right to elect, but not to be elected. Parties run very high among them.

The Boston Writers have attacked Gov'r Barnard on his Letters and on his being created a Baronet.³

¹ See *ante*, p. 5, note.

² Query: Col. Philip Schuyler and Jacob Walton (?). Both were members of the New York Assembly in 1769.

³ See N. J. Archives, IX., 23, note.

They worry him so much that I suppose he will not choose to stay much longer among them. There is a talk that a new Governor is shortly to be appointed. Many of the principal people there wish you to be the man, and say that you would meet with no opposition from any party, but would soon be able to conciliate all differences.

Our Supreme Court is sitting, and I am a good deal engaged and hurried.

Betsy joins me in duty. I am, as ever,
 Hon'd Sir, your dutiful Son,
 WM. FRANKLIN.

Order in Council disallowing the bill passed in New Jersey "For Making Current £100,000 in bills of Credit."

[From P. R. O. America and West Indies. Vol. 108.]

AT THE COURT AT ST JAMES'S THE 26TH DAY OF
 MAY 1769.

PRESENT

The King's most Excellent Majesty

Lord President Earl of Hillsborough

Lord Privy Seal Viscount Weymouth

Earl of Rochford Viscount Barrington

Whereas there was this Day read at the Board a Report from a Committee of the Lords of His Majesty's most Honorable Privy Council dated the 8th instant in the Words following, viz^t:

"Your Majesty having been pleased by Your Order
 "in Council of the 3^d Instant to refer unto this Com-

“mittee a Representation from the Lords Commissioners for Trade & Plantations, setting forth that “they have had under consideration a Bill passed by “the Council & Assembly of Your Majesty’s Province “of New Jersey, “For making Current One hundred “thousand Pounds in Bills of Credit” “Whereupon “they humbly beg leave to represent to Your Majesty, That this Bill, which for the reasons set forth in the Preamble, was passed by the Council & Assembly of New Jersey for the purpose of emitting one hundred thousand Pounds in Bills of Credit upon Loan Enacts, that the said Bills of Credit should pass Current in the above Province for the several Sums for which they shall be struck thereby importing that the same shall be received within this Province as a Legal Tender in Payments of Money; From which without instancing any other objection it is obvious that the above Bill in its present form cannot be allowed to pass into a Law as being contrary to an Act of Parliament passed in the fourth Year of Your Majesty’s Reign, for preventing paper Bills of Credit thereafter to be issued in any of your Majesty’s Colonies or Plantations in America from being declared to be a legal Tender in Payment of Money; But as Your Majesty’s Governor of New Jersey strongly represents the necessity of An Act of this nature free from the objection above stated, & therefore prays to receive Your Majesty’s Instructions thereupon before the next Meeting of the Council and Assembly at which time he expects they will pass such another Bill, and press for his Assent, the said Lords Commissioners do, for these reasons, humbly recommend to Your Majesty to signify to Your said Governor, in case the actual necessity of emitting Bills of Credit upon Loan to the high Amount now proposed, can be made to appear, & provided care be taken effectually to observe the restriction of the Act of Parliament prohibiting such

Bills to be deemed a legal tender; that no objection occurs why an Act of Assembly under proper limitations should not be allowed to be passed for the purposes above mentioned; but as many regulations may be found necessary when a measure of this consequence shall come under consideration which cannot now be pointed out and described, the said Lords Commissioners would humbly propose to Your Majesty that Your Governor of New Jersey should be expressly restrained from assenting to any proposals for the above purposes whereby the same may be carried into effect without reference to Your Majesty's approbation; for which end the said Lords Commissioners would humbly recommend that he should be directed either to transmit them, (as in the present instance,) in the form of a Bill, or if the same shall be passed into an Act, to take care that a Clause shall be inserted therein suspending it's execution 'till Your Majesty's Pleasure thereupon can be obtained. The Lords of the Committee in obedience to Your Majesty's said Order of reference, this day took the said Representation & Bill into Consideration, & do agree humbly to report, that it may be adviseable for Your Majesty to disallow the said Bill, & to issue such directions to Your Governor of the Province of New Jersey as is above proposed by the said Lords Commissioners for Trade & Plantations.

His Majesty taking the said Report into consideration is pleased with the advice of his Privy Council to approve thereof and accordingly to declare His disallowance of the said Bill; and to order as it is hereby ordered, that if the Council & Assembly at the next meeting shall pass another Bill to the same effect and press for the Governor's assent he do not on any account give his assent to any proposals whereby the same may be carried into effect without reference to His Majesty's approbation; But in case the actual

necessity of emitting Bills of Credit upon Loan to the high amount of £100,000, can be made to appear and provided effectual Care be taken that such Bills of Credit shall not be deemed a Legal Tender in payment of Money, His Majesty doth hereby further order that the Governor do either transmit such proposals as he may receive from the Council & Assembly for that purpose in form of a Bill (as in the present instance) or in Case the same be passed into an Act, that he do take care a Clause be inserted therein, suspending the execution thereof until His Majesty's pleasure thereupon can be obtained.

Whereof the Governor or Commander in Chief of the Province of New Jersey for the time being, & all others whom it may concern are to take notice & govern themselves accordingly.

STEPH. COTTRELL.

*Letter of acknowledgment from Gov. Franklin to the
Earl of Hillsborough.*

[From P. O. America and West Indies, Vol. 174 (192).]

BURLINGTON, N Jersey, July 18th 1769.

To The Right Honorable the Earl of Hills-
borough, &c &c

My Lord,

I am honoured with your Lordship's Letter of the 13th of May, inclosing the King's gracious Speech at the Close of the last Session of Parliament. The Sentiments express'd by His Majesty relative to the Measures which have of late been pursued in North America will I hope answer the good Purposes intended. But I am fully convinced that the Assurances

given by your Lordship, that the present Administration have no Design to propose to Parliament to lay any further Taxes upon America, and that they intend to propose in the next Session to take off the Duties upon Glass, Paper & Colours, cannot fail to produce the most Salutary Effects.

His Majesty may have the firmest Reliance, that Nothing on my Part shall be wanting to remove the Prejudices which may remain on the Minds of His Subjects within this Government, and that it shall be my constant Endeavour, as it has hitherto been, to promote those Sentiments of Duty, Confidence and Affection which are so necessary to the Honour, Welfare, and Happiness of the whole British Empire.

I have the Honor to be, with the greatest Respect,

My Lord, Your Lordship's

most obedient, & most humble Servant

W^m: FRANKLIN

*Statement of the Claim of New York vs. New Jersey,
in relation to Boundaries.*

[From N. Y. Col. MSS., in Secretary of State's Office, Albany, Vol. XCVI., p. 130.]

A Plain and full state of the Demands & Pretensions of his Majestys Colony of New York against the Proprietary Colony of New Cæsaria or New Jersey (respecting the Boundary Line to be settled and ascertained between the said two Colonies) for the Honourable his Majestys Commissioners appointed by Letters Patent under the Great Seal of Great Britain bearing date the seventh day of October in the seventh year of the reign of his Majesty George the third for ascertaining, settling and de[termining] [the] Boundary Line between the said two [Colonies] prepared by us the subscribers nominated as Agents by Act of

Assembly of the Colony of New York, and to be exhibited to the Said Commissioners at their first meeting appointed as in and by the said Commissioners is directed to be held at the City of New York on the Eighteenth Day of July in the year of our Lord one thousand seven hundred and Sixty Nine Viz^t

1st His late Majesty King Charles the Second being in right of his Crown of England seized of the sovereignty Seignory and Property of the Southeastern Coast of North America from the Southwest Cape of Delaware Bay commonly called Cape Henlopen as far as and * * * Connecticut River and the Lands extending * * * the said Coast into the Country as far back as * * * first springs Heads or Sources of Delaware River Hudsons River and Connecticut River except such parts thereof as may have been granted by the Crown if any such had been granted did by his Letters Patent under the great Seal of England bearing date the twelfth day of March in the sixteenth year of his reign 166 $\frac{3}{4}$, give grant and ratify and confirm in fee simple unto his Brother James Duke of York afterwards King James the second of England among other Tracts in the said last mentioned Letters Patent Mentioned and described—"All that Island or Islands "commonly called Matawacks or Long Island situate "and being to the West of Cape Cod and the Narrow "Higgansets and butting upon the main Land—between the two Rivers there called and known by "the names of Connecticut and Hudsons River * " * * *with the said River called Hudsons "River * * * from the West side of "Connecticut River * * * side of "Delaware Bay.*

2^{dly}. The said James Duke of York thus seized of the premises granted by the said Letters patent of King Charles the second by Lease and Release dated

the twenty third and twenty fourth Days of June in the sixteenth year of the reign of King Charles the second did grant in fee to John Lord Berkley Baron of Stratton and to sir George Carteret of Saltrum as Tenents in Common in Equal Moities “All that Tract
 “of Land adjacent to New England and lying and
 “being to the Westward of Long Island and Manhat-
 “tens Island and bounded on the East part by the
 “main Sea and part by Hudsons River and hath upon
 “the West Delaware Bay or River and extending
 “Southward to the main Ocean as far as Cape May
 “at the mouth of Delaware Bay *and to the Northward*
 “*as far as the Northermost Branch of the said Bay or*
 “*River which is in forty one degrees and forty Min-*
 “*utes of Latitude* and crosseth over thence in a
 “straight line to Hudsons River in forty one Degrees
 “of Latitude.”

3^d. The Dutch who it is well known were at the time of the grant of the said Letters Patent and Lease and Release, in Possession of that Part of the Territories thereby granted to which the line in controversy can have any relation surrendered the same on the twenty seventh of August 1664 to Coll. Nichols appointed the Dukes Governor of his Territories in America which Territories were Confirmed to the Crown of England by the third Article of the Treaty of Breda in 1667 and afterward in 1673 in the war between England and the United provinces were repossessed by the Dutch and were finally surrendered & Confirmed to the Crown of England by the Treaty concluded with the United Provinces at Westminster the Ninth of February 167 $\frac{1}{2}$. Therefore the said James Duke of York to remove all Doubts (concerning the Operation of the aforesaid Letters Patent from King Charles the Second to him) that might arise from the aforesaid possession of the Dutch and their aforesaid Surrender to the Crown of England by the

Treaty of Westminster obtained other Letters Patent under the great Seal of England bearing Date the twenty-ninth Day of June in the twenty sixth year of his Majesty's, reign anno 1674 whereby Charles the second grants to him in totidem verbis as in the afore-said Letters Patent of the twelfth of March in the sixteenth year of his reign.

4th. On the twenty eighth and twenty ninth Days of July 1674 (John Lord Berkley being then dead) Sir George Carteret to remove the like Doubts as to his Interest under the above mentioned Lease and Release from the Duke of York to the said Lord Berkley and Sir George Carteret and to vest himself with the greatest Part of New Jersey *in severalty* procured a Lease and Release of the last mentioned dates to be executed by the Duke of York to him for Parcel of the Lands granted by the said first mentioned Lease and Release thereby to Vest him with the said parcel in severalty in fee simple under the following description to wit
 "All that Tract of Land adjacent to New England and
 "lying and being to the Westward of Long Island
 "and Manhattens Island bounded on the East
 "part by the Main Sea and part by Hudsons
 "River and Extends southwards as far as a cer-
 "tain Creek called Barnegat being about the Mid-
 "dle between Sandy point and Cape May and bounded
 "on the west in a Straight Line from the said Creek
 "called Barnegat to a certain Creek in Delaware
 "River Next adjoining to and below a certain Creek
 "in Delaware River called Kaukokus Kill and from
 "thence up the said Delaware River To the Norther-
 "most Branch thereof WHICH is in forty one Degrees
 "and forty minutes of Latitude.

5th. James Duke of York on the Demise of of King Charles the second on the sixth day February 1684 succeeded to the Crown by the Stile and Title of King James II. of England and Vth of Scotland.

6^{thly}. By this Succession his Title as a grantee of all the Lands which remained (of those that were granted to him by the aforesaid Letters Patent from King Charles the second after the execution of the said two sets of Leases and Releases by him) Merged in his Crown right and from the time of the said succession he and his Royal successors Kings & Queens of England and Great Britain have in right of their Crown Stood seized of the Sovereignty Seignory and Property of all the said remaining Lands as Parcels of the colony of New York excepting the property of such Parts thereof as have been granted to divers Subjects under the great Seal of the Colony of New York and such other parts thereof as have by settlement fallen within the Colony of Connecticut.

7^{thly}. Besides those Lands which (Exclusive of what may have passed by the said two sets of Leases and Releases and exclusive also of the said Lands fallen within the Colony of Connecticut as aforesaid) were granted by the said two Letters Patent of King Charles the second to the said Duke of York. The Colony of New York has always been deemed and Esteemed to Extend Northward without Limitation so as to include within its confines and Territories all the Lands that are not included in either of the Colonies of Connecticut or Massachusetts Bay or New Hampshire on the one side or the Colonies of New Jersey or Pennsylvania on the other side. Therefore

8^{thly}. All the Lands which are included in the Colony of New York as herein is immediately above described which have not been granted away to subjects by Letters Patent under the Great Seal of the said Colony of New York do now vest in point of sovereignty seignory & Property in his Present Majesty King George the third.

9^{thly}. All the Lands which by virtue of the aforesaid two sets of Leases and Releases from James Duke of

York Constitute the Colony of New Jersey do now in point of Seignory and Property wholly and Exclusively vest in the Heirs or assigns of the said John Lord Berkley and Sir George Carteret or one of them the sovereignty thereof only being in his Present Majesty, as by the first distinction hereafter mentioned will appear; and

10^{thly}. To Explain what we understand by the Terms Sovereignty Seignory and Property in the 8th & 9th Points we observe that by Sovereignty we mean the supream and Sole Government and Dominion vesting in his Majesty in the right of his Crown By Seignory the right to rents reserved Escheats forfeitures &c. and by property the exclusive right of possession and use in Lands which enables the owner to dispose of them as he pleases

11^{thly}. The Latitude of forty one Degrees of Hudson's River was undoubtedly intended as a Station in the boundaries of the Two above mentioned sets of Leases and releases from James Duke of York (under one or both of which the Proprietaries of New Jersey are supposed to Claim) being by both the said Leases and releases fixed as the Stationary point of Boundary for Nova Casaria or New Jersey on Hudsons River.

12^{thly} Another Stationary Point of Boundary is clearly fixed by the said two sets of Leases and Releases on the Northermost Branch of Delaware River and a streight Line from one of the said stationary Points to the other is also expressly given by the said two sets of Leases and releases *as and for the Northern Boundary* of New Jersey, therefore—

13^{thly}. All the Lands lying to the Northward of the said Northern Boundary are Clearly included within his Majesties Colony of New York But.

14^{thly}. The Course of the Line or boundary is (as we conceive) the Matter in Controversy and the Subject

Matter of His Majestys Royal Commission upon which the following Question arises to wit—From what point on Delaware to the Latitude of 41° on Hudsons River was the said Straight Line of Boundary expressed in the said several Grants' from the Duke of York to the Proprietors of New Jersey intended to run—In order to the proper determination of this Question we conceive it Necessary in reference to the said Line or Boundary upon which the Question arises to take the following Distinction in stating the Claim and Pretentions of the Colony of New York against the Colony of New Jersey to wit—

1. That tho with respect to the sovereignty of both Colonies his Majesties Interest stands Indifferent in the present Controversy. and tho also his right of seignory as the Chief Lord or Lord Paramount to the Proprietaries of New Jersey is equal as to its Nature with his seignory in the Colony of New York as to the Lands therein already granted or hereafter to be granted yet in point of Value it is vastly inferior in the Colony of New Jersey to what it is and may be in the Colony of New York a certain small Sum in Gross being payable (as appears by the said two releases) as the Chief Rent for all the Colony of New Jersey whereas the Quit Rents being reserved on each particular patent in the Colony of New York are or may be of Much greater Value as they will be increasing in Value in proportion to the Lands that may from time to time be granted as in the Colony of New York besides which the Government Seignory and property of all the Duke of York's Territories having passed to him by the said two Letters Patent of King Charles the second and the Government Seignory and property of the Colony of New Jersey having passed to the proprietaries thereof by the Dukes said Grants to the said proprietaries and they having surrendered to the Crown Nothing more than the Government of the said

Colony (which surrender was made to Queen Ann on the 22^d April 1702 by William D¹ * * * * in the name and Behalf of the Proprietors of East New Jersey and by Sir Thomas Lane on the Part and behalf of the Proprietors of West Jersey.) all Escheats for forfeitures &c. by the under tenants of Land in that Colony must enure to the benefit of the proprietaries in whom the Seignory of the said Colony now is whence it follows that in point of Seignory the Crown is interested on the part of the Colony of New York against the Colony of New Jersey—

2^{dly} That in point of Property the Crown has not the least imaginable Interest in the Colony of New Jersey Whereas his Majesty is or may be in point of Property greatly interested on the part of the Colony of New York in respect of such Lands as remain ungranted by the Crown within that Colony. Under the Influence of of those two distinctions and the operation of the above stated Train of Facts—which precede them we state the Claim and pretensions of the Colony of New York against the Colony of New Jersey as follows that is to say.

1st. The Stationary Point or Boundary on Hudsons River being intended to be fixed by the Grants above-mentioned from the Duke of York to the Proprietaries of New Jersey in forty one Degrees of North Lattitude We in behalf of the Colony of New York and in respect to the King's Seignory and in Case it should be determined that Stations were not fixed in the year 1686 so as to bind all parties do Claim as boundary between the Colony of New York and the Colony of New Jersey a Straight and direct Line from the Latitude 41°, 00', on Hudsons River to the Head of Delaware Bay which we assert to be at Ready Island a Spot

¹ The surrender was made by William Dockwra and forty-one associates on April 15, 1702, and was accepted by Queen Anne in Council, April 17, 1702.—*Grants and Concessions*, 615-7.

well known and distinguished in all the Accurate Maps of the Country and such Line we Contend is the rear Line of the Tract that was granted by King Charles the second to James Duke of York because that the words of both of the above Mentioned Patents to the Duke of York. are "All the Lands from the West side of Connecticut *River* to the East side of Delaware *Bay*" and therefore Can not by any possible Construction admit of an extent of land beyond the *Head of the Bay and along the River*, Delaware *Bay* and *River* things as Geographically different as *River* and Ocean whence we insist that whatever may be the boundary intended by the several grants from the Duke of York to the Proprietaries of New Jersey; Yet the Operation of those Grants must necessarily be confined to the bounds assigned to him by his Patents from the Crown. But

2^d If against the Letters of those Patents it were Possible to conceive that all the Lands between Delaware Bay and River on the one side and Connecticut River on the other up to their respective sources passed to the Duke of York yet we Contend that even in such Case the Boundary in Construction of the Dukes several aforesaid Grants to the Proprietaries of New Jersey would be a direct Line *from* the Stationary Point on Hudsons River *to* the Spot or place which is now Commonly called the Forks of the Delaware or which is the same thing that Course reversed.

This Construction we will support first by intrinsic Evidence in the words of those Grants and secondly by extrinsic proof Drawn from Different Quarters.

1st From the words of those grants tho' certain Degrees of Latitude are therein mentioned as well on Delaware River as on Hudsons River yet the words *to Hudsons River in forty one Degrees of Latitude* plainly and necessarily import that the Latitude itself on Hudsons River was to be the Boundary but the

words in the same grants that respect the Boundary on Delaware are of quite Different Frame they are up the said River Delaware in the one *as far as* and in the other to the Northermost Branch thereof which necessarily import that the beginning of the Northermost Branch of Delaware is the Boundary there and that the words, *which is in forty one Degrees & forty Minutes* (being relative Terms and plainly referring to *which Northermost* or Beginning of the Northermost Branch) are added as descriptive of the beginning of the Northermost Branch or the spot where the Boundary was intended to be; and therefore the beginning of the Branch and not the Latitude being intended to be the Boundary and the Latitude being only descriptive if such Latitude was mistaken in the description and the Beginning of the then esteemed Northermost Branch can be shewn that and not the True Latitude must be the Boundary; and Therefore

2^d Our extrinsic Proofs will be calculated to shew that the beginning of the Northermost Branch of Delaware in the estimation and intention of the Duke of York and his grantees was at the Place now called the York of the Delaware—These extrinsic Proofs we Shall introduce Principally under the influence of this observation to wit that considering the Dates of the Grants from the Duke of York to his grantees considering also that both grantor and Grantees were in England at the time of those Grants they must have been framed not by actual observations & mensurations on the spot but from a View of maps which maps must (considering the above mentioned possession of the Country by the Dutch) have been Antient Dutch Maps or Maps compiled from them by the English.

Having thus stated our demands and pretensions against New Jersey as far as respects the Seignory and property of the Crown to consist either in a line running on a Course from the given Latitude on Hud-

sons River to the Forks of Delaware until such a line Intersects the above mentioned line from the Head of Connecticut River to the Head of Delaware Bay and from the said place of Intersection along the last mentioned line to the Head of Delaware Bay or in a straight line from the given Latitude on Hudsons River to the Forks of the Delaware We proceed to state the Quantum of the Seignory and property in the Crown which is affected by this Controversy and this we shall do by showing that a Vast Body of Land lying upon Either of those suppositions within the Colony of New York still remains Vested in point of property in the Crown

To s'pport this we insist and shall prove that in the Year 1686 East and West Jersies being then distinct Governments they in Conjunction with the Government of New York fixed and agreed upon a Station on the West side of Hudsons River Due West of Frederick Philips's lower Mills, which to this Day are standing on the East side of the said River which Station was then esteemed to be in the Latitude of forty one Degrees on Hudsons River and also another Station on Delaware River at certain Marked Trees and that a straight line from the said Station so fixed on Hudsons River to the said Trees had such line been actually run would have been on a Course North sixty two Degrees West according to Natural position and that in reference to those stations and the said necessarily supposed Line from the one to the other of them all the patents within this Colony that are expressly or implicatively bounded on the Line of Partition are Limited and as far Southward as those Stations this Government has uninterruptedly exercised its Jurisdiction until of Late Years a considerable tract of Country near and about Minisink was by Violence on the part of New Jersey torn from the Jurisdiction of the Colony of New York.

These facts we shall prove by a great Variety of evidence Extracted from Ancient Maps Public Records and act of Legislatures of both Colonies and the testimony of Witnesses whensoever the same shall on a reasonable Day to be fixed by the Commissioners be required.

Letter of Acknowledgment from Governor Franklin to the Earl of Hillsborough—He fears the evil effects of the action of the Assembly of South Carolina.

[From P. R. O. America and West Indies, Vol. 174 (192).]

BURLINGTON, Sept^r 27, 1769

The Right Hon^{ble} the Earl of Hillsborough.

My Lord

I am honoured with your Lordships Letters N. 19, & 20. The first containing His Majesty's Directions in respect to the Bill for making current One hundred Thousand Pounds in Bills of Credit; and the latter enclosing an Additional Instruction concerning Lotteries both which I shall be careful to observe.

By Advice of the Council I have summoned the General Assembly to meet here on the 10th of next Month. I shall omit nothing in my Power to keep them in a proper Temper, and to induce them to grant a farther Supply for the Support of the King's Troops in this Colony: But I am not without some Apprehensions that the late Resolves of the Assembly of South Carolina, wherein they refuse to make any such Provision, & declare that those Expences ought to be defray'd out of the Revenue arising from the American Duty Acts, while those Acts continue in Force, will

have an ill Effect on the Minds of the Assembly of New Jersey, and occasion them to act in the same Manner.

I have the Honour to be, with great Respect,
My Lord, Your Lordship's
most obedient & most humble Servant
W^m: FRANKLIN

Letter from Governor Franklin to the Earl of Hillsborough, announcing the death of Mr. Ashfield, a member of the Council, and recommending three persons as fit to fill the vacancy.

[From P. R. O. America and West Indies, Vol. 174 (192).]

BURLINGTON Oct^r 5, 1769:

The Right Hon^{ble} the Earl of Hillsborough, &c.

My Lord,

Mr Ashfield, one of His Majesty's Council for this Province, died last Week, after a long Indisposition.¹ I take the earliest Opportunity to acquaint your Lordship with this Circumstance, and at the same Time beg leave to recommend William Bayard, Esq^r to Sup-

¹ Lewis Morris Ashfield was the oldest child of Richard Ashfield and Isabella, daughter of Governor Lewis Morris. His father (bap. Dec. 15, 1695; will proved July 27, 1742), was the fourth child of Richard Ashfield, who was a nephew of Thomas Hart, one of the twenty-four East Jersey Proprietors, and came to America about 1683.—*N. Y. Gen. & Biog. Record*, January, 1875, 21; *Elizabeth-Town Bill in Chancery*, 11, 83. He was admitted to the New Jersey bar, May, 1746, and eight years later was licensed as Sergeant.—*Vroom's Sup. Ct. Rules*, 1885, 54, 58. Doubtless through the influence of his uncle, Robert Hunter Morris, Lewis Morris Ashfield was recommended, March 26, 1751, by the Lords of Trade, for appointment to the Council of New Jersey, which gave rise to a long and acrimonious controversy with Governor Belcher. Ashfield got into a discreditable street encounter, for which he was indicted in August, 1751, but was acquitted in the following March. However, Governor Belcher on this and other pretexts kept him out of his seat in the Council until April, 1753.—*N. J. Archives*, VII., VII., Part I, passim. He was continued in office under successive Governors.—*Ib.*, 41, 274.—[W. N.]

ply the Vacancy occasioned by Mr Ashfield's Death. His Character & Abilities are such as will do credit to that Station, and tho' he at present resides at New York, yet he assures me that it is his Intention to remove into this Province, where he has a very considerable Estate. But as my Instructions require that I should, on these Occasions, transmit the Names of Three Persons whom I esteem best qualified for that Trust, I therefore recommend as such William Kelly, Esq^r: a Gentleman now in England, who has a large Estate in this Province on which he proposes to reside when he returns to America, and Michael Kearney, Esq^r a Gentleman who has a Commission in His Majesty's Navy, but resides at present on his Paternal Estate in Monmouth County, and is related to some of the principal Families in the Colony. Their Characters and Qualifications are unexceptionable, and I think it will be for His Majesty's Service if they should all acquire Seats in the Council as Vacancys may happen, tho' I am induced to request that on this Occasion a Preference may be given to Mr Bayard.

I have the Honor to be, with great Respect, •

My Lord, Your Lordship's most obedient

& most humble Servant

W^m FRANKLIN.

*Deputization of Charles Pettit to be Deputy Secretary
of the Province of New Jersey.*

[From Book AB of Commissions, Secretary of State's Office, Trenton, fol. 37.]

To all to whom these Presents shall come Maurice Morgann of parliament Street Westminster now in New Jersey Esq. sendeth Greeting, Whereas His present Majesty by his Letters Patent under the Great Seal of Great Britain bearing date at Westminster the

eighteenth day of June in the seventh year of his Reign, did give and grant unto the sd. Maurice Morgann the Offices & places of Secretary, Clerk of the Council, Clerk of the Supreme Court, Clerk of the pleas, Surrogate and Keeper and Register of the Records in the Colony of Nova Ceesarea or New Jersey To have hold Exercise and Enjoy the said Offices and Places by himself or his Sufficient Deputy or Deputies during pleasure. Together with all Fees, Profits Priviledges and Advantages to the said Offices belonging and Appertaining *Now Know Ye* that for divers good Causes and Considerations him the sd. Maurice Morgann hereunto moving He the said Maurice Morgann hath made ordained constituted deputed and appointed And by these presents doth make ordain Constitute depute and appoint Charles Pettit' of the

¹ The Pettit or Petit family is of Huguenot origin, some of that name settling about 1650 at New Rochelle, N. Y., and others at Southold, L. I.—*N. Y. Gen. and Biog. Record*, October, 1881, 162; January, 1871, 2; *N. Y. Doc. Hist.* II., 258; *Proc. West Jersey Surveyors' Association*, 369. Charles Pettit married Sarah Reed, a half-sister of Joseph Reed; she and her three children were living with Reed in Trenton in 1766.—*Hall's First Pres. Church, of Trenton*, 75, 197. Prior to this time Pettit appears to have lived in Philadelphia, whence he wrote to his brother-in-law a spicy account of the election in 1764.—*Reed's Reed*, I., 37. When Reed was appointed Deputy Provincial Secretary he doubtless made a place at once for his brother-in-law, upon whom in time the entire duties of the office devolved. See *ante*, p. 3, and under date of May 11, 1769. When Governor Franklin commissioned Reed to be Provincial Surrogate, November 19, 1767 (*ante*, p. 8), he at the same time commissioned Charles Pettit to be one of the Surrogates of New Jersey, "accountable to Joseph Reed."—*Book AB of Commissions in Secretary of State's office*, fol. 9. Pettit studied law, and was admitted as an attorney, April 3, 1770, and as a counsellor, November 17, 1773.—*Vroom's Supreme Court Rules*, 1885, 60, 93. He appears to have acted as Governor Franklin's Private Secretary; and when the Governor removed in 1774 from Burlington to Perth Amboy, Pettit went with him, taking up his residence in the old Dr. Johnstone house.—*Whitehead's Perth Amboy*, 71. When the Governor was arrested for adhering to the Royal cause, Pettit took sides with the people, and although like many others despondent in the dark days of 1746 (*Reed and Cadwallader Pamphlets—Cadwallader's Reply*, 26), he did valuable service in behalf of the Colonies, even when harassed with anxiety for the safety of his family.—*N. J. Revolutionary Correspondence*, 47. A service of peculiar interest was the framing of new forms in English, translated from the Old Law Latin precedents, for constituting Courts of Oyer and Terminer under the new State Government.—*Ib.*, 67. The Provincial Congress on February 6, 1776, directed the records of the Secretary's office to be delivered to him, thereby virtually continuing him in office.—*Minutes*, 355. He resigned October 7, 1778, when his brother-in-law, Bowes Reed, was appointed by the Legislature.—*Minutes Joint Meeting*.

Colony of New Jersey afs^d Esq. his the sd. Maurice Morgann Deputy of and in the sd. Offices of Secretary, Clerk of the Council, Clerk of the Supreme Court, Clerk of the Pleas, Surrogate and Keeper and Register of the Records of the said Province for and during the pleasure of him the said Maurice Morgann. And the sd. Maurice Morgann doth hereby Authorize and Impower the said Charles Petit to do perform and Execute all & every such Act and Acts Matters and things as to the Duty and Offices of Secretary, Clerk of the Council, Clerk of the Supreme Court, Clerk of the Pleas, Surrogate & Keeper and Register of the Records of the said Province shall appertain or belong, or which may or ought to be done performed and Executed And Also to have receive and take all Fees dues Rights Profits priviledges and Advantages whatsoever to the same Offices or any or either of them belonging or of right appertaining thereto, or which shall arise happen or become due during such time as he shall continue Deputy in the Offices afsd. He the said Maurice Morgann hereby ratifying and Confirming all and whatsoever his said Deputy shall lawfully do or cause to be done in the premises hereby revoking and making Null and Void a Deputation heretofore given by the said Maurice Morgann to Joseph Reed Jun. of the sd. Province of New Jersey Esq. to Act in the said several Offices or Places and all & every the Powers Authorities and Priviledges therein contained *In Witness* whereof the sd. Maurice Morgann hath hereunto set his Hand and Seal this twenty seventh

He had meantime been appointed Assistant Quarter-Master-General of the Continental army, in which capacity he was zealous and efficient until the close of the war. He then took up his residence in Pennsylvania, was elected to the Assembly, and while in that body was chosen by the Legislature April 7, 1785, to represent the State in Congress, being re-elected November 11, 1785, and again in November, 1786, rather against his will, he says.—*Penn. Archives*, X., 437, 534; XI., 267. In 1790 he was again pressed into the public service, being chosen to present to Congress the claims of Pennsylvania for compensation for money expended during the war.—*Penn. Col. Records*, XVI., 387, 411, 540, 545; *Penn. Archives*, XI., 708.—[W. N.]

day of October in the tenth year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. and in the year of our Lord One thousand seven hundred and sixty nine.

MAURICE MORGANN [L. S.]

Sealed and Delivered in the presence of us F. W. Smyth Chief Justice of New Jersey,

JAMES PARKER.

Be it Remembered that on the third day of November 1769 Charles Pettit in the within Deputation named appeared before me Frederick Smyth Esq. Chief Justice of New Jersey and took the Oaths and made and subscribed the Declaration according to Law and also an Oath for the due Execution of the Offices within mentioned, which I administered to him by virtue of a *Dedimus Protestatum*.

F. W. SMYTH.

Letter from Committee of the Assembly to Dr. Benjamin Franklin, notifying him of his appointment as Agent of the Colony.

[From New Jersey Historical Society Manuscripts.¹]

BURLINGTON, Dec. 7th, 1769.

Sir

The House of Representatives of this Colony on the 8th of last month unanimously chose you their Agent in London, and appointed us to correspond with you on the affairs of the colony. The Resolve of the

¹ This letter is also to be found in N. J. Hist. Soc. Proc., May, 1866, 168-70; in Works of Benjamin Franklin, VII., 460; and in "Letter to Benjamin Franklin," 46. It is here printed from a contemporaneous copy, presented to the Society in 1866 by William Duane, Esq., of Philadelphia, and compared with the copies elsewhere printed, as above.—[W. N.]

House by which you were appointed Agent, his Excellency will transmit to you properly attested.

To a Gentleman whose inclination to serve the Colonies, we believe equal to his knowledge of their true interests, much need not to be said to induce an attention to American concerns in the ensuing Sessions of Parliament, and the confidence the House have in the assurances of His Majesty's ministers that they will use their endeavours for the repeal of the Revenue Acts, and that those endeavours will be successful, renders any particular direction to you on this head unnecessary, but we could wish His Majesty's faithful American subjects to stand in their true point of light before him that no doubt may remain of their loyalty and firm attachment to his Royal person and government.

We are directed by the House to desire you will apply to the proper offices and solicit His Majesty's assent to the Bill for Septennial Election of Representatives and the Bill for giving the Counties of Morris, Cumberland, and Sussex a right to choose Representatives in the Assembly, transmitted in 1768. The Province is very solicitous for a confirmation of these laws and we must desire you will use your influence to obtain the Royal Assent to them as soon as possible. Another Bill in 1765 was transmitted for amending of the practice of the law, which the House would rather choose should not have the Royal Assent, as a Bill they like better has been passed by the House this Session, which although the Governor could not pass, yet he has, upon a Message from the House, promised to ask his Majesty's permission to give his assent at a future session.

His Excellency, our Governor, will transmit for his Majesty's Royal Approbation an Act of Assembly passed this session for making current One Hundred Thousand Pounds in bills of credit, to be let on loan

at five per cent. The particular distress of this Province for want of a currency, and the little prospect of being able to obtain a Bill very soon to make the Bills a legal tender was what induced the Assembly to comply with this method, and as the funds for the redemption of the Bills are good beyond a doubt, we are under no apprehensions of any difficulty as to the bills obtaining credit and passing in lieu of money. We refer to the preamble to the bill and to your own knowledge of the propriety of the measure; and it gives us particular pleasure to intrust to your care a matter so generally desired by the people of this Colony, because you so well understand the subject and can so readily answer any objections that may be made against it.

The House have ordered a sum of money to pay the expense that may attend the getting of the Royal Assent to these Bills; and we enclose a Bill of Exchange for two hundred pounds sterling for that purpose.

The House have also passed a Bill for lending a sum of money to the General Proprietors of the Eastern division of this Province and have by a Message to the Governor informed him that they would direct their Agent by a Memorial to support the claim of this Colony before his Majesty in Council.¹ You will, from the Agent appointed by law to manage the controversy between the colonies, receive a state of the controversy and every paper necessary for you to inspect before drawing your Memorial. The House have therefore directed us to inform you that the principal motives of the House for your application to his Majesty, are

¹ "An Act to indemnify the Treasurers of this Colony for advancing certain Sums of Money to the Agents appointed by Law to manage the Controversy touching the Settlement of the Line between New Jersey and New York, and for other Purposes therein Mentioned," passed December 6, 1769. The agents were John Stevens, James Parker, Henry Cuyler, William Donaldson and Walter Rutherford.—*Allinson's Laws*, 335.—[W. N.]

1st. That justice may be done to individuals as well as the Colony in general, and altho' the House does not pretend to direct where the said line ought to be fixed, yet as the settlement of said line will in its consequences affect the Colony very sensibly, especially should any station be fixed Southward of this line solemnly settled in the year 1719, in consequence of which great numbers of people settled up to the said line and have ever since done duty and paid their taxes in this Government, should that line be altered and brought Southward, many honest and bona fide purchasers will be involved in ruin, unless his Majesty should think proper to interpose.

2d. The Injustice to this Colony will appear very great when it's considered that the line of 1719 has constantly been deemed the line of division between the Governments, and the settlers and lands up to that line have ever been estimated in the taxes; hence should the line be removed Southward this Colony that has incurred a debt of one hundred and ninety thousand pounds in the late war, yet undischarged, will be deprived of valuable settlements in paying off this debt and the burthen increased on the remainder of the Colony. From this sketch of the sentiment of the House and the papers that will be laid before you by the Agents appointed by law to manage the controversy between the Colonies, you will be able to frame a Memorial to his Majesty; but as no appeal is yet made, and only threatened, no application from you to his Majesty will be necessary until such appeal is actually made by the agents from New York. We are

Sir, with great sincerity and respect,

Your humble servants,

CORTLANDT SKINNER

HENRY PAXSON

AARON LEAMING

EBENEZER MILLER

ABRAHAM HEWLINGS,

JOSEPH SMITH.

When you write by way of New York please to direct to Cortlandt Skinner, Esq Speaker of the Assembly of New Jersey; and by way of Philadelphia to Abraham Hewlings or Joseph Smith Esqrs at Burlington.

BURLINGTON, Decr. 19th 1769.

ESTEEMED FRIEND

The foregoing is a copy of a letter wrote by the Committee of Correspondence which was forwarded by the way of Bristol. Nothing further at present than to inform the foregoing and to inclose 2nd Bill for £200 stg drawn by Garret and Geo: Meade on James Dormer Esqr in London.

I am very respectfully

Thy friend

JOSEPH SMITH.

Letter from the Earl of Hillsborough to Governor Franklin, stating that the Lords of Trade had recommended Cortlandt (Stephen) Skinner¹ to be appointed a Member of the New Jersey Council.

[From P. R. O., America and West Indies, Vol. 174 (192).]

WHITEHALL Decem^{br} 9th 1769

Governor Franklin

Sir,

On the 10th of last Month I received and laid before the King your dispatches N^s 18 & 19.

The ill effects of the Resolves of the Carolina Assembly in respect to the Mutiny Act have but too plainly

¹ Intended for Stephen Skinner, who, a few days afterwards, was appointed a member of the Council.

shewed themselves in other Colonies, and seem to justify your apprehensions that they may have the same consequences in New Jersey; The King however confides in the professions you have made of a dutifull obedience to His Commands, that you will upon this occasion use your best endeavours to dissuade the Assembly from taking any notice of these Resolves and to induce them to make such provision for quartering the Troops as the Act requires, which will be the best plea they can have for any alteration they may wish to have made in it.

I lost no time in receiving His Majesty's Commands to communicate to the Board of Trade your Letter N^o 19 recommending M^r Bayard to supply the Vacant Seat in the Council.

Their Lordships however have thought fit that the present vacancy should be filled up by the appointment of M^r Cortlandt Skinner who has long been upon their list, as a Person to whom they stood engaged for the first vacancy; at the same time I am warranted in saying that this circumstance would not have induced them without the greatest reluctance to have postponed the appointment of the Gentlemen you recommended, had it not appeared that two of them are at present not resident in the Colony; and that the other is actually of a profession that might require his attendance.

I am &c

HILLSBOROUGH.

*Letter from Governor Franklin to Secretary Pownall,
relative to the provision for the Support of the
King's troops.*

[From P. R. O. America and West Indies. Vol. 174 (192).]

BURLINGTON Dec^r 10, 1769

Secretary Pownall

Sir

I duely receiv'd your Letter of the 4th of October, informing me of Lord Hillsborough's Absence, and that my Dispatch N. 17, was received and laid before the King.—

I must beg the Favour of you to acquaint his Lordship, that the General Assembly of this Colony, which met here on the 10th of October last were on the 6th Instant prorouged after an amicable Session, in which they made the same Provision for the Support of the King's Troops as heretofore, notwithstanding Endeavors were used to induce them to follow the Example of S. Carolina in this respect.—It is not in my Power to send his Lordship the Minutes of their Transactions by this opportunity, but they are Copying with the utmost Expedition, and will, with the Laws which have been passed, be transmitted without Loss of Time.—I am with great Regard & Esteem,

Sir Your most obedient humble Servant

W^m FRANKLIN

Letter from Henry Wilmot to Committee of Correspondence, relative to a Paper Currency and the bill for Septennial Elections.

[From Skinner Papers among the manuscripts of W. A. Whitehead, Volume 2, No. 2.]

BLOOMSBURY SQUARE 12th Dec^r 1769.

Gentlemen

I have been Several times at the Board of Trade; and I find that Administration are willing to let you have a paper Currency provided it be not made a legal Tender. The Governor, I believe was directed not to pass any Bill for Paper Currency, but to transmit such Bills over here as should be tendered to him for Consideration. Your last Bill was accordingly transmitted by the Governor, and I find it was the Opinion of the Board of Trade, and they So reported to his Majesty that in the Manner the Paper Money was made Current by the Bill, it would have been a legal Tender and therefore they would not direct the Governor to pass that Bill. But an instruction is gone to the Governor that it is the Intention of Administration that Paper Currency may be permitted, provided it be not made legal Tender, and that he may Either Send over such Bills as are tendered to him for his Majesty's Pleasure, or he may take all possible Care that the Paper Money be not made a legal Tender, and pass the Bill with a Suspending Clause, so that I hope you will now have a Bill passed that will answer your purpose, and receive the Royal assent without difficulty.

The Bill for regulating the Practise of the Law must wait 'till a Counsell is appointed to the Board of Trade, to whom it must be referred.

As to the Bill for Septennial Elections, I perceive that this Bill is likely to lye some time, the Lords do'nt

think it in any Haste, as Septennial Elections they say hath been the Constant usage without it.

The Bill for choosing Representatives for the County of Morris, Cumberland, & Sussex will not be passed; The Board think there is no necessity of a Bill for it. All the members of Each County, they say, were chosen by Virtue of his Majesty's Instructions to the Governor, and his Majesty might direct his Governor to issue Writs for the Counties if he thought it right to do so. And if you apply to his Majesty by Way of Petition for this purpose Stateing the Necessity of it, and get the Governor to write his sentiments upon it to the Board of Trade, I have Reason to believe it will be granted, an Instruction sent to the Governor to issue Writs for that County.

The Bill you mention to appoint Commissioners to supply the Barracks &c was rejected, so that hath had its Effect.

I am with the greatest Honor & Regard

Gentlemen Your most faithful &

Most Obed Hum^{ble} Servt

HENRY WILMOT

*Order in Council appointing Stephen Skinner, Esq.,
to be of the Council of New Jersey, in the room of
Lewis Ashfield, Esq., deceased.*

[From P. R. O. America and West Indies, Vol. 108.]



AT THE COURT AT ST JAMES'S THE 14TH
DAY OF DECEMBER 1769.

PRESENT

The Kings most Excellent Majesty in Council.

Whereas there was this day read at the board, a Representation from the Lords Commissioners for

Trade and Plantations, dated the 13th of this instant, Setting forth, That there is a Vacancy in His Majesty's Council for the province of New Jersey, by the death of Lewis Ashfield Esquire, and that Stephen Skinner Esquire hath been recommended to the said Lords Commissioners as a person well qualified to serve His Majesty in that Station, and humbly proposing, that he may be appointed one of His Majesty's said Council in the Room of the said Lewis Ashfield Esquire deceased—His Majesty in Council approving thereof, is pleased to Order, as it is hereby ordered, that the said Stephen Skinner¹ Esquire be constituted and appointed a Member of His Majesty's said Council in the province of New Jersey, in the Room of the said Lewis Ashfield Esquire deceased; And that the Right Honourable the Earl of Hillsborough, one of His Majesty's Principal Secretaries of State, do cause the Usual Warrant to be prepared for His Majesty's Royal signature accordingly.

PHIL: SHARPE

Letter from Gov. Franklin to the Earl of Hillsborough, transmitting Chief-Justice Smyth's Memorial respecting his Salary.

[From P. R. O. America & West Indies, Vol. 175 (193).]

BURLINGTON, Dec^r 24th 1769

Right Hon^{ble} the Earl of Hillsborough

My Lord,

At the Request of M^r Smith. Chief Justice of this Colony, I transmit the enclosed Memorial to your

¹ Stephen Skinner was the second son of the Rev. William Skinner, of Perth Amboy, and Elizabeth Van Cortlandt, of New York. He was a younger brother of Cortlandt Skinner. For several years prior to 1767 he kept a "general store" at Perth Amboy, and engaged in the West India Trade. He was Treasurer of East Jersey for several years. (See *ante*, p. 37.) In April, 1775, he was elected to the Provincial Congress, but on the breaking out of the War he removed with his family to New York, and thence to England. His New Jersey property was confiscated.—*Whitehead's Perth Amboy*, 101, 111.

Lordship. The Representation he has made of the Incompetency of his Salary, and of the little Probability there is that the Assembly will make any Addition to it till he holds his Commission during good Behaviour,¹ is most certainly just, and is a Matter that I have repeatedly mentioned in my Dispatches to His Majesty's Ministers, so that I need not trouble your Lordship with any thing further, at this Time, in favour of M^r Smith's Application.

I was in hopes, at the last Session, to have prevail'd on them to appropriate a Part of the Interest Money, to arise from the Loan of the 100,000£ proposed to be struck in Paper Bills of Credit, towards making a more adequate Provision for the Support of the Officers of Government; and I urged to them that it would be a means of recommending their Law (which has a Suspending Clause) to His Majesty, and of obtaining the Royal Allowance thereto. But they declin'd complying with my Request, and the Law directs that the Money arising from it shall be disposed of by future Acts of General Assembly. However, if the King's Confirmation of the Act is refus'd, unless they will appropriate a Part of the Interest for this Purpose; and His Majesty will at the same Time be pleas'd to specify the Allowance that should be made to each Officer of Government (an Account of whose Salaries I formerly transmitted) it is not improbable but the Assembly may be brought to a Compliance, especially as there is no Method can be devised for Raising Money for the Support of Government, which will be more agreeable to the People

I wrote to M^r Pownall a few days ago desiring him to acquaint your Lordship that Copies of the Minutes & proceedings of the last General Assembly were

¹ See N. J. Archives., IX., 323-5, note.

making out, and should be transmitted to your Lordship as soon as they could be completed.

Nothing remarkable occurred during the Session, which began and ended amicably. Endeavours were indeed used to induce the Assembly to refuse (in Imitation of the Assembly of S. Carolina making any farther Provision for the King's Troops, and to adopt all the late Resolves of the Virginia Assembly but they were at length prevailed on to grant the same Supply for the Troops as heretofore, and they only concur'd in one of the Virginia Resolves, *i. e.* that respecting Tryals for Treason, &c committed in the Colonies.—

I shall do myself the Honour to write to your Lordship more particularly respecting the Laws pass'd at the last Session when I transmit them for His Majesty's Approbation.

I am, with the greatest Respect,

My Lord, Your Lordship's

most obedient, & most humble Servant

W^m FRANKLIN.

*Memorial of Chief-Justice Smyth in Gov. Franklin's
Letter of December 24, 1769.*

[From P. R. O., America and West Indies, Vol. 175 (193).]

To The Right Hon^{ble} The Earl of Hillsborough
one of His Majesty's Principal Secretaries
of State &c &c &c.

The Memorial of Frederick Smyth.

Showeth.

That your Memorialist through the Patronage of your Lordship, Lord North, Lord Hallifax and M^r Charles Townshend about Five years since was appointed Chief-Justice of the Province of New Jersey,

and from that time hath constantly been engaged in the duties of his Station; But so far from any adequate reward for his Services from this Country, he has been under the necessity to expend his own private fortune to support an appearance in some degree suitable to his Station.

That His Excellency the Governor of this Province hath repeatedly applied to the Assembly of the Colony in order to obtain a competent Salary for your Memorialist, but without any success hitherto; nor is it probable that the Assembly will make any encrease of his allowance till a Commission can be obtained for him more independent of the Crown.

Your Memorialist therefore hopes that from this representation, together with what may be subjoined by Governor Franklin, your Lordship will be pleased to exert your influence in his behalf to obtain for him such reasonable support from the Crown for his Services as may enable him to continue in this Colony to discharge the duties of his Station.

And your Memorialist shall ever pray &c &c

FRE: SMYTH.

Letter from the Earl of Hillsborough to Governor Franklin, correcting an error in a former letter in regard to the Christian name of Mr. Skinner.

[From P. R. O. America and West Indies, Vol. 175 (193).]

WHITEHALL, January 18th 1770

Governor Franklin

Sir,

Inclosed I send you the King's gracious Speech to His Parliament at the opening of the Session on the

9th Instant together with the Addresses of both Houses and His Majesty's gracious Answers thereto.¹

Allow me Sir, to correct a Mistake I made in my Letter of the 9th ultimo in the Christian Name of M^r Skinner recommended to supply the Vacancy in the Council of New-Jersey, it being M^r Stephen Skinner and not M^r Courtlandt Skinner on whom that Office has been conferred.

The King having thought fit to take the Great Seal out of the Hands of Lord Camden, it was yesterday delivered to M^r Charles Yorke, and it is His Majesty's intention that he should be immediately called up to the House of Lords.

I am &^a

HILLSBOROUGH

*Letter from Governor Franklin to Cortlandt Skinner,
relative to the riotous proceedings in Monmouth
County.*

[From the Skinner Papers among Manuscripts of W. A. Whitehead, Vol. 2, No. 2.]

NEW YORK Jan'y 28, 1770

Dear Sir

Yours of the 26th containing an Acc^t of the late riotous Proceedings at Monmouth² came to hand yesterday

¹ Said the King: "It is needless for me to recommend to the serious attention of my parliament the state of my government in America. I have endeavoured, on my part, by every means, to bring back my subjects there to their duty, and to a due sense of lawful authority. It gives me much concern to inform you, that the success of my endeavours has not answered my expectations; and that, in some of my colonies, many persons have embarked in measures highly unwarrantable, and calculated to destroy the commercial connection between them and the mother country." To which the Lords and Commons replied in terms of suitable dutifulness, the latter assuring his Majesty: "No endeavours shall be wanting on our part, to make effectual provisions against the unwarrantable measures carried on in some of Your Majesty's colonies, which are so irreconcilable to every principle of commercial subserviency to the interest of the mother country that ought to prevail in colonies, and which, by attempting to subject the highest legal authority to the controul of individuals, tend to subvert the foundation of all government."—*Dodsley's Annual Register for 1776*, 244-7.—[W. N.]

² The riotous proceedings here spoken of originated in the bitter feeling that had for several years existed against the members of the legal profession, who were charged with growing rich, while belligerent creditors and harassed debtors were

Evening. They are of so alarming a Nature that I have thought it necessary to write to the Dep^y Sec^{ry} to Summon a Meeting of the Council at Amboy on Wed^y the 7th of next Month by which Time I suppose they may be got together. I have likewise directed him to require the attendance of the Sheriff & the Justices of the County who were present at the riot, and if you think that the attendance of any others might be of Service I desire you would acquaint Mr. Bowes Read with their Names, that he may send to them at the same Time. I doubt not but the Council will be of Opinion with me that this is so audacious an Insult on Government that let the Consequences be what they may, the Offenders should be punished in the most Exemplary Manner that the Law will admit of.

becoming poor. It was claimed that law suits were multiplied at the instigation of lawyers, whose fees not only swallowed up the moneys collected by them, but brought their clients, and frequently the sheriff, in debt to them. They were denounced in no measured terms. The Stamp Act, which the lawyers had so successfully fought against, was designated as the first "Wounding and devouring serpent," but lawyers were publicly declared to be "Serpents seven times more devouring than the first, who in their daily Practice are as Private Leaches, sucking out our very Hearts Blood."—(*See Pamphlet entitled "Liberty and Property without Oppression, 1769."*) The excitement was intense. Petitions praying for relief against them were poured into the House of Assembly, where several of them were summoned to appear, and were subjected to long and tedious examinations. In only one instance was a conviction found, and that was in the case of Mr. Bernardus Legrange, and even in this case it was subsequently ascertained that the conviction was unjust, and an entry to that effect was ordered to be made on the Minutes of the House.

Finding it impossible to obtain satisfaction before the House of Assembly, the enemies of the lawyers resorted, at length, to violence, and in July, 1769, they collected in crowds before the Court House in Freehold, Monmouth County, and tried to prevent the lawyers from entering, but through the efforts of Richard Stockton they were defeated in this, and the riug leaders were arrested and imprisoned. In January of the following year another assault was made upon the members of the bar of Monmouth County. On this occasion the rioters entered the Court House, armed with clubs and missiles, and drove the attorneys from the place, threatening them with personal violence. The business of the court was stopped completely, and it became necessary for Governor Franklin to call a special session of the Assembly, in order that an "Act be passed for reviving the process and proceeding."

In Essex County similar disturbances took place, and on one occasion the stable and out-houses of David Ogden, a prominent lawyer, were burned. In this case, the rioters were arrested and punished. This outrage formed the subject of a message from the Governor to the House of Assembly, which will be found in this volume, under date of March, 1770, as well as his proclamation on the same subject under date of March 31, 1770.

I hope to get my Business done so as to leave this Place by Sunday or Monday next at farthest. In the mean Time I am with my best Respects to Mrs. Skinner.

D^r Sr. Your most Obed^t Serv^t

W. FRANKLIN

Letter from Gov. Franklin to the Earl of Hillsborough, enclosing paper with observations on two acts of the New Jersey Assembly.

[From P. R. O., America and West Indies, Vol. 175 (193).]

BURLINGTON, Feb^{ry} 12th 1770

The Right Hon^{ble} the Earl of Hillsborough.

My Lord,

I take the first Opportunity to transmit to your Lordship Copies of the Acts passed at the last Sessions of the General Assembly held at this Place, and Copies of the Minutes of Council.

The greatest Part of these Acts being of the same Nature with those usually pass'd at every Session to answer the local Purposes of the Inhabitants it is needless for me to trouble your Lordship with any Observations on them. There are two, however, of the Number which it is necessary I should more particularly point out to your Lordship's Notice, as one of them is pass'd with a Clause suspending its Execution till His Majesty's Pleasure shall be signified thereon, and the other is not to take place till the 20th of September next in order to give Time to any Persons, who may have objections to it, to apply for its Repeal if they think proper.

The first is "An Act for striking One hundred Thousand Pounds in Bills of Credit," and for Emitting

the same on Loan. I have before acquainted your Lordship with my Opinion that such an Emission of Paper Money would be advantageous both to the Mother Country and this Colony, and the Necessity there is for it is, I think, very justly set forth in the Preamble to this Act.—The Objection made to the former Bill which passed the Council and Assembly for this Purpose, namely, the Money being made a legal Tender in all Payments, is obviated by this Act, which only obliges the Loan Offices to take it when tendered in Discharge of the Mortgages which were given for it.—

The Security which is required by the Act to be given for the Redemption of this Money is undoubtedly sufficient, being not only the Estates of the Borrowers mortgaged in Double the Value of the Sum borrowed, but the Estates of the whole County where the Borrower resides are liable to make good any Deficiency which may happen. The only Objection I have to the Act is the Appropriation of the Interest Money, which is left to the Disposition of future Acts of the Legislature. I think it would have been better to have appropriated the whole, or the greatest Part of it, to certain publick Purposes to be mentioned in the Act itself, such as, Providing Necessaries for the King's Troops, Making a more adequate Provision for the Support of the publick Officers of Government, Erecting suitable Houses for the Meetings of the Legislature and the Residence of the Governor at the two Seats of Government, Repairing and Straightening the Highways, Building Bridges, &c. Some Endeavors were used to persuade the Assembly to consent to such an Appropriation, but in vain. They chose rather to have the Interest Money lodg'd as a Fund in the Treasury ready to be appropriated to such Services as might from Time to Time be judg'd necessary: And, perhaps, it would be better even to admit of this

Appropriation, if the other cannot be easily obtain'd (which I fear it will not) than to lose the Act, especially as no ill Use can be made of the Money, the Concurrence of the whole Legislature being requisite to every Application of it. There was a Design among some of the Members of the Assembly to tack the Supply of the Troops to this Act (as has been since done in Part by the Assembly of New York) thinking that the Crown would thereby be the more readily induced to confirm it; but upon talking with some of them privately, and urging that such a Measure would most probably be construed into an Attempt to force a Consent from the Crown, and consequently give such Offence as to occasion a Refusal of what might otherwise have been readily granted, they were persuaded to drop their Design, and to pass the Billeting Act in its usual Form, without any other Restrictions: And I really believe that if the Paper Money Act is confirmed by His Majesty, that they will not make any Scruple hereafter to grant the like Support for the King's Troops that may be quartered in this Province.

The Act which pass'd with a Clause suspending its Execution till September next is a Supplementary Act to the Act for dividing the Bergen Common.¹ The Occasion of this Act is set forth in the Preamble, and indeed the Circumstances of the Case make such an Act absolutely necessary; for the Claims of the several Parties who conceive that they have a Right to a Share of the Commons allotted to the Secaucus Patent, are of so various, complicated & intricate a

¹ "A supplementary Act to an Act, entitled, An Act appointing Commissioners for finally settling and determining the several Rights, Titles and Claims to the Common Lands of the Township of Bergen; and for making Partition thereof in just and equitable Proportions, among those who shall be adjudged by the said Commissioners to be entitled to the same." The act was disallowed June 6, 1770.—*Atlinson's Laws*, 337. See Winfield's Land Titles of Hudson County, 130-1, 300, 304; *N. J. Archives*, IX., 452-4-9-75-78.—[W. N.]

Nature, that it is impossible they should be ever settled in the ordinary Course of Law. I don't know that any Person will oppose the Confirmation of this Act, unless it be M^r W^m Bayard of New York, now in London, who has set up a Claim to the whole of that Part of the Commons allotted to Secaucus; but as he had before solicited the Act to which this is a Supplement, wherein the Decision of that Matter was left to Commissioners, who would have finally determined the Property but that they happened to be equally divided in opinion respecting it, I should expect that he would not now offer to make any Objections to its being left to the Decision of other Commissioners, especially as they are all Men of Character, living at a Distance from the Parties, and no Ways interested or connected with them in the Dispute. Many of the Parties are poor & cannot afford to go to Law with a Man of M^r Bayard's Property, and if they cannot have their Claims decided by Commissioners they must give them up; the Consequences of which will be very hurtful to the Peace of that Part of the Country.—I would not willingly trouble your Lordship with anything further on this Head, but must beg Leave to refer you to the Privy Council Minutes of the 16th of November for the Reasons which induced the Council to advise me to give my Assent to this Act, which I hope will prove satisfactory to your Lordship.

Besides the written Laws under the Great Seal I send your Lordship a printed Copy of all the Acts passed at the last Session. The Minutes of the Assembly are in the Press, but not yet published; as soon as they are I shall transmit a Copy to your Lordship.

I have the Honour to be, with the greatest Respect,

My Lord, Your Lordship's

most obedient and most humble Servant

W^m FRANKLIN

Letter from Mr. Richard Stockton to the Earl of Hillsborough, giving his opinion that the Governor, for the time being, of New Jersey, is duly authorized to hold a Court of Equity and preside therein.

[From P. R. O. America and West Indies, Vol. 175 (193).]

PRINCETON Feb^y 26th 1770

Lord Hillsborough

My Lord,

From the Journals of the Governor & Council of this Colony, of November last (before now I suppose transmitted to England) your Lordship must have observed the doubt raised by the Governor, respecting his Authority to hold a Court of Equity here: and that the consideration of the matter has been referred to a Committee of the Council. This transaction having occasioned much Speculation in this and the neighboring Colonies; and the Members of the Committee not being unanimous in opinion upon so important a point, my duty to the King, and regard to my own reputation have induced me, thus early, to beg leave to lay before your Lordship the enclosed copy of my Report, delivered in to the Governor last month: whereby my Opinion, and the reasons thereof will fully Appear.

And I the rather presume upon your Lordships pardon for this step, (not perhaps the most usual) because I have lately been informed that some persons on this side of the water, have taken upon themselves to procure representations to be made to the Lords Commissioners for Trade & plantations respecting the present state of our Court of Chancery: and also, because it must be some time hence before the Journals of the

Council, upon the Committee's Report, can be transmitted (as all the Members have not yet given their Opinion;) And when they shall be transmitted, the reasons of opinion will not appear unless entered at large upon the Minutes; which perhaps will not be requested, unless some new reason should occur.

with the greatest respect, I have the honour to be,
my Lord,

Your Lordship's most obedient, and
most humble Servant

RICH^d STOCKTON

Mr Stockton's Report In his Letter of the 26.
Feb^y 1770.

His Excellency the Governor of New Jersey, having asked the advice of his Majesty's Council of the same Province respecting the power of the Governor to hold a Court of Equity, and to sit as the Judge thereof; and the consideration of the matter having been referred to a Committee of five Members; as one of the said Committee, I do hereby report my opinion, that the Governor and Commander in chief of this Province, for the time being is duly authorized to hold a Court of Equity, and to sit as the Judge thereof—And as the Subject is of very great importance in itself, and particularly interesting to the Province in general, I have thought it expedient to subjoin the reasons of my opinion.

In forming it, I have considered the subject under these two Questions, to wit.

1st Whether a Court of Equity does exist in this Province? and, if it does,

2^{dly} Whether the Governor is the Judge of it?—The reasons which have induced me to believe that a Court of Equity does exist in this Province, among others, are

1st Because the four Courts of Westminster Hall, to

wit, the Chancery, King's Bench, Common Pleas and Exchequer owe their existence to the Common Law of England; and not to any Statute of Parliament, or Ordinance or Proclamation of the Crown. Every Colony therefore, migrating from the Mother Country Salk. 411 to a new discovered Country, bring with them, as part of the Common Law, the Jurisdiction of these several Courts; or in other words a right of having themselves and their property adjudged according to the ordinary course of proceeding in these Courts; And all that is wanting, in such newly discovered Country, is for the King to commissionate proper Judges; the Courts being ready erected to his hands.

It has therefore been very properly doubted whether any of these Courts needed at first, or ought to have been raised, in the King's Colonies, by Ordinance from 2 Haw. 2. Sect. 3. the Crown; as it is certain, the King cannot by his prerogative make the least alteration even in the manner of proceeding in these Courts in England. 4 Inst. 73.

^{2^{dly}} Because many Writs which have continually issued in this Province, and to which the Subject has an indubitable right by the Constitution, cannot issue from any other Court than a Court of Chancery—This Court, as to its ordinary jurisdiction, my Lord Coke and other Writers call the “*Officina Justitiæ*, out of 4 Inst. 80. “which all original Writs, and all Commissions which pass under the Great Seal go forth, which “Great Seal is *Clavis Regni*, and for those ends this “is ever Courtopen.” And by some it is called “*Officina Brevium originalium et remedialium*.”

Curs Cancell. 3 Original Writs, such as those of Dower, Replevin, Partition, &c are called the Kings Writs because they issue out of the Court of Chancery, and are tested in his name; in contradistinction to Judicial Writs, which are tested in the name of the Chief Justice of the Court from whence they issue: And the

King's Writs are to be granted to the Subject *ex debito Justitiæ*, and cannot be denied: wherefore as the Kings Subjects of this Colony have an undoubted right to his Writs, and have continually obtained them from the first Settlement of the Province; and for as much as these Writs cannot issue, but from the Ordinary Court of Chancery; the consequence is inevitable that an Ordinary Court of Chancery must exist in this Province—And if an Ordinary Court of Chancery exists as an *Officina Brevium*, there can be no reason why the Extraordinary Court of Chancery or a Court of Equity should not exist; as the Judge of one is always the Judge of the other, and these two Courts of Ordinary and Extraordinary Jurisdiction cannot be now disunited, but by Act of Parliament.

3^{dly} Because we have adopted in this Colony the Law and practice of the other Courts of Westminster Hall; and therefore we must of necessity have the same relief in Equity, from the Severity of Some legal determinations.

To Say the contrary would be to say that there was
 1 Salk. 21. Right without any Remedy; which is against a principle of Law, as well as the common Sense of mankind. This very necessity gave Jurisdiction at first to the Equity Side of the Chancery in England, as is more evident from the Laws and Customs of the Realm, in the ancient times of the British, Saxon and Danish
 Curs. Can. 1, 2 Kings, when the King himself *in person*,
 1 Har. Pract. held a Court similar to the Equity Side of
 5. 6. the Chancery, to moderate the *Summum jus*, as it was called, and to give relief according to good Conscience: wherefor if the Equity Side of the Chancery could be supposed not to exist in this Colony; we must be driven by the constitution, to conclude, as the most rational alternative, that the ancient right to moderate the *Summum jus* is still vested in the King's Person, and

would attach to his Governor as his Representative here.

This reasoning is so far from being invalidated, that it is established by the practice of some Charter and Proprietary Governments, where a Court of Equity does not *ex professo* exercise Jurisdiction—There the Courts of Law have not adopted the rigor of the legal determinations in Westminster Hall; but they take upon them to moderate the *Summum jus* themselves; and their Judges do often determine directly against the rules of Law, when they happen to thwart a principle of Equity. It is giving us a very Strong evidence indeed, of their idea of the necessity of a Court of Equity; when they let its principles supersede their legal determinations in the first instance, without calling for the ordinary process of the Court.

The *principle* therefore, upon which these other Governments have gone, is evidently in favor of *Some kind* of existence of a Court of Equity; and they only erred in their *practice*; by erecting as many Courts of Equity, as they have of Law; and by their Several Judges of the Courts of Law taking upon themselves to be Judges of a Court of Equity. If we were, with them, to deny the distinct existence of a Court of Equity, we must then undoubtedly make a total alteration in the present mode of determining in our Courts of Law; or else we should run into a greater absurdity than even they have, and exclude Equity altogether.

What also induces me to believe that a Court of Equity does exist in this Colony, is

4^{ly} Because Such Court has actually exercised Jurisdiction here from time immemorial; and therefore might exist solely from Prescription.

It is evident from an Act of Assembly of East New Jersey passed in the year 1698 that a Court of Original Constitut. of New Jersey 370. Chancery then exercised Jurisdiction in that part of the Province; for the Act recognizes it as *then*

in being;¹ and how long before it had exercised Jurisdiction we know not. For ought appearing to the contrary, Such Court may have exercised Jurisdiction from the beginning of Government, in both East and West Jersey. It is also evident that, upon the Surrendry of the Government of New Jersey by the

Minutes of Council Anno 1704. Proprietors into the hands of the Crown, the first Governor, soon after his arrival in the Province together with the Council, conceiving that a Court of Chancery ought to exist by Ordinance from the Crown; did pass such Ordinance; and that a Court of Chancery has invariably exercised Jurisdiction throughout the Province to the present time.

Lit. Sect. 170
1 Inst. 114. b.
Bract. lib 4.
fol. 230. This is sufficient to every legal intent of a Prescription; for Prescription at the Common Law is *time whereof there is no memory of man to the contrary*; and Bracton sais, “Usus—qui excedit memoriam hominum; tale enim tempus Sufficit pro Jure.” There is no man living, it is presumed, who can point out a time, Since the Government of this Colony began, and Shew that *then* no Court of Chancery did exist here. “It might therefore be inconvenient,” as my Lord C J Hale and J. Trusden said, in considering an objection made to the authority of the Court of Equity of the Dutchy Chamber of Lancaster, “to examine their power, after so “long continuance and practice, as by the precedents “now produced it appears to be used without further “examination,” 2 Lev. 24. Foster against Patten.

It does not affect the Prescription of a Court of Equity in this Province, that it has been held in *different ways*, and by *different Judges*: if it could, the four Courts of Westminster Hall cannot exist by Prescription; because they have all been continually vary-

¹ “The General Assembly of this Province. shall constitute all Courts within the same, with their Limits, Powers and Jurisdictions, except the present high Court of Chancery, and all other Courts now in being.”—*Grants and Concessions*, 370.

ing in these and other instances. Before the Reign of William the Conqueror, the King, as has been said, moderated the *Summum jus* upon appeals made to him; and therefore in that period, *he* acted as the only

Gilb. Hist. Judge in Equity. During the time of the
Com. Pleas In-
trod. 9.

Conqueror, and from thence till the Reign of King John, the Courts now called the Chancery, King's Bench, Common Pleas and Exchequer were *mixed*; and all had the *Same Judges* stiled *Justiciarii*: When they Sat in the Hall, they were a Court Criminal, and when up Stairs, a Court of Revenue; the Civil Pleas they heard in either Court—The

Curs Can. 18 Chief of these *Justiciarii* was *Superior* to the Chancellor, during this period and long after; altho' he is now inferior. The Chancery did not take

4 Inst. 83. up the Equity Side till about the Reign of Hen. 6.¹ till then it was only the *Officina Brevium*;

Curs. Can. 3, and since it took up the Equity Side, this
4, 5.

Court has greatly increased in its Jurisdiction, and varied in its Practice.

1 Har. 12. Sequestrations were never practised till my Lord Bacon's time in the Reign of Queen Elizabeth; and before the Reign of Queen Anne the Subpœna preceded the Bill of Complaint. Nevertheless, all these alterations in the Nature of the Court, the Number and Quality of the Judges, and the Mode of Practice, has not affected the Prescription and Existence of this Court in England, as it is now held: And for the same reason, the alterations, which in different periods, have been made in the manner of holding a Court of Chancery in this Province, cannot destroy or affect the Prescription, which, in its behalf, may now

¹ Canon Stubbs says the Chancellor exercised equity ministerially as early as 1280, and in 22 Edw. III. (1348) "such transactions were recognized as the proper province of the Chancellor, and from that time his separate and independent equitable jurisdiction began to grow into the possession of that powerful and complicated machinery which belongs to later history."—*Const. Hist. England*, Oxford, 1880, II., 292.—[W. N.]

legally be claimed. These reasons have been sufficient to satisfy me upon the first Question, That a Court of Equity does exist in this Province—And as to the—2^d Whether the Governor and Commander in Chief is the Judge? the following reasons incline me to be of opinion that he is.

1st Because the King by the English Constitution was invested with a power to hear appeals from legal adjudications, and to moderate them according to Equity and Good Conscience; *before there was another Court appointed for that purpose*;—and therefore the Governor of a Province, being the Chief Magistrate therein, and the immediate Representative of his Sovereign; must be invested with the same equitable Jurisdiction. The authorities in support of this ancient Jurisdiction of the King, have been noted under the first Question, and therefore need not be repeated—Wherefore *upon supposition* that the Equity Side of a Court of Chancery did *not* exist in this Colony; yet it would Seem that the Governor must notwithstanding be empowered by the Constitution to moderate the *Summum jus*, upon appeals made to him for that purpose; and so would be Judge of a Court of Equity, altho' not Judge of a Court of Chancery.

But a principal reason for the power of the Governor to sit as Judge of the *Equity Side of the Court of Chancery* in this Colony, is

2^{dly} Because he is the Keeper of the Great Seal of the Province—it is not of any importance whether we call it the Great Seal or Public Seal; as these two denominations are synonymously used by the King in his Commission to the Governor. Nor need it be contended whether the Governor should be styled Chancellor or Keeper; as each of those great Officers are

4 Inst. 87. now by the 5th of Eliz invested with the same powers and authorities: yet I confess that the style of *Keeper of the Great Seal* seems more proper for a Plan-

tation Governor; because there is an additional formality in constituting a Chancellor, not necessary in that of a Keeper, and which formality has not, I believe, been generally practised in the case of a Governor; but undoubtedly may be. The Keeper of the Great Seal of

1 Harr. 19.

Great Britain is constituted *barely* by the delivery of the Seal; but the Chancellor after receiv-

Camd. Hist.

Chan. 180 Curs.

Can. 21.

ing the Seal from the King, has an Entry made upon the Close Roll in the Court of Chancery, on what day and in whose presence the Great Seal was delivered: And formerly when the Office of Chancellor and Keeper was distinct, there was yet a greater difference in their Creation. The

Curs Can. 19.

Keeper was ever Solely at the nomination of the King; but the Chancellor was often elected by the Parliament—The Chancellor was sworn at his entrance into Office; the Keeper never was:

Camd. 131, 4

Inst. 87.

And in the time of Hen 2^d the form of appointment was, to hang the Seal about the Neck of the Chancellor Elect. But the denomination is of little moment: The grand enquiry is, Whether the delivery of the Great Seal of this Colony to the Governor, does, *ipso facto*, constitute him the Judge of the Court of Equity. To show this, let it be considered that the Great or Public Seal of this Colony, is used for the same purposes and has the same effects *here*, as the Great Seal of Great Britain *there*. With it, are sealed all Original Writs, Summons of Parliament, Commissions of the Peace, Oyer and Terminer, Pardons &c &c *there*; and with the Great Seal of this Province the same Writs, Summonses of General Assembly, Commissions &c. are Sealed *here*. These Writs, Summonses &c. *there*, cannot possibly issue, but from the Chancery of Great Britain: so neither can they *here*, but from the Chancery of this Province. The Keeper of the Great Seal of Great Britain *ex officio* is the Sole Judge of the Court of Chancery *there*, both on the

Law and Equity Side; and for the same reason the Keeper of the Great Seal of this Colony must *ex officio* be the sole Judge of the Court of Chancery *here* both on the Law and Equity Side. If a Court of Chancery exists in this Province, the Keeper of the Great Seal must be the Sole Judge of it: And a Court of Chancery as *Officina Brevium* must exist here or else no original Writ ever was, or can be regularly issued in this Province. The power of a King's Governor in the Colonies, to act as Judge of a Court of Chancery, within his Province, never appears to have made a matter of Such doubt as to cause an application to his Majesty or his Judges in England for any directions or opinion thereon: and therefore it is not to be expected that any express adjudication, upon this point should be found. But the Case of Sir John Tryer and 2. P. Wms. 261. Bernard in 2 Peer Williams 261 is at least full evidence of its being a received opinion by my Lord Chancellor in England, that a Plantation Governor is a Judge of a Court of Chancery within his Province; and that an Appeal lay from decrees in Equity made by him to the King in Council only. The above Case arose upon a Decree given by the Chancellor of England against the Defendant, who, upon inquiry, was found to have no Estate in England; whereupon a Motion was made for a Sequestration against the Defendant's Estate in Ireland. In Support of the Motion it was alleged, that such process had been awarded by the Chancery in England to the Governor of North Carolina and therefor might go to Ireland. My Lord Chancellor gave his opinion, that a Sequestration might be granted after *Nulla Bona* returned in England; but said that it should be by order from Lord Chancellor in England to Lord Chancellor in Ireland to issue Sequestration: and then added, "as
"to the Sequestration mentioned to be directed to the
"Governor of North Carolina or *any other of the*

“*Plantations*, the Court doubted much whether Such
 “Sequestration should not be directed by *the King in*
 “*Council where alone an Appeal lies from the Decrees*
 “*in the Plantations*; for which reason it seemed that
 “*in such case* the Plaintiff ought to make his appli-
 “cation to the King in Council and not to this Court.”
 Here my Lord Chancellor evidently admits that a Sequestration may be directed to the Governor of North Carolina or any other Plantation Governor, as well as to the Lord Chancellor of Ireland; which amounts to the Same thing as expressly saying, that a Plantation Governor is Judge of a Court of Equity; because no other Judge can have anything to do with a Sequestration. He only doubts if such Sequestration should not be directed by *the King in Council* to the Governor, as the only Court having Jurisdiction.

Several Objections have been made to the authority of the Governor of this Province acting as a Judge of the Court of Equity, as

1st That the Seal of this Colony is called, in the Kings Instructions, *a Public Seal*, and may be likened to the Seal of a Corporation; and therefore the delivery of it to the Governor cannot make him Judge of a Court of Equity.

This Objection will appear to have no foundation, when it is considered that the Constitution and Government of a Colony is *essentially* different from that of a Corporation. An instance or two, among many, will be sufficient for this place. The Legislature of this Colony *can* and *often have*, by their Acts, erected Corporations; which Acts have received the Kings Approbation: But the Great Corporation of London, or any other aggregate Corporation that ever existed, cannot erect another Corporation; as is evident from
 10 Co. 31, 1 Sid. a number of the best authorities: and there-
 291. 1 Salk. 192, fore the Seal of a Colony cannot have the
 193. least resemblance to a Seal of a Corporation. Be-

sides, the members of every Corporation in England have, notwithstanding their own Courts, the privilege of resorting to the King's Courts of Westminster; and cannot be restrained; but in this Colony we cannot apply to the Courts of Westminster for the institution or determination of any Suit arising in the Colony: and if we had not Courts of *complete Jurisdiction* of our own; we should be in a State of Outlawry. A Colony therefore in this respect, is very unlike to a Corporation; and consequently the Seal of Corporation to that of a Colony. The Counties Palatine of Chester Lancaster and Durham are not so unlike a Corporation, as a Colony is; and yet their Seals are not so unlike a Corporation, as a Colony is; and yet their Seals are not likened to the Seal of a Corporation;

⁴ Inst. from 204 to 220. but *because the Kings Writs do not run there*, they have severally Courts of complete Jurisdiction, and each of them a Court of Equity—A .

2^d Objection has been made, That the Governour of this Colony, by a Royal Instruction, is prohibited from executing, by himself or his deputy, any Judicial Office; and therefore he cannot be the Judge of a Court of Equity.

If this Instruction be of the same import as the 41st Instruction to Lord Cornbury,¹ formerly Governor of this Province; it evidently intends only to inhibit the Governor from executing any Office which he is enabled, *by his Commission and Instructions, to grant*; such as the ordinary Judges of Courts of Law and Justices of the Peace—The Instruction, after directing that *Judges and Justices of the Peace* must be appointed with the advice of the Council, adds “nor shall you execute yourself or by deputy *any of the said offices*,” not meaning surely that he should be

¹ New Jersey Archives, II., 519.

prohibited from executing any Judicial Office; because such interpretation would disqualify him from judging in the Court of Governor and Council; which by the same set of Instructions, is constituted the Supreme Court of Law in the Province for correcting of Errors; and the Governor's presence is absolutely necessary to the very being of the Court. The Instructions therefore cannot intend any Office that the Governor is not able, with the advice of the Council to grant, but the Governor cannot, with the advice of the Council, grant the Office of the Supreme Judge of the Court of Equity; because himself is directed to keep the Seal: and therefore the Instruction most clearly cannot intend to prohibit the Governor from executing the Office of the Judge of the Court of Equity.—A

3^d Objection has been started, That by another Instruction from the Crown, Appeals lie *from the Courts in the Province* to the Governor and Council; and it would be absurd to Suppose that an Appeal would lie from the Governor to the Governor and Council.

This Instruction can intend nothing more than Appeals in Error from the Courts of Law; for several reasons. One, which of itself seems Sufficient for this place, is, that an Appeal only lies to the King in Council *from the Decrees in the Plantations*; as appears by the forecited Case from 2 P. W^{ms} 261.—A

4th Objection has been raised, That the Governor by his Commission is impowered, with the Consent of the Council, to erect any Courts for hearing and determining the Causes *according to Law and Equity*; and it appears, from the Records of this Province, that a Court of Chancery was first, after the Surrendry of the Government, erected here, by Ordinance passed by the Governor and Council, wherein the Governor and Council were appointed Judges of the said Court. To which it is answered, that this Clause in

the Governor's Commission never intended to give him power to create a Court of Equity—The King himself has not power to do it: for this Court must either
 4 Inst. 87, 213. exist by Prescription or Act of Parliament; but can in no case be raised by Grant from the Crown. The Governors and Councils therefore, in the times of my Lords Cornbury and Lovelace, committed great error in attempting to erect by the Prerogative, a Court which really did exist by the Common Law. This Ordinance was absurd, and a mere nullity: but the maxim of *Utile per inutile non vitiatur* is founded upon good reason.—The legal and constitutional existence of this Court was not affected, by an attempt to make it an unconstitutional Court. And of this opinion was the Council in the time of Governor Hunter: They Saw the error of their Predecessors, and declared that *the Governor having the custody of the Seal, is by that constituted Chancellor*. The Court having been Supposed, thro mistake, to arise merely upon the Ordinance, and improper Judges having, in consequence thereof, sat in that Court; could not be any reasonable Objection to the same Court being held regularly by the proper Judge, when the mistake was discovered. A

5th Objection has been made, That there is no person appointed to administer the Oath of Chancellor or Keeper to the Governor.

To this it is answered, that the Members of his Majesty's Council or any three of them, are directed, in the Governor's Commission, to administer the State Oaths to him; together with the Oath of Office; and an *Oath for the equal and impartial administration of Justice*, in all Causes that shall come *before him*: Which seems very Sufficient to enable them to administer the Oath of any Office, with which he may be invested. And it is evident, in fact, that the Oath of

Vide Minutes of Council from time of Gov^r. Hunter to Gov^r. Bernard. Chancellor, in so many words, has been administered to several of the Governors and other Commanders in chief of this Province; and by the same authority might have been administered to every one of them. So that if the Governor be the Judge of the Court of Equity, there is no doubt, but the Council are empowered to administer the Oath of Office.

Such are the Reasons of my Opinion upon this important point; and I am happy in having been able to satisfy my self—nevertheless they are humbly Submitted to better Judges.

RICH^d STOCKTON

PRINCETON, Jan^{ry} 27th 1770

The Petition of William Bayard, Esq., of New York, to the Board of Trade, praying their Lordships to propose to His Majesty the repeal of an Act passed in the Province of New Jersey, relative to the Common Lands of the Township of Bergen.

[From P. R. O. B. T., New Jersey, Vol. 10, L. 5.]

To the Right Honourable the Lords Commissioners of Trade and Plantations

The Petition of William Bayard of New York Esquire.

Sheweth

That by a private Act of the General Assembly of the Province of New Jersey Intituled An Act appointing Commissioners for finally settling and determining the several Rights Titles and Claims to the Common Lands in the Township of Bergen and for making Partition thereof in just and and equitable Propor-

tions among those who shall be adjudged by the said Commissioners to be intitled to the same, obtained and passed in the fourth year of the Reign of his present Majesty at the Instance of Your Petitioner and others the Inhabitants and Freeholders within the Township of Bergen within the said Province, certain Persons therein named were appointed Commissioners for the purposes above mentioned

That the said Commissioners in the Year One Thousand Seven Hundred and Sixty four proceeded in the Execution of the said Act and having allotted to the several Grantees their respective proportions of the said Common Lands, the said Commissioners located to every Proprietor his Share therein according to the directions of the said Act, and having thereby performed all the Trusts reposed in them by the said Act, made a due and regular Return of their proceedings as by the said Act they were directed

That Your Petitioner in right of a Patent of the Island of Secaucus granted the tenth of December One Thousand Six Hundred and Sixty three to his Grandfather Nicholas Bayard and Nicholas Varlet as joint Tenants and confirmed to them by Governor Carteret on the thirteenth of October One Thousand Six Hundred and Sixty-seven, claimed before the Commissioners an Allottment of the said Common Lands, as did likewise sundry other Persons in virtue of a Sale from the said Nicholas Bayard of the said Island of Secaucus, but the said Commissioners having doubts concerning the Rights thereto, would not take upon themselves to determine to whom the said Allottment did belong and therefore in their Award or Determination only set apart a certain Lot of the said Common Lands to the said Patent of Secaucus distinguished by Number 283 in their Field Books, and left the Question of Title and Right to be decided by due Course of Law.

That Your Petitioner in right of and as Heir at Law

of the said Nicholas Bayard his Grandfather (who survived the said Nicholas Varlet) thereupon entred upon the Lands so allotted by the said Commissioners to the Patent of Secaucus and both ever since been and still is in the possession thereof.

That the Persons so claiming under the said Sale of the said Island did some time since commence a Suit in the Supreme Court of Judicature of the said Province against your petitioner for the recovering the possession of the said Lands so allotted by the said Commissioners to the said Patent, to which your petitioner immediately appeared and submitting to the Jurisdiction of the said Court therein, caused a Defence to be made in the said Suit and the said Cause having been brought on to Trial, a special Verdict was found therein which having been solemnly argued before the Judges of the said Court they were ready to give their Judgment in the Matter.

That notwithstanding there never has been the least doubt entertained of the Jurisdiction of the said Court as to the Cognizance of the said Cause, the several Persons so claiming under the said Sale being conscious of having no Right by Law to the said Allotment and taking Advantage of your Petitioners Absence from the said Province, have in a very unfair and unprecedented manner obtained at the last Sessions of the General Assembly of the Province an Act intituled a Supplementary Act to an Act entitled an Act appointing Commissioners for finally settling and determining the several Rights Titles and Claims to the Common Lands of Bergen and for making Partition thereof in just and equitable Proportions among those who shall be adjudged by the said Commissioners to be entitled to the same; whereby certain Persons therein named are appointed Commissioners instead of the persons in the said former Act named for settling and finally determining in whom the

Right or Rights of the said Common Lands allotted to the Patent of Secaucus is or are vested, under such Directions as therein set forth, and the opinion of the said Commissioners is thereby declared to be good and valid in Law to establish the Right and Title of the proprietor or proprietors of the said Common Lands, And for the more easy and ready acquiring Possession of such Common Lands as shall be allotted and adjudged by virtue of the said Act, the said Commissioners are to issue a Precept to the Sheriff of Bergen County commanding them to cause full and actual Possession to be delivered to such person or persons to whom such Common Lands shall be allotted, who is thereby required to execute the same as in Case of a Writ of Possession in an Action of Ejectment; And the said Commissioners are thereby directed to meet and take upon them the Execution of the said Act on the Twentieth Day of September next or as soon as they conveniently can thereafter, having first given such notice as therein mentioned.

That the impropriety and evil tendency of this Act is too obvious to need further Observation than that the plain view and design of Your petitioner's Adversaries in thus attempting to remove this Question of Right which is entirely of a private nature and a mere point of Law depending between Individuals from the ordinary Course of Justice where it has been brought by themselves in a regular Course of Procedure, to a new erected Court of Commissioners whose determination is to be final, must be to deprive your Petitioner of the legal Right to the Judgment of the Supreme Court of Judicature and of his Appeal from thence if necessary, first to the Governor and Council of the province, and ultimately to his Majesty in Council; contrary to the express Constitution of the Province, besides this Act being confessedly of a private nature and not containing any Clause of Suspen-

sion, is as Your Petitioner is advised expressly contrary to his Majesty's Instructions

Wherefore as well in regard to Your Petitioner as to discourage for the future Attempts so repugnant to Law and Justice, Your Petitioner humbly prays Your Lordships will please to take this Matter into Your Consideration and intercede with his Majesty to prevent this Act from passing into a Law¹

Speech of Governor Franklin, to the Legislature, in relation to the Riots in Monmouth and Essex Counties.

[From Minutes of the Provincial Council of New Jersey.]

Gentlemen of the Council and Gentlemen of the General Assembly;

I am much concerned that there should be any Occasion for calling a Meeting of the Legislature, so soon after the late Session: But however inconvenient it may be to your private Affairs, or expensive to the Province, you will find by the Papers which will be laid before you, that it is a Measure made absolutely necessary by the late tumultuous and riotous Proceedings in the County of *Monmouth*. A considerable Body of People of that County, spirited up by some factious designing Persons, assembled themselves at *Freehold*, on the Day appointed for holding the County Court there in January last, and armed with Clubs and other offensive Weapons, did, by their Threats and outrageous Behaviour, so insult the Magistrates and Officers of the Court, when on their Way to the Court House,

¹ There is no date to this paper, but it is supposed to have been presented March 20, 1770.

that they judged it neither safe nor prudent to attempt opening the Court: They therefore, after making a Record of the Riot, broke up, and returned to their respective Homes; by which Means it has become requisite, before another Court of Common Pleas and Quarter Sessions can be held there, that an Act of Assembly be passed for reviving and continuing the Process and Proceedings lately depending therein, to the next succeeding Court, which will be on the Fourth Tuesday of the ensuing Month.

The chief Pretence given out by the Leaders of these deluded People, in Justification of their riotous and unwarrantable Proceedings, is, I understand, that the Lawyers have oppress'd them with exorbitant Costs, in bringing Suits for Debt, &c. Whether this Charge is well or ill founded, I cannot take upon me positively to say; but this I know, let it be ever so just, it does not lessen the Heinousness of their Offence. If the People are aggriev'd, there are legal Methods of complaining—there are legal Methods of obtaining Redress. For Instance, in the present Case, if the Practitioners of the Law, have really charged the People with excessive and illegal Costs, the Law has already provided a competent Remedy. They can apply to the Judges of the County Courts, and have the Lawyers Bills taxed, and even re-taxed if they think it necessary. If they apprehend any Injustice has been done them in such Taxation, they can apply to the Justices of the Supreme Court, who, it is not to be doubted, will rectify any Errors that may be found therein. Should it, however, happen, that they conceive themselves injured by the Determination of these Officers, or that these Officers should deny or delay doing them Justice, a Complaint may be made to the Governor and Council, who, they must be assured, from many late Instances, will pay Attention to the Complaints of the meanest, even tho' they may affect the highest

Persons in the Community, and omit nothing in their Power to ensure the strict and impartial Administration of Justice. But even supposing the contrary, and that all the Officers of Government should neglect or refuse doing their Duty in this Respect, Have they not still a Door left open for their Complaints in the House of Assembly, the Representatives of the People? A Body, who, on such Occasions, have an undisputed Right to consider themselves as the Grand Inquest of the Colony, to enquire into the Grievances complained of by the People,—and who have it in their Power, by many legal and constitutional Ways, and particularly by a direct Application to the King, the Fountain of Justice, to procure all the Relief the Nature of the Case will admit of.

How unjustifiable then is the Conduct of these People? They have refused taking those regular Steps, which the Law and Constitution have pointed out to them. Their first Method of making known their Complaints, was to assemble in a riotous Manner in July last, and endeavour to prevent the Lawyers, who are legal Officers of the Court, from entering the Court-House, and doing their Clients Business. They were, however, at that Time, opposed with Spirit by the Magistrates and others, the Riot quell'd, and the principal Ringleaders committed to Gaol. A Court of Oyer and Terminer was some Time after held in the County, and those Persons appearing to have some Remorse for their past Conduct, lenient Measures were thought most advisable by the Court, and were accordingly adopted, by which Means none of them were brought to that Punishment they justly deserv'd.—Here it was hoped the Disturbances in that County would have ended, especially as the House of Representatives soon after made a particular Enquiry into their pretended Grievances, and spent a considerable Time therein, without being able to find any Charges

of Consequence proved against any of the Lawyers complained of. But it so happened, as it has often happened before, where Government has thought proper to adopt lenient Measures on the first Commission of Crimes of this Nature, that the People did not attribute these Measures to any real Disposition to Lenity, but to Motives of Fear and Apprehensions of Danger. In Fact, they were thereby encouraged to believe they might set themselves up in Defiance of all Authority, and act in the Manner we are told in Scripture that the Jews did, "*In those Days when there was no King in Israel,—no Government or Magistrate that might put them to Shame in any Thing,—but every Man did that which was right in his own Eyes.*" The Consequence of which was, they assembled in far greater Numbers, entered into a Set of Resolves, some of them treasonable, and at the Time when the County Court was to have been held in January last, they as I have before mentioned, entirely prevented any Proceedings in the Business that ought to have been transacted there.

Besides these Riots in *Monmouth*, there was one of a similar Nature in *Essex*, on the 9th of last January, but by the virtuous and spirited Conduct of the Sheriff, Magistrates, and a Number of the well-disposed Inhabitants of the County, the Rioters were suppressed, and many of them bound over, to answer to the next Court.

Upon my receiving Information of these audacious Insults to Government, I summoned a Meeting of his Majesty's Council at *Amboy*, and by their Advice, immediately issued Commissions for holding a Court of Oyer and Terminer, in the Counties of *Monmouth* and *Essex*, that the Disturbers of the Peace in those Counties might be brought to as speedy Justice as possible. And, in order to add Weight and Dignity to the Commissions, I appointed a number of Gentlemen of

Rank and Character to assist the Justices of the Supreme Court in the Execution of them. Several of them very cheerfully undertook the Service, tho' at an inclement Season, for which the Publick is much indebted to them. The Courts have since been held, and I have the Satisfaction to acquaint you, that in *Essex* the Rioters were tried, convicted and punished according to their Demerits; and every good Purpose that could be hoped for or expected from the Commission, seems to have been attained. I heartily wish I could give you the same Information respecting *Monmouth*. But the Grand Jury, for Reasons best known to themselves, spent near a Week before they would make any Enquiry into the Riot of January last, tho' they well knew it was the principal Intent for which the Court was held, and they had the Bills laid before them on the second Day of the Court, and all the Witnesses were attending. The Result was, that after altering the Bill, they indicted about twenty Men for the Riot; but so long a Time had elapsed before this was done, that the Court, some of the Members of which were to attend this Session (and the Defendant's declaring they were not ready for Trial, some of their Witnesses being out of the County) found themselves under a Necessity of rising without bringing them to a Trial at that Time, and the Parties were therefore bound over to the next Court of Oyer and Terminer to be held in that County.

I think it necessary to mention to you, *Gentlemen*, that the *only Complaint* of Grievance which has been made to me on this Occasion, is contained in a Petition I received *since* the last Riot, from about Thirty or Forty Persons, who stile themselves *The Freeholders Inhabitants of the County of Monmouth*. But this contains only a general Charge against Lawyers in general, unsupported by a single Fact against any one of them. How can these People expect that Govern-

ment will take Notice of Accusations of this Nature ? What would they think if any Attention was paid to such general Allegations against themselves ?

There is no Man in the Province that would more readily join in any Measure necessary for the Removal of any real Grievance of the People than myself: But at the same Time I should be much wanting in my Duty to the People themselves, if I did not endeavour to have Examples made of those who, on any Pretence, dare to insult the Laws and Authority of Government.—In the present Case however, I am by no Means satisfied, that the Grievance they now particularly complain of, has any real Existence. On the contrary, it appears to me, that this Cry against the Lawyers, is only raised to deceive us, and that the Unwillingness of some, and the Inability of others, to pay their just Debts, are the true Causes of all their outrageous Conduct, in which they are encouraged to persevere by the general Licentiousness of the Times, and the Countenance they receive from some Persons who are ambitious of becoming popular, even at the Risque of distressing their Country.

The Reasons which among others, incline me to adopt this Opinion are, first, Because you, *Gentlemen of the Assembly*, notwithstanding you spent so much Time, and took so much Pains at the last Session, in enquiring into the Charges against the Lawyers, were not able to discover any Thing in their Dis-favor, but what was really so trivial, as to be scarcely worth Notice, and could not with any Propriety be deemed a publick Grievance. And, in the next Place, because I am credibly informed, that at the Court of Oyer and Terminer, held last Week for the Trial of the Rioters at *Monmouth*, tho' the Grand Jury took uncommon Pains in searching for and enquiring into Facts against the Lawyers, in order to found Indictments against them, the whole amount of what they could find to

charge them all with, was but Fifty Shillings. Three Practitioners were, however, indicted for their Quotas of this trifling Sum. Two of them being present, immediately put themselves on their Trials. One of these had two Indictments found against him, but the Pettit Jury, in a very short Time acquitted him of the First, and the other was discharged at the Request of the Prosecutor, who acknowledged himself mistaken, and therefore could not support his Charge. The Court being of Opinion that the Matter charged against the other Gentleman present, was not indictable, ordered the Indictment to be quashed. The Lawyer who was absent being sick at Home, could not attend, and is yet to take his Trial.

Such being the Case, our chief Attention at this Time, ought to be engaged in providing for the due Support of the Laws and Authority of Government. This indeed, must at all Events be done, and with your Assistance, may be easily effected. For so desirable a Purpose, I think it my Duty to recommend to you the passing,

1st. An Act for reviving and continuing the Militia Law, which expired at the last Session.

2d. An Act for the better preventing Tumults, and riotous Assemblies, and for the more speedy and effectual punishing the Rioters.—In this Act you will probably think it expedient for the Security of your own Properties, and those of the good People of the Colony, to add Clauses for punishing with exemplary Severity, those who forcibly oppose the holding or proceeding in the Business of any Court of Justice, or forcibly hinder the Sale of any Lands or Goods taken in Execution by the Sheriffs of the Province,—and also to enable the Justices of the Supreme Court, on particular and extraordinary Occasions, where Circumstances may make it necessary for the publick Peace and Safety, to try Persons guilty of such Crimes in some other County, than that wherein the Offence was commit-

ted. A Law of this Kind has been heretofore pass'd in this Province, and in other Parts of the King's Dominions, but never on any Occasion more necessary than the present.

3d. An Act to compel the Reparation and strengthening of Prisons, as often as may be necessary, in some Manner more speedy and effectual than at present.

4th. An Act to provide a Fund (some limited Sum) for answering such contingent and extraordinary Expences, as may happen on Emergencies, for the Service of this Province.—They have a Provision of this Kind in the Colony of *New York*, as well as in several other Colonies. Such a Provision, indeed, ought to be in all Governments, at all Times,—but more especially in this Province, at this Juncture.

These, *Gentlemen*, are the principal Matters I have to recommend to your Consideration at this Time, and I have been the more particular, as I think them of the utmost Consequence to the future Welfare and Prosperity of the Province. The riotous Disposition which too many of the People have lately manifested in several Parts of this Colony, particularly in the County of *Monmouth*, where it first appear'd, is of the most dangerous Nature, and, if not timely and vigorously opposed and subdued, will in the natural Course of Things, spread itself from County to County. Artful and designing Persons will take the Lead, who will be every Day inventing new Grievances, and rising higher and higher in their Demands. Laws, the best Cement of Societies, will be broken with Impunity. The regular Administration of Justice, which is of the very Essence of Government, will be totally obstructed; Anarchy and Confusion will then ensue, and the most despotic and worst of all Tyrannies,—the Tyranny of the Mob—must at Length involve all in one common Ruin.

WILLIAM FRANKLIN.

COUNCIL CHAMBER, March 16, 1770.

Address of the Assembly to Governor Franklin in relation to the Riots in Monmouth and Essex Counties.

[From Votes and Proceedings of the General Assembly of New Jersey.]

To His Excellency WILLIAM FRANKLIN, Esq;
Captain General, Governor and Commander in Chief, in and over the Colony of Nova-Cæsaria, or New Jersey, and Territories thereon depending in America, Chancellor and Vice-Admiral in the same, &c.

The Humble Address of the Representatives of said Colony, in General Assembly convened.

May it please your Excellency,

Heartily grieved at the Occasion of our Meeting at this Time; we cannot sufficiently express the Concern we feel, that there should be Persons in this Government, so lost to a Sense of their inestimable Privileges as not to distinguish between the Use and Abuse of them; and that because some may have been, and others imagined themselves severely treated and oppressed by a particular Sett of Men, that therefore they would deprive both themselves and others who never offended them, of one of the greatest Bulwarks of English Liberty, a Free Court, wherein all Persons whatever have, and ought to have an undoubted Right to appear, according to the Mode of our excellent Constitution, to hear and be heard, make known their Complaints, and have them redressed. There are or have been Abuses in most or all Professions; if these were to operate against their Use, what would be the Consequence, but a total Deprivation of all the

Benefits attending the due Execution of them. Where the Law and Constitution have provided Remedies in any Case; these and these only ought to be pursued. With Respect to any Abuses or Oppression from the Practitioners of the Law, the legal Modes of Redress are justly pointed out by your Excellency, plain and easy to the meanest Capacity, and to which in general we know of but one Objection, that the People oppressed are sometimes not of sufficient Ability to prosecute their Complaints; but this can have no Existence, when it is considered, that there are none so poor but may make known their Distress by Petition to the Assembly, or to the Members thereof, who live in their County; and from the past Conduct of this House, it must be evident, that as the Grand Inquest of the Province, Attention will always be paid to the Complaints of the People.—There are few but what have, or may have in future a lawful and honourable, and we think, the best Remedy, in their own Hands, against any Abuses from the Practitioners of the Law, an honest Care to fulfil Contracts; and a patriotic Spirit of Frugality and Industry, would soon make this evident. We are however, and shall be at all Times, ready to hear, and as far as may be in our Power, redress every real Grievance that may come to our Knowledge.

We could not, thro' Concern for these deluded People, but thus far lament their unhappy Mistake. Government must be supported, and the Laws duly executed; from the strictest Attention to these Points, we can never vary; our Regard for good Order and the Peace of the Province, calls loudly upon us to thank your Excellency, for the Care you have taken, that the public Tranquility might be preserved: at the same Time we are well assured, it is necessary there should be a Regulation in the Practice of the Law, which we believe would greatly contribute to quiet the

Minds of the People, if not totally prevent such tumultuous Proceedings in the future; and we hope, if any Remedy can be provided, so that the heavy Expence sometimes attending Law Suits, may be regulated and lessened, it will have your Concurrence. And we cannot but express the great Satisfaction we feel at the virtuous Conduct and Spirit shown by the Magistrates, Sheriff and People of the County of Essex, in supressing the first Appearance of Riot in that County; had a like Spirit been exerted in Monmouth, it probably had prevented the Disturbance since.

We on our Part do assure your Excellency, we shall ever discountenance such riotous Proceedings, and will heartily join in all necessary Measures to bring every Offender to condign Punishment, and for ensuring Obedience to the Laws; for this salutary Purpose we shall give due Consideration to what your Excellency hath recommended.

As the Persons accused of the late Riots, have been and are in a Way of Trial according to Law, we cannot think it necessary at present to alter the constitutional and established Mode of Trial to another County; nor will it be necessary at this Time to make any Provision for Expences that may hereafter arise, as the Assembly of this Colony have always honourably paid the extraordinary Exigencies of Government; so your Excellency may be assured, should the like Disorders occasion it, we shall not be wanting in our Duty to defray the Expence.

We must take Notice to your Excellency, that the Meeting of the Assembly at this Time, ought to have been at Amboy, according to established Custom, and however the Necessity of the Business now to be done, may excuse our going into it, we desire it may not be drawn into Precedent.

By Order of the House,

CORTLAND SKINNER, Speaker.

March 20, 1770.

Proclamation of Governor Franklin, offering a reward of £25 for the discovery of the person or persons who set fire to the stable and outhouses of David Ogden.

[From P. R. O. B. T., Vol. 26.]

A PROCLAMATION

Whereas I have received Information that on the night of the ninth day of January last the Stable and some other out Buildings of the Honorable David Ogden Esq^r were consumed by Fire: and that there is great Reason to believe they were wilfully set on Fire by some wicked Person or Persons unknown. And Whereas the House of Assembly of this Province by their Message of this day, have requested me to issue a Proclamation offering a reward of twenty five Pounds for discovering and bringing to condign Punishment the Person or Persons guilty of that atrocious and Alarming Villany, I have therefore thought fit, by and with the Advice and Consent of his Majesty's Council to issue this Proclamation hereby requiring and Commanding all Judges, Justices of the Peace, Sheriffs and other Officers to be particularly vigilant in detecting the Perpetrator or Perpetrators of so horrid a Crime, and promising the said reward of twenty five Pounds to any Person or Persons who shall discover the said Offender or Offenders so that he, she or they be convicted of the said Crime.

And I do hereby farther promise his Majesty's most gracious Pardon to any Accomplice who shall discover and prosecute to Conviction any one or more of the said Offenders.

Given under my hand and Seal at Arms at the City

of Burlington in the said Province of New Jersey the twenty first day of March in the tenth year of his Majesty's Reign Anno Domini 1770

W^m FRANKLIN

By His Excellencys Command Cha. Pettit D. Secret^y

GOD SAVE THE KING.

Ordinance in relation to the Court of Chancery.

[From Book AB of Commissions, in Secretary of State's Office, at Trenton, fol. 54.]

An Ordinance For the better Establishing a High Court of Chancery in the Province of New Jersey and for appointing the Chancellor or Judge thereof By his Excellency William Franklin Esq. Captain General Governor and Commander in Chief in and over his Majestys Province of New Jersey and Territories thereon depending in America and Vice Admiral in the same & in Council this twenty eighth day of March in the tenth year of his Majestys Reign, Annoque Domini One thousand seven hundred and seventy. *Whereas* there always hath been a Court of Chancery held in the Province of New Jersey and the same at present requires regulation. His said Excellency the Governor by and with the Advice and Consent of His Majestys Council for the said Province, and by virtue of the Powers and Authorities to him given by his Majestys Letters Patent under the Great Seal of Great Britain bearing date the ninth day of September in the Second Year of his present Majestys Reign, hath thought fit to ordain and declare, and by and with the Advice and Consent of his said Majestys Council doth hereby ordain and declare that his said Excellency William Franklin Esq. is hereby constituted and ap-

pointed Chancellor and Judge of the High Court of Chancery or Equity in this Colony, and Impowered to hold the said Court, and in the same to hear and determine all Causes from time to time in such manner as heretofore hath been usual and as nearly as may be, according to the usage and Custom of the high Court of Chancery in that part of Great Britain called England. And it is hereby ordained and declared that his Excellency William Franklin Esq. before holding the said Court shall take an Oath in the words following that is to say, “ You shall well and truly serve his Majesty to the best of your Skill and Knowledge as Chancellor and Judge of the High Court of Chancery Erected within this Province, you shall faithfully and uprightly to the best of your Power, cause Justice to be duly Administered, to such as shall sue before you for the same according to Equity and the Order of the Law you shall not take nor receive of any person any Gift or reward in any Cause or matter depending before you. So help you God. And it is hereby further ordained and declared that his said Excellency William Franklin Esq. shall and may, and he is hereby Authorized and Impowered from time to time to nominate and fix days for hearing, Tryal and determination of any Cause that may arise or be brought before him, and to appoint and Order such days & times as to him shall seem meet, for hearing Motions, and entering Rules and Orders in the said Court. And further to nominate constitute appoint and Commissionate so many Masters, Clerks, Examiners, Registers and other necessary Officers as shall be needfull to the holding the said Court and doing the Business therein and also to make such Rules Orders & Regulations for carrying on the Business of the said Court, as to him from time to time shall seem necessary.¹

¹ The need of a Court of Chancery upon a proper basis had been urged upon the Assembly in 1768 by Governor Franklin, but that body was not disposed to create any new offices, nor to add to the emoluments of those then existing, and no legis-

In Testimony whereof I have caused the Great Seal of the said Province to be hereunto Affixed at Burlington the day & year first above Written.

Assented to and ordered to be Recorded.

WM. FRANKLIN

This ordinance having been read & Compared in Council, is Consented to

STIRLING.

ation on the subject was enacted.—*Field's Provincial Courts of New Jersey*, 123. The Governor then took the advice of his Council as to his power to establish and regulate the Court by ordinance. The opinion of Richard Stockton has been given (see *ante*, p. 155). Another Councillor, John Stevens, wrote to the Governor, at his request, under date of March 20, 1770, as follows: "I am of opinion that a Court of Chancery in this Province is requisite, and that it ought to be kept open, but that at this Time and ever since the year 1713, the Court has not been held on a proper establishment, as no Ordinance for erecting said Court, or qualification of the Chancellors appears. I therefore with submission, advise that the Governor and Council do form an Ordinance for the Establishment of the Court of Chancery, to consist of his Excellency, the Governor, with such of the Council or others as shall be thought proper or fitting for the Trust, and that they all take the necessary qualification for the due discharge of their duty; and that every step may be taken to give authority and permanence to the Court I would propose that a full state of the Court of Chancery, as to the manner in which it has been from time to time held, be made and transmitted to our Most Gracious Sovereign for his further instructions to the Governor with regard to his will and pleasure therein."—*N. Y. Gen. and Biog. Record*, October, 1884, 147. The outcome of this movement was the above Ordinance, which remained in force until the adoption of the Constitution of July 2, 1776, which continued the Governor as Chancellor, and it so remained until 1844. Some curious information regarding the New Jersey Court of Chancery will be found in the Annual Law Register of the United States, by William Griffith, Burlington, 1822, IV., 1183. In Colonial times the Court was always viewed with jealousy, inasmuch as it was independent of the people, and vested too much power in the Governor, as Chancellor. The New York Assembly repeatedly expressed hostility to it.—*Smith's History of New York*, edition of 1814, 269, 385-8; *Works of William H. Seward*, II., 55; *Journals of New York Legislative Councils*, 562-9. In Pennsylvania, at the request of the Assembly, Lieutenant-Governor Keith established a Court of Chancery, by ordinance, consisting of himself and his Council.—*Penn. Archives*, I., 171; *Proud's Hist. Pennsylvania*, II., 125-8. The Assembly of 1736 adopted an able and ingenious address, pointing out the objections to thus establishing and maintaining a Court independent of that body.—*Penn. Col. Records*, IV., 27-32, 41-6. This memorial was effective, for Proud says (*ut supra*, 128, note): "This Court of Chancery afterwards, in Governor Gordon's time, came to be considered as so great a nuisance, that it was, therefore, then entirely laid aside."—[W. N.]

Pardon of John Dodd and David Dodd, convicted of rioting at Horseneck.

[From Book AB of Commissions, Secretary of State's Office, Trenton, fol. 59.]

GEORGE the Third &c. To the Sheriff of our County of Essex and to all persons whom it may Concern Greeting. *Whereas* John Dodd & David Dodd of our County of Essex in our Province of New Jersey, at a Court of Oyer and Terminer and General Gaol Delivery lately held at Newark in & for our said County of Essex were severally convicted of aiding & Assisting in a riotous manner to Erect a certain Building of Loggs, called a Strong hold, or Gaol, at a place called Horse Neck in our said County of Essex¹ & other misdemeanors by the disturbances of our peace in the sd. County for which sd. Crimes the sd. John Dodd & David Dodd were by Sentence of our sd. Court condemned to pay certain Fines and suffer Imprisonment viz: the one for four Months and the other for three Months, and the sd. John Dodd & David Dodd are now Confined in the Common Gaol of our sd. County in Execution of the sd. Sentence. *And Whereas* the sd. John Dodd & David Dodd have by their humble Petition Acknowledged the Justice of the sd. Sentence and Solemnly promised to conduct themselves for the future as Dutifull and Loyal Subjects, and orderly Members of the Community and have supplicated our trusty and welbeloved William Franklin Esq. Captain General & Governor in Chief of our sd. Province, that they may be released, from the said Imprisonment,

¹ Horseneck, now Caldwell. The riot was doubtless one of the outbreaks against the lawyers referred to in Governor Franklin's speech to the Legislature, given above.

Now Know Ye that We of our special Grace Clemency & Compassion have pardoned & released and by these presents do pardon and release the sd. John Dodd & David Dodd from the sd. Sentence of our Court so far as relates to the Imprisonment of their persons, they paying all due Fees to the Officers of our sd. Court and others. In Testimony whereof We have Caused the Great Seal of our sd. Province of New Jersey to be hereunto Affixed *Witness &c.* dated at Burlington the 31 of March A. Dom. 1770.

PETTIT.

Representation of the Lords of Trade to the King, recommending the disallowance of an Act of the New Jersey Assembly relative to the Common lands of the township of Bergen.

[From P. R. O. B. T. New Jersey, Vol. 17, page 219.]

WHITEHALL, APRIL 11. 1770

To the King's most Excellent Majesty.

May it please Your Majesty

We have had under our consideration an Act passed in Your Majestys Colony of New Jersey in November 1769, intituled,

“A Supplementary Act to an Act intituled an Act
 “appointing Commissioners for finally settling and
 “determining the several rights titles and claims to
 “the common Lands of the Township of Bergen; and
 “for making partition thereof in just and equitable
 “proportions among those who shall be adjudg'd by
 “the said Commissioners to be intituled to the same;”
 whereupon we humbly beg leave to represent to your Majesty,

That this Act is passed with a Clause suspending its

execution till September next, and is supplementary to the Act for dividing the Bergen Common; the Occasion of this Act is set forth in the preamble and Your Majesty's Governor of New Jersey in his Letter accompanying the transmission thereof states that the Circumstances of the Case make such an Act absolutely necessary; inasmuch as the claims of the several Parties who conceive they have a right to a share of the Commons allotted to the Secaucus Patent, are of so various, complicated & intricate a nature, that it is impossible they should be ever settled in the ordinary course of Law.

In answer to this observation of Your Majesty's Governor we have received a Petition from William Bayard Esquire of New York (Copy whereof we humbly beg leave hereunto to annex) setting forth, amongst other matters that in right of a Patent of the Island of Secaucus granted the 10th of Dec^r 1663 to his Grandfather Nicholas Bayard and Nicholas Varlet as joint Tenants and confirmed to them by Governor Carteret on the 13th of October 1667, he had claimed before the Commissioners (appointed under the Act to which this refers) an Allotment of the said Common Lands of the Township of Bergen; That sundry other persons, claiming the said common Lands in virtue of a Sale from the said Nicholas Bayard of the said Island of Secaucus, did some time since commence a Suit in the Supreme Court of Judicature of the said Province against the Petitioner for recovering the possession of the said Lands; and that the Petitioner having caused a defence to be made in the said Suit, and the said Cause having been brought on to Trial, a special Verdict was found therein, which having been solemnly argued before the Judges of the said Court, they were ready to give their Judgment in the matter; That in the meantime advantage had been taken of his absence from the Province to obtain the above

supplementary Act for the purpose of removing this Question of Right which is entirely of a private nature and a mere point of Law depending between Individuals, from the ordinary course of Justice, where it has been brought by themselves in a regular Course of Procedure to a new erected Court of Commissioners, whose determination is to be final; thereby depriving the Petitioner of his legal right to the Judgment of the supreme Court of Judicature and of his Appeal from thence if necessary, for which reasons amongst others, he humbly prays that Intercession may be made with your Majesty to prevent this Act from passing into a Law.

In addition to the above objections, it does appear from the minutes of Your Majesty's Council for the province of New Jersey that a Petition addressed to the Governor Council and Assembly of the said Province and signed by the said William Bayard Esq^r was exhibited in Council, on the 13th of October 1769, setting forth that a Suit was then depending in the Supreme Court of that Province, respecting certain Lands in the County of Bergen included in the Patent of Secaucus in which the Petitioner was defendant; and He being informed that some persons interested therein intended to apply to the Legislature of that Colony to pass a Law to effect a Division of said Lands, thereby prayed that no Bill of that nature might pass that House for the reasons therein mentioned

This Petition by way of Caveat appearing on the Minutes of Your Majesty's said Council, we are humbly of opinion that as well on that account as likewise for the reasons assigned in the Petition presented to us, this Act should not be allowed to pass into a Law; and when we add as a further and effectual objection thereto, that being of a private nature, it is nevertheless accompanied with a Clause of temporary suspen-

sion only and not until such time as your Majesty's pleasure shall be Known, we think it our duty to lay this Act before Your Majesty for Disallowance.

Which is most humbly submitted

HILLSBOROUGH.	W ^m FITZHERBERT.
SOAME JENYNS.	ED. ELIOT.

Circular letter from Mr. Pownall to the Governors in America inclosing an Act of Parliament respecting certain duties.

[From P. R. O. America & West Indies, Vol. 274.]

WHITEHALL 14th April 1770

To all the Governors in America

Sir,

I am directed by the Earl of Hillsborough to send you the inclosed printed Copy of an Act, assented to by His Majesty on Thursday last, for repealing so much of an Act made in the 7th Year of His present Majesty for granting certain Duties in the British Colonies & Plantations in America &c^a as relates to the Duties upon Glass, Red-Lead, White Lead, Painters Colours Paper &c, & am &c

J POWNALL.

Letter from Governor Franklin to the Earl of Hillsborough relative to various matters of public interest.

[From P. R. O. and West Indies, Vol. 175 (193).]

BURLINGTON, New Jersey, April 28th 1770.

The Rt Hon^{ble} the Earl of Hillsborough

My Lord,

I am honoured with your Lordship's Letters N^o 21, 22, & 23.—

The Mandamus, appointing M^r Stephen Skinner of

the Council in this Province, was inclosed in N^o 22; of which I have acquainted M^r Skinner, and he will, I suppose, be sworn and admitted at the next Meeting of the Council.

Since my last Letter to your Lordship, I have been under a Necessity of calling another Meeting of the Assembly, on Account of some dangerous Riots which happened in the Counties of Monmouth and Essex. I need not trouble your Lordship here, with a Recital of the Particulars of them, as you will see them fully set forth in the Minutes of the Privy Council for February last, and in my Speech and the Addresses of the Council and Assembly contain'd in the Legislative Council Minutes sent herewith. I have, however, the Satisfaction to acquaint your Lordship, that by the timely and spirited Measures which were taken, the Rioters are entirely quell'd and humbled. Some of the principal Ringleaders of them in the County of Essex have been convicted and punished, and those in the County of Monmouth will probably share the same Fate at the next Court of Oyer and Terminer. The County Court was held there last Week without the least Interruption from any of the pretended Sons of Liberty, who, indeed, appeared very humble and dispirited.—I should have sent your Lordship an Account of these Transactions sooner, but that I did not receive from the Secretary the Copy of the Minutes till Yesterday, owing I believe to a Hurry of Business at the Office.

The Votes of the former Session of Assembly are just printed, and, with some Acts passed at the last session, are sent herewith.—The *Act for providing a more effectual Remedy against excessive Costs in the Recovery of Debts under Fifty Pounds*, it is expected by the Council and Assembly will put a Stop to all Pretence of Clamour against the Lawyers and Sheriffs in this Province. I refused a Bill of a similar Nature to this at a former Session, as it was not only judged

inadequate to the Purpose, but as it had a Tendency to injure the Clerk of the Supreme Court, who holds his Office by Patent under the Crown. However, as the Bill was afterwards altered so as to obviate the chief of my Ojections, and the Clerk declared himself satisfied, I gave it my Assent, tho' I have my Doubts whether it will prove so satisfactory on Trial as is expected. The other Acts are of a usual Nature, and need not to be particularly mentioned.—

Your Lordship will see by the printed Votes, Pages 78 & 84, and by the Messages enclosed, that the Assembly are pressing me to give up the Appointment of *Coroners*,¹ and to let them for the future be entirely elected by the People, as in the Counties in England. The Attorney General, M^r Cortlandt Skinner, who is likewise Speaker of the Assembly, gave me his Opinion in Support of the Claim of the House, which is inserted in the Minutes of Council sent you with my Letter N^o 21; and your Lordship will see my Objections in the Messages sent herewith. I expect to be again press'd on this Subject at the next Session, and should therefore be glad to be honoured with His Majesty's Commands respecting it.

The Privy Council Minutes during the last Session are Copying, but being very bulky will not be completed in Time to send by this Opportunity.

I have the Honor to be, My Lord,

Your Lordships most obedient &
most humble Servant

W^m FRANKLIN

¹ No change was made in the manner of choosing coroners until the adoption of the Constitution of July 2, 1776. Section XIII of that instrument provided for the annual election of one or more coroners in each county.

*Governor Colden's Commission to John De Noyelles
and William Wickham as Surveyors of the bound-
ary line between New York and New Jersey.*

[From N. Y. Col. MSS., in Sec'y of State's Office, Albany, Vol. XCVI., pp. 86, 87.]

By the Honourable Cadwallader Colden Esquire
his Majesty's Lieutenant Governor and
Commander in Chief of the Province of
New York and the Territories depending
thereon in America

To all to whom these presents shall come

Greeting—

Whereas John De Noyelles and William Wickham Esquires by their Humble Petition presented to and read before me in Council on Wednesday the ninth day of this Instant month of May did set forth that the agents appointed by the Colony of New Jersey for managing the Controversy respecting the Division Line between that Colony and the Colony of New York having signified their Willingness to settle the Controversy in an Amicable manner and that the General Assembly of the Colony of New York approving of such a Method did desire the agents appointed on the part of New York for managing the said Controversy together with the Committee of Correspondence and Mr D Noyelles to consult with the agents of the Colony of New Jersey on the most salutary Measures to be pursued for the settlement of that Line: That several Conferences have been had and a Plan for the final settlement of the said Line has been

agreed upon; which plan if agreed to by the Legislatures of the respective Colonies is to be Laid before his Majesty for his Royal approbation. That the better to carry the said Plan into Execution it was esteemed absolutely necessary that several surveys should be made and that James Parker John Stevens and Walter Rutherford or any two of them on the Part of New Jersey, and the said John De Noyelles and William Wickham on the part of New York were appointed by the said Agreement to see the said Surveys performed and further that the Petitioners had been informed that some of the inhabitants in the County of Orange intend to prevent the said Surveys being made and therefore praying that such aid and assistance might be given them in the premises as may be just and reasonable. Know Ye therefore that by and with the Advice and consent of his Majestys Council for the said Province I have authorized and empowered and by these presents do authorize and empower them the said John De Noyelles and William Wickham in Conjunction with all or any two of them the said James Parker John Stevenson and Walter Rutherford on the part of New Jersey to cause such Surveys to be made and performed as they shall Judge necessary in order to carry into Execution the Plan so as aforesaid agreed upon for the final Settlement of the said Division Line between the Colony of New York and the Colony of New Jersey; hereby strictly requiring and commanding all Magistrates Justices of the Peace Constables and other his Majestys Officers of and in the said County of Orange to be Diligent in Suppressing of all tumults on the Occasion, and by all lawful ways and means to be aiding and assisting in the Premises to the Persons so authorized to make Such Surveys as aforesaid.

Given under my Hand and Seal at Arms at Fort George in the City of New York the sixteenth day of

May in the Tenth Year of His Majestys Reign and in the year of our Lord one thousand seven hundred and seventy.

CADWALLADER COLDEN

By his Honours Command.

GEO BANYAR, D Secry.

A true Copy of the Record Examd this 21st May 1770

By me—

GEO. BANYAR D Secry.

Order of Council disallowing an Act of the New Jersey Assembly for striking £100,000 in Bills of Credit, and an Act regarding the common lands in the township of Bergen.

[From P. R. O., B. T., New Jersey, Vol. 10, L. 20.]

AT THE COURT AT ST. JAMES'S the 6th Day of
June, 1770.

PRESENT.

The King's most Excellent Majesty in Council

Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of His Majesty's Province of New Jersey, are authorized and empowered to make Constitute and ordain Laws Statutes and Ordinances for the Publick Peace Welfare and Good Government of the said Province; which Laws Statutes and Ordinances are to be as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom; And are to be transmitted for His Majestys Royal Approbation or Disallowance; And Whereas in pursuance of the said powers an act was passed in the said province in the Year 1769 and transmitted, Entituled as follows Viz^t

An Act for Striking one hundred thousand pounds in Bills of Credit'

Which Act together with a Representation from the Lords Commissioners for Trade and plantations thereupon having been referred to the Consideration of a Committee of the Lords of His Majestys most Honourable privy Council, The said Lords of the Committee did this Day Report to His Majesty as their opinion that the said Act ought to be disallowed His Majesty taking the same into Consideration was pleased with the Advice of His privy Council to declare his Disallowance of the said Act, and pursuant to His Majestys Royal pleasure thereupon Expressed the said Act is hereby disallowed declared Void and of none Effect—Whereof the Governor or Commander in Chief of His Majesty's said province of New Jersey for the time being and all others whom it may concern are to take notice and govern themselves accordingly

Like Order with the foregoing was issued for disallowing An Act passed in the province of New Jersey in the year 1769 Entituled

A Supplementary Act to an Act Intituled an Act Appointing Commissioners for finally settling and determining the several Rights Titles and Claims of the Common Lands of the Township of Bergen, and for making partition thereof in just and Equitable proportions among those who shall be adjudged by the said Commissioners to be intituled to the same.

¹ Joseph Galloway wrote, June 21, 1770, to his friend Benjamin Franklin: "I am greatly surprised at the conduct of the Administration, in relation to the New York and New Jersey paper money bills. The reasons assigned for their rejection are really ridiculous, and can be accounted for on no other ground, than that they are determined the Americans shall not have any paper medium at all. * * * A farmer pledges his land to the government, and takes paper. When he comes to redeem his pledge, ought he not to return the paper, and ought not the government to be obliged to receive it in discharge of the land?"—*Franklin's Works*. VII., 482. This is a fair sample of the view taken of this measure in the Colonies generally.

Letter from the Earl of Hillsborough to Gov. Franklin, Complimenting the Governor and Council of New Jersey.

[From P. R. O. America and West Indies, Vol. 193.]

WHITEHALL, July 6th, 1770.

Governor Franklin.

Sir,

I have received your Dispatches of the 28th of April last, and having laid your Letter and such of the Papers as it refers to before the King, I have received His Majesty's Commands to communicate the Laws to the Board of Trade, together with an Extract of that part of your Letter, which contains an observation upon the Act for providing a Remedy against excessive Costs

The Zeal & Activity of the Council and Civil Magistrates to suppress the dangerous Riots in the Counties of Monmouth and Essex are highly commendable; and it is to be hoped, from the account you give of their effect, that you will have no more trouble on that subject.

The King sees with satisfaction the prudent Answer you gave to the Solicitation of the Assembly in respect to the Appointment of Coroners; for though it is very much to be wished that the Colonies should in all things conform as near as may be to the Usage and Practice in the Mother Country, yet you was certainly well advised in refusing to assent to such an Alteration in the Constitution of New Jersey without His Majesty's Directions for that purpose.

I am &c^a

HILLSBOROUGH.

*Representation from the Lords of Trade to the King,
relative to An Act regulating the practice of the
law in New Jersey.*

[From P. R. O., B. T., New Jersey, Vol. 17, p. 230.]

WHITEHALL, July 20th, 1770

To the King's most Excellent Majesty.

May it please Your Majesty,

We have had under our consideration an Act passed in Your Majesty's Province of New Jersey in June 1765, with a Clause suspending its execution until Your Majesty's pleasure is Known intituled

"An Act for regulating the practice of the Law,
"and other purposes therein mentioned."¹

We have also consulted M^r Jackson, one of Your Majesty's Counsel at Law, upon this Act, who has reported to us, that it contains sundry innovations in the Laws of the Province without sufficiently stating the inconvenience the remedy of which is intended, and in as much as above five Years have now passed without any application in its support notwithstanding the intimations given by the Governor that the Assembly would instruct the provincial Agent to solicit it who if such reasons had subsisted would probably have been enabled to supply them he therefore conceives this Act is not fit for Your Majesty's Approbation.

For these Reasons we humbly beg leave to lay this Act before your Majesty for Your Majesty's Royal Disallowance.

Which is most humbly submitted.

HILSBOROUGH, W^m FITZHERBERT,
ED: ELIOT, GREVILLE,
ROB^t SPENCER.

¹ In accordance with this recommendation the King in Council disallowed the above act, December 9, 1770.—*N. J. Analytical Index*, 417.

Letter from Governor Franklin to the Earl of Hillsborough, relative to the displeasure of the Assembly at the disallowance of the Paper Money Act.

[From P. R. O. America and West Indies, Vol. 175 (193).]

PERTH AMBOY, Sept.^r 29th 1770.

Rt. Hon'ble the Earl of Hillsborough.

My Lord,

I am honoured with your Lordship's Dispatches of June 12th and July 6th—The Royal Disallowance of the Paper Money and Secaucus Acts I have communicated to the Council and Assembly who are now Sitting at this Place. The Members of the Assembly I find are greatly displeased at the former Act not being confirmed, as they thought they had obviated every Objection, and fully complied with His Majesty's Directions, contained in the Order of Council of the 26th of May 1769.—It was never imagined here that so extensive a Construction would be put upon the Act of Parliament for restraining paper Currencies in America, as that the Money should not even be a Tender to the Loan Offices that issued it. If this had been known here the Assembly would not have attempted to pass an Act for Striking Paper Money; for it would have been the Height of Absurdity to expect that any persons would mortgage their Estates to the Loan Office for Money which they could not afterwards oblige the Office to receive again in Discharge of their Mortgages. What, they say makes their Case the harder, is, that the two Proprietary Governments of Pennsylvania and Maryland have had for some Years past, and at this very Time, a considerable Sum of paper Money circulating, which, tho' not a legal Tender in common Payments between Man and Man, is nevertheless a Tender to the Treasuries from whence it issued; and that the

Acts passed in those Provinces for this purpose, tho' transmitted regularly from time to time to His Majesty, have never been disallowed.—But what gives me particular Concern is, that I am not without Apprehensions that a Party among them will take Advantage of the Ill humour, occasioned by their Disappointment in this respect, and prevail on the Assembly not to grant any Money for the Support of the King's Troops stationed in this Province; which would, in all Probability, have been the Case last Year, if Expectations had not been given them of a Paper Currency to enable them to do it in a Manner easy and agreeable to the People.—As it is now only the Beginning of the Session it is impossible to say what will be the Event, but His Majesty may rely upon my doing all in my Power to bring them to a better Temper and a proper Sense of their Duty.¹

I have the Honour to be, with the greatest Respect,
My Lord, Your Lordship's most obedient
humble Servant
W^m FRANKLIN

P. S.—Enclosed is a Copy of my Speech, at the Opening of the Session.

Letter from Gov. Franklin to the Earl of Hillsborough, announcing the Action of the Assembly relative to provision for the supply of the troops, the appointment of Barrack Masters, etc.

[From P. R. O. America and West Indies, Vol. 175 (193).]

BURLINGTON Nov^r 5th 1770

My Lord,

I did myself the Honour to write to your Lordship on the 29th of September last, informing you that I

¹ Lord Hillsborough replied November 15, 1770, and stated that he had laid this letter before the King.—*N. J. Analytical Index*, 417.

was then there holding a Session of General Assembly. The Session lasted till the 27th of October, during which nothing of much Importance happened, except that the Assembly, in Resentment for the Royal Disallowance of the Paper Money Act, and as instructed by many of their Constituents, did actually come to a Resolution after a considerable Debate, "That no farther Provision should be made for the Supply of His Majesty's Troops Stationed in this Colony."

However, upon my talking the Affair over in private with some of the leading Members, and representing the ill Consequences that would probably ensue to the Province from their Refusal, I at length influenced them to resume the Consideration of the Matter, and to grant a Sum sufficient for the Supply of the Troops during the Winter. The Sum they have granted is Five hundred Pounds Currency, which, as Part of the Firing is already provided, I am in hopes will be enough to furnish all the Necessaries required by Act of Parliament till the latter End of April next;¹ at which time they must be called again to make a farther Provision. The Assembly have now left the Appointment of the Barrack Masters entirely to the Governor, and have made the Money liable to be drawn out of the Treasury by Warrant from the Governor and Council,—two Points which before they never would accede to. The Province has, indeed, been greatly imposed upon, and defrauded, by the Barrack Masters nominated by the Assembly: But now that they have put a Confidence in Government it shall be my Endeavour to convince them that

¹ The act was passed October 27, 1770. It appointed the following persons "to take care of the several Barracks and keep them in necessary Repair, to wit, Edward Thomas at Elizabeth-Town, Hendrick Fisher at New-Brunswick, Samuel Sargent at Perth Amboy, Abraham Hunt at Trenton, and Daniel Ellis at Burlington." The former Barrack-Masters were directed to deliver to persons to be named by the Governor the articles bought for the troops, but not used.—*Allinson's Laws*, 340. And see N. J. Archives, IX., 576.

it is properly placed, and for the real Advantage of the Publick. A Copy of my Message to them on this Head, and their Answer is enclosed.—

The Minutes of the Proceedings of the Council and Assembly, and the Acts passed, are now Copying, and shall be transmitted to your Lordship by the first Opportunity.

I have the Honor to be, with the greatest Respect,
My Lord, Your Lordship's
most obedient, & most humble Servant

W^m FRANKLIN

A Message from the Gov^r to the Assembly of New Jersey about furnishing the Troops with Necessaries—And the Assembly's Answer. Oct^r 1770 in Gove^r Franklins of the 5th Novemb^r

A Message from the Governor to the Assembly
Gentlemen,

I am greatly surprized & concerned to find by your Minutes that you have resolved “That no farther Provision be made for the Supply of His Majesty’s Troops Stationed in this Colony.” As by this Resolution you refuse to comply with a Requisition made to you by express Order from His Majesty, founded on the highest Authority, there can be no Doubt but that it will, if adhered to, be attended with very serious consequences to the good People you represent. If therefore, it was not my Duty as Governor, I should as a Friend, and one who has very sincerely the Interest of the Province at Heart, recommend it to you to resume the consideration of this Matter, and grant the Supply required. Should you, however, after all determine to abide by your present Resolution, I must desire that you will furnish me with your Reasons in as

plain, full and explicit a Manner as possible, to be transmitted to His Majesty, that he may know from your own Words, and not from my Representation, the Motives of your extraordinary conduct.

W^m FRANKLIN

Oct^r 25, 1770

The Assembly's Answer.

Ordered

That M^r Berrien and & M^r Price do wait on His Excellency, and, in Answer to His Excellency's Message of Yesterday, inform him that the House, agreeable to His Excellency's Request, have resumed the consideration of Supplying His Majesty's Troops, Stationed in this Colony, with Necessaries, and agreed to make some further Provision for that Purpose; altho' they cannot but esteem it a Particular Hardship that this Requisition should be renewed at a Time when they are denied a Loan Office Bill, framed, as is apprehended, on the most reasonable Principles, thereby deprived of all Means of complying with the Royal Requisition without introducing new Taxes on a People already grievously burthened by their Zeal for His Majesty's Service during the late War, and since, which has incurred a very heavy Debt on the Colony and nearly exhausted the Treasury. That they have already expended very large Sums that the Peace of the Colony might not be interrupted, and have been induced to comply with His Excellency's Requisition at this Time, in Hopes that they shall not be hereafter called upon for further Aids, and to request His Excellency would be pleased to use his Influence that this Colony may be eased of a Burthen so excessively grievous.

By Order of the House

JONA: DEARE Clk

Oct^r 26, 1770.

*Proclamation by Governor Franklin, in relation to
an assault upon John Hatton, Collector at Salem.*

[From Pennsylvania Archives, IV., 381.]

By His Excellency William Franklin, Esq.,
Captain General, Governor and Commander
in Chief in and over the Province of
New Jersey, and Territories thereon de-
depending in America, Chancellor and Vice
Admiral in the same, &c.

A PROCLAMATION.

Whereas I have received Information from John Hatton, Esq., Collector of His Majesty's Customs, for the Port of Salem, &c., in the Province of New Jersey, That on the Eighth Day of November Instant, a Boat's Crew, consisting of Nine Persons, from on Board the Ship Prince of Wales, Patrick Crawford, Master, then riding at Anchor near Cape May, armed with Guns, and other offensive Weapons, in an hostile manner, boarded and re-took, from the said John Hatton, a certain Pilot-boat, late the Property of Jedediah Mills laden with Goods, known to have been clandestinely discharged out of the said Ship Prince of Wales, which said Pilot-boat and her Cargo the said John Hatton had on the same Day seized and taken Possession of, by virtue of his said Office : And that after said Boat's crew had boarded the said Pilot-boat, they most cruelly beat, and dangerously wounded the said John Hatton his Son, and a Mulatto Slave, and robbed the said John Hatton of four Spanish Dollars, three Guns, two Hangers, one rifle barrell'd Pistol, a Pair

of Shoebuckles, and some other small Articles. One of the said Nine Persons, who appeared to have Command of the said Boat's Crew, was called Smith, and is a short, thick, well-set Man, supposed to be between thirty and forty Years of Age, and has a fresh cut on the right Side of his Head and Face, made with a Cutlass in the said Affray. Another of the said Persons is named Hughes, and is now in His Majesty's Gaol at Cape-May. The other seven Persons are supposed to be Sailors, belonging to the said Ship Prince of Wales, whose Names are unknown.

I have therefore thought fit to issue this Proclamation, hereby requiring, and strictly charging and commanding all Officers, Civil and Military, and other his Majesty's Liege Subjects within the said Province of New Jersey, to use their utmost Endeavours to seize and apprehend the said Offenders, or any of them, so that they may be brought to Justice. And I do hereby promise His Majesty's most gracious Pardon to any one of the Persons concerned in the said Assault and Robbery, (except the aforesaid Smith) who shall inform against and prosecute to conviction any one or more of his Accomplices.¹

Given under my Hand and Seal at Arms, at the City of Burlington, the Seventh Day of November, in the Eleventh Year of His Majesty's Reign, Anno Domini 1770.

WILLIAM FRANKLIN.

By His Excellency's Command,

CHA. PETTIT, D. Secretary.

GOD SAVE THE KING.

¹ See also under date of Dec. 6, 7, 25 and 30, 1770; May 11, July 13, and July 19, 1771, in this volume.

*Two Warrants for the Apprehension of John Hatton,
Collector at Salem, and his slave Ned.*

[From P. R. O. America and West Indies, Vol. 275.]

Warrant For John Hatton Esq

NEW JERSEY }
CAPE MAY COUNTY } ss.

George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To our Sheriff of the County of Cape May or the Constables of the said County or either of them Greeting. Forasmuch as Jedediah Mills of the said County of Cape May Pilot hath personally come before Us James Whillden, Th^{os} Learning, and John Leonard Esq^{rs} three of his Maj^s Justices assigned to Keep the Peace within the said County of Cape May & hath taken a Corporal Oath that he the said Jedediah Mills is afraid that John Hatton Esq^r of the said County of Cape May will beat wound maim or kill him the said Jedediah Mills and hath therewithal prayed surety for the Peace and Good Behaviour against him the said John Hatton Esq^r therefore We command and charge you jointly and severally or either of you that immediately upon the Receipt hereof you bring the said John Hatton Esq^r Forthwith before us the said James Whillden Th^{os} Learning & John Leonard Esq^{rs} or either of Us to find sufficient Surety and Mainprize as well for his personal appearance at the next General Quarter Sessions of Our Peace or Court of Oyer & Terminer of General Goal Delivery or which ever of said Courts should happen to be held first in & for our said County as also for our Peace and Good Behaviour in the mean time to be Kept toward us and all our Liege

People and chiefly towards the said Jedediah Mills that is to say that he the said John Hatton Esq^r shall not do nor by any means procure or cause to be done any of the said Evils to any of Our said People and especially to the said Jedediah Mills.

Given under Our Hands and Seals this 6th day of Dec^r in the 11th Year of the Reign of Our Sovereign Lord George the third of Great Britain &c & in the Year of Our Lord 1770

Signed

J WHILDEN

T. LEARNING [LEAMING]

J. LEONARD

Justices Warrant For Ned

NEW JERSEY {
CAPE MAY COUNTY } Ss.

George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To Our Sheriff of the County of Cape May or the Constables of the said County or either of them Greeting. Forasmuch as Jedediah Mills of the said County of Cape May Pilot hath personally come before us James Whilden, Thomas Learning, & John Leonard Esq^{rs} three of His Maj^s Justices assigned to keep the Peace within the said County of Cape May and hath taken a Corporal Oath that he the said Jedediah Mills is afraid that a Mulatto Slave called Ned by name belonging to John Hatton Esq^r of the lower Precinct in said County of Cape May will beat wound maim or Kill him the said Jedediah Mills and hath therewithal prayed surety for the Peace and good Behaviour against him the said Mulatto called Ned therefore we command and charge you jointly & severally or either of you that immediately on the Receipt hereof you bring the said Mulatto called

Ned Forthwith before us the said James Whilden, Tho^s Learning & John Leonard Esq^{rs} or either of Us to find sufficient surety or Main Prize as well for his personal appearance at the next General Quarter Sessions of Our Peace or Court of Oyer & Terminer of General Goal Delivery, or which ever of said Courts should happen to be held first in and for our said County as also for our Peace and Good Behaviour in the mean time to be Kept towards us & all our Liege People and chiefly towards the said Jedediah Mills that is to say that he the said Ned shall not do, nor by any means procure or cause to be done any of the said evils to any of Our said People and especially to the said Jedediah Mills.

Given under Our Hands and Seals this 6th day of Dec^r in the 11th Year of the Reign of Our Sovereign Lord George the third of Great Britain &c and in the Year of Our Lord 1770

S^d

JAS^s WHILDEN

TH^{os} LEARNING [LEAMING]

JOHN LEONARD

Copy of a letter from John Hatton, Collector of Salem and Cohensy, to Gov. Franklin, dated Dec. 7th, 1770, complaining of the action of Mr. Jas. Whilden, Thomas Learning and John Leonard, Justices at Cape May.

[From P. R. O. America and West Indies, Vol. 257 (275).]

I humbly beg leave to inform your Excellency that I am again obliged to fly from and quit my Office, and distressed family by reason that his Majestys laws and my actions in executing them as a faithful servant are

misinterpreted by these Your Excels^s Justices at Cape May viz James Whilden, Thomas Leaming, and John Leonard Esq^{rs} who I am informed could not get any others to join them,

23 Nov^r—I arrived at Cape May from Burlington. My wounds being so bad prevented me getting there sooner.

24—I procured Joseph Corsen Esq^r to go with me to J Leonard, & T: Leaming Esq^s, when I gave them your Excellencys Proclamation to which they paid no regard, and during my stay with them, being about two hours, they did not read it.

I likewise delivered the Letter M^r Pettit wrote by your Order on the 17^t in regard to bailing my Negroe, when they absolutely refused to admit him to Bail.

I then went to the Gaol from whence I found Hughes had been let out in order to go where he chose to procure himself bail, and without any guard he had full liberty to go where he liked.

My Negro still close confined and very ill the Cutts in his scull being very bad from whence had been taken several pieces of bones

In the dead of the night I ventured home found my wife as I had been informed, just expiring thro' fright for me and her son, well knowing the danger we were in; and few of my neighbors, tho' I have several good ones durst venture to come to my house being threatened with destruction by Hughes or his friends, notwithstanding the distress of my family, I was obliged to leave home the next night in order to get some one to bail my man.

This night was assaulted on the road by some man who with a stick struck me several blows in my arm: when a Blow with my Whip handle in his head, stunned him, & I rode on.

28—On my giving Nicholas Stillwell Esq^r £200 security he was so kind as to bail my Negro, being well

acquainted with my ill usage, & the distress of my family, a copy of the Bail peice now produced justly expresses it.

29—Got my Negroe from Prison

Dec: 5—Mills the Pilot who is advertised with your Excellencys proclamation was this day going about my neighborhood, armed with a Club and threatening me with destruction.

6—I met the said Mills on the Kings road who threatened me with his Club but on my putting my hand towards my pocket he went off. I immediately went to James Whilden, in order to request him to execute justice against the said Mills, as I had some days before lodged a complaint before him, but I was told he was not at home, tho' he had been seen a few minutes before. About six hours after on the same day the said James Whilden, Thomas Leaming, & J^o Leonard Esq^{rs} sent 5 men with their warrant now produced, who seized my man as he was going home with a loaded Team, he having been all the day with two of my neighbours getting some of my summers Crop which had been till then decaying on the ground. A few minutes after I was arrested on the same account as the warrant testifyeth. When I first entered the room Mills was sitting by the side of J^o Leonard Esq^r with the same Club by his side he had in the morning—during my conversation with them in which I did not give any one of them an uncivil word, the said Leonard expressed himself, in a very unbecoming manner.

I then desired the said Mills might be secured and again repeated to them that he was the Pilot who on 8^t November threatened me with death if I came near the Ship to execute my Office as his Maj^s Coll^r and likewise that he was one of the men who took away the Pilot boat after I had seized her, and further that he was the man who laid hold of my son in the street

at Philadelphia till a mob of Sailors came up when he and they most inhumanly treated him so that he was taken from them for dead.

He acknowledged the threatning and obstructing me when I was going to the ship, and likewise taking away the Pilot boat I had seized, and said he would do it again when there was occasion—his conduct was not in the least disapproved by the Magistrates present.

The Magistrates did not regard my Charge against him, but on my insisting on Mills, being someway secured they consented to bind him over to their own Court. An Uncle of Hughes, was ready for his Bondsman.

They then bound me, and insisted on £200 security, but they refused any security I could give for my Negro which I offered them nor would they allow him to stay in the hands of the Constable till next morning; When I told them I would produce them any bail they should require as my friends were at some distance, but they ordered him immediately to prison.

There were present Hughes and his brothers and other relations who threatned destruction to any who gave me any assistance; during the whole time they could not produce any one to say that either I, or my Slave, ever was heard to use the least threatning word against the said Mills or any one else, since my first coming amongst them, the reason they give for binding me and sending my Slave again to prison, is, that Mills declared my son told him in Philadelphia, that his fathers Negro should do for him, but did not produce any proofs.

Since my ill treatment on 8 Nov^r His Maj^s Vessels having been very vigilant has greatly obstructed their smuggling by water therefore I being so distressed by these three Magistrates gives them full liberty to perform it on shore, for I am well assured, & have just reason to believe that there hath been & still is several

thousand pounds worth of contraband Goods lodged on this shore since the 8th of November last, which Goods they are now conveying by Land to Philadelphia, and have been so during a few days since in the open day to go to my door with a loaded Waggon, and men armed with Pistols in their hands challenging me to appear if I durst, to seize them.

Mills and the Boat now appear in public and he bids defiance to any.

These my assertions I can prove if the Witnesses are impartially examined, therefore I hope your Excellency doth plainly perceive that it is for my Zealous attachment to his Majesty that I am thus injured abused, and interrupted by these three Magistrates—

My Instructions are, in any difficulties to apply to Your Excellency for assistance and protection, therefore do most humbly pray from Your Excellency a speedy redress as His Majesty's Revenue suffers entirely by the Actions and Power of these three Magistrates at Cape May.

[signed]

JOHN HATTON.

Letter from the Earl of Hillsborough to Governor Franklin, transmitting two Orders of Council.

[From P. R. O. America and West Indies. Vol. 175 (193), No. 28.]

WHITEHALL Dec^r 11th 1770.

Gov^r Franklin.

Sir,

Inclosed I send you two Orders of His Majesty in Council on the 9th instant; the one disallowing an Act passed in New Jersey in June 1765, entitled, "An Act for regulating the Practice of the Law and other Purposes therein mentioned;" the other confirming an

Act passed in May 1768, entitled, "An Act for choosing Representatives in the Counties of Morris, Cumberland and Sussex, & directing the Morris County taxes to be paid into the Eastern Treasury of this Colony;" and I am to signify to you His Majesty's Commands, that you do cause these Orders to be published in like manner as has been usual in such cases.

The inclosed Copies of the Representations of the Board of Trade, which I transmit to you for your private Information, will fully acquaint you with the Grounds of His Majesty's Determination upon these Acts; but I must not omit to observe to you, that although the Lords of the Council thought fit, in consequence of the Recommendation of the Board of Trade, to advise His Majesty to confirm the Act for electing Representatives for the Counties of Morris and Cumberland, yet it did not escape their Lordship's Notice that it did seem to be inconsistent with the additional Instructions transmitted to all His Majesty's Governors in 1767, requiring them not to give their Assent upon any Pretence whatsoever to any Law or Laws by which the Number of the Assemblies should be enlarged or diminished; and as their Lordships considered that a Strict Obedience to that Instruction is of the greatest Importance, they thought fit to recommend to His Majesty, that a Copy of it should be sent to you upon this occasion, and His Majesty, approving of what their Lordships recommend, has accordingly
11 Sept^r. 1767. directed me to send you the inclosed Copy thereof, and to signify to you His Royal Will and Pleasure, that for the future you should not, upon any Pretence whatever, deviate from the Directions it contains.

I am &^{ca}

HILLSBOROUGH.

Copy of a Letter from Mr. Hatton, Collector of Salem, Etc., to the Commissioners of the Customs, dated Perth Amboy, Dec. 25, 1770, complaining of the ill treatment he had received.

[From P. R. O. America and West Indies, Vol. 257 (275).]

PERTH AMBOY, 25th Decem^r 1770

Gentlemen

On my way to the Governor with the inclosed Remonstrance I received Yours of the 10th Inst. on the Receipt of which I went to M^r Skinner, Attorney General whose opinion I have now sent likewise the inclosed Remonstrance will give Your Honors a just Information of the further Ill treatment I have receiv'd M^r Read Collector of Burlington hath bailed out Hughes. M^r Read's actions are, as formerly; which is to distress me and the Service of the Revenue all He can. He is one of the 3 chief Judges of this Province & hath a Salary for it & is likewise one of the Governor's Council.

I am credibly informed that a Set of Merchants at Philadelphia have remitted a Quantity of money to this Province in Order to gain any Point they want & likewise make this Cape their Stanch Store, as they say they cannot do without It for their contraband Trade—for since the 8th of last November there have been 5 other Vessels unloaded with Illicit Goods.

I have wrote three pressing letters to the Captain of His Maj^s Vessel in this River but no One hath yet appeared to give me any Relief. I hired a Sloop on purpose to go to them to get them to keep their Vessel or Tender in Our Bay which would be the proper place, whereby they would perceive, with my assistance on Land, all the proceedings of the smugglers there; but

they declined my Request saying they could not assist me on Shore, and Winter coming on they must lay up their Vessels, therefore I am obliged to keep concealed by day, & when I travel it is all by night, & expect no other than some Day to fall a Sacrifice to their Wicked Malice & Inventions. I left my Wife at the point of death thro' Fright for me & her Son. My Son being still Ill & at the Tavern He was taken to first, & will lose either his Arm or the use of it, which cannot yet be determined & hath undergone a Severe Illness myself going hundred of Miles to endeavor to procure Justice & have almost expended my last Farthing and am in the greatest distress for more, who am

Gentlemen &c^a

JOHN HATTON

I am to call on the Governor on my way back for an answer to my Remonstrance of the 7th Ins^t. He having sent to the Attorney General for his advice & the Result thereof I will inform You M^r Skinner advises me to arrest the 3 Magistrates if I can get them before the Governor for their actions & false Imprisonment but I want Money, having now expended in this Affair upwards of 30£ Be pleased to excuse the Badness of this Letter as my Wounds in my Head & right Arm are still so bad that I can hardly think or hold my Pen.

Letter from Attorney-General Skinner to Mr. Hatton, giving his opinion on the proceedings of the Magistrates at Cape May.

[From P. R. O. America and West Indies, Vol. 257 (275).]

Dec. 25, 1770.

M^r Hatton

I have considered the Papers you have laid before me, and those sent by M^r Petit and am of opinion that

as the transaction was on the high Seas the Admiralty only hath Jurisdiction, & it is [to] those you ought to apply.

Upon the Same principle the Magistrates at Cape May had no authority to issue their Warrant, or bind you over to Court the place where the Seizure & Rescue was made being without their Jurisdiction or that of any Court but the Admiralty.

CORT^D SKINNER.

to John Hatton Esq^r

Letter from Mr. Skinner, Attorney-General of East Jersey, to Charles Petit, Esq., Secretary to Governor Franklin, giving his opinion on the Conduct of the Magistrates at Cape May.

[From P. R. O. America and West Indies, Vol. 257 (275).]

Dec. 25, 1770

Sir,

I received Yours by M^r Hatton with the Papers inclosed & have considered them as well as the Shortness of the time would permit, together with other Information given me by M^r Hatton.

I am of opinion that the place where the Seizure & Rescue were made is clearly out of the County of Cape May. That the Admiralty only has Jurisdiction and that the Justices of Cape May were forward in taking upon them any Enquiry; then issuing their Warrant & taking M^r Hatton & his Slave after his Excellency's Proclamation is an insolent Contempt of his Proclamation and will, with other parts of their Behaviour, justify His Excellency in ordering their Attendance before him in Council, or upon very clear Affidavits of their Behaviour removing them from Office.

It was their Duty to Support M^r Hatton the Collec-

tor & not suffer a Man Mills so principally concerned in the Matter to Sit with them when they illegally demanded Security of the Collector, then countenancing the outrage of the Pilots as well as the running of Goods are Sufficient to remove them.—Be pleased to make my Compt^s to the Governor & am &c:

CORTLAND SKINNER.

To Cha^s Petit Esq^r Gov^r's Secretary.

Letter from Mr. Hatton, Collector of Salem and Cohenscy, to the Commissioners of the Customs, Boston, relative to his ill-treatment by the Magistrates at Cape May.

[From P. R. O. America and West Indies, Vol. 257 (275)].

Gentlemen

I wrote to your Honours from Perth Amboy on the 25th instant, and inclosed you the Attorney Generals opinion of the Actions of the Magistrates and likewise my last Remonstrance to Gov^r Franklin and also the Copies of two Warrants which has been served on me and my Negro. Two Days after I arrived at Burlington & waited on the Governor & delivered a letter from M^r Skinner a Copy of which is inclosed, after much persuasion His Excellency granted according to M^r Skinner's Opinion an Non Ultimo Prosequi for me but as my Negro happened not to be mentioned in it, the Governor refused me one for him, therefore both he and me as one of his bonds men must appear at their next Court in February, what the issue may be I cannot pretend to say but no good. His Excellency has likewise wrote to the three Magistrates to appear before him and his Council sometime in the Spring the particular time not yet fixed, but if we may judge

from former instances the result will be,—I write this from opposite Philadelphia, the Tavern where my son is whose wounds are partly healed but has lost entirely the use of his Arm. I beg your Honours will consider the distress I am in for want of Money as I have now spent nearly forty pounds in travelling so many hundred miles & in fees for advice & other expences caused by this affair and I have still other Expences to pay by reason my man must attend their Court, therefore do most humbly beg your Honours will either grant me my Incidents now due or advance some of my salary or any other means you may think proper, which must be speedily & can be done by an Order on M^r Swift. I have taken out a supreme Writt for Mills the Pilot by the Attorney Generals advice as there is no Court of Admiralty in this Province.—

I should be glad your Honours would interpose so as to get the Magistrates punished according to their deserts.

I am &c^a

(signed) JOHN HATTON

COOPERS FERRY opposite Philadelphia 30th Dec^r 1770

N B. The Letter referred to is not yet come to hand.

Letter from the Earl of Hillsborough to Governor Franklin, relative to providing for the King's Troops.

[From P. R. O. America and West Indies. Vol. 176 (194).]

WHITEHALL, January 2nd 1771.

Governor Franklin.

Sir,

I have received your letter of the 5th of Nov^r N^o 24. and have laid it before the King.

Nothing would have been more unbecoming than

the Assembly's refusal to provide for the King's Troops, from Resentment for the Repeal of the Paper Currency Act, a Measure to which (however erroneous in its Principle) the King would not have withheld His Royal Concurrence, if it could have been given without violating the Law and the Constitution, and therefore it gave me great Pleasure to find they had receded from so indecent a Resolution.

I am &c^a

HILLSBOROUGH.

Letter from Frederick Smyth to the Earl of Hillsborough, tendering his seat in the Council of New Jersey.

[From P. R. O. America and West Indies, Vol. 176 (194).]

NEW JERSEY Jan^y 10th 1771.

My Lord,

As there was a vacant seat in the Council of this Province, at the time I was appointed Chief Justice; at the request of Lord Halifax; without any kind of solicitation on my part, I was appointed a member of the Council, and since my residence here, my attendance has been most punctual. The better to accommodate the inhabitants, I have fixed myself in what is called the capital Town of the province, which is above fifty miles distant from the place the Governor makes his residence at; so that every summons to Council subjects me to some fatigue, and an expence which I can no longer allow myself to be put to, in a Country where my services are so poorly requited, tho' it may be highly proper and necessary that the Chief Justice of the province should have a seat at the Council board, and it would be great pleasure to me, to continue to give all the assistance in my power to the Governor, and the Gentlemen of the Council, in the

dispatch of the business of that board, I hope however my Lord circumstanced as I am at present, it will not be thought any disrespect to his Majesty's service if I request your Lordship to accept my resignation of my seat in the Council of this Province.

I am truly sorry that I sh^d have occasion to trouble your Lordship so frequently with Letters, and Memorials of Complaint; yet it is some satisfaction to me, to know, that the grounds of those complaints, cannot be imputed to my misconduct in the discharge of the duty of my station in this Country, but solely to the inadequate reward which I receive for my services in it.

I am my Lord with the utmost respect

Your Lordships most Obed^t Hum^e Ser^t

FREDERICK SMYTH.

Letter from Gov. Franklin to the Earl of Hillsborough, relative to the War with Spain, the Superintendence of Indian Affairs, and announcing the death of John Ladd, a member of the Council.

[From P. R. O. America and West Indies, Vol. 176 (194).]

BURLINGTON, Jan^{ry} 14th 1771

To The Right Hon^{ble} the Earl of Hillsborough,
&c. &c.

My Lord,

I was Yesterday honoured with the Duplicate of your Lordship's Circular Letter of the 28th of September, and another of Nov^r 15, relative to the Prospect of a War with Spain. The Original of the first Letter never came to hand; which I much wonder at, as I observe, by the Contents, that Lord Dunmore might have received the one directed to him before the 11th of

December last, when he made his Speech to the Assembly of New York. Let the Event be what it may, His Majesty may have the firmest Reliance on my Attention to the Security of the Colony under my Government, and that I shall use my utmost Endeavours, in case Matters should proceed to Extremities, to prevail on the Assembly to do what may be in their Power towards putting the Province into a better State of Defence. This, I doubt not, they will be the more encouraged to do, from His Majesty's most gracious Assurances, That the Security of His Possessions in America will be a principal Object of his Care & Attention.

I am likewise honoured with your Lordship's two Dispatches of Nov^r 15. The one respecting Indian Affairs is the first I have ever receiv'd on the Subject, either from His Majesty's Ministers or from the neighbouring Governments; so that this Colony must stand excused for not having complied with His Majesty's Expectations in that Respect. I shall not fail however, to take the first Opportunity to represent this Matter to the Council & Assembly, and urge their Concurrence with the other Colonies in such Regulations of the Indian Commerce as may be thought requisite on their Part to answer the valuable End His Majesty has in View. However I think it my Duty to inform your Lordship, that though some such Regulations as are proposed would not only be highly advantageous to the commercial Interest of Great Britain and her Colonies, but contribute greatly to the Security of the latter from Indian Depredations, yet in all Probability, the very Colonies which are largely interested in the Commerce with the Indians, & whose Frontiers are immediately exposed to their Incursions, will never be able to agree among themselves on any effectual Measure for this desirable Purpose. And as New Jersey has no Inhabitants any ways concerned

in the Indian Trade,' her Frontier surrounded by the Colonies of New York & Pennsylvania, and every Indian Claim on the Province settled to the Satisfaction of the Indians, it is not at all improbable that the Assembly here may decline engaging in any Expence on that Account. Every Colony, I am apprehensive, will consider only its own immediate Interest, and grant in Proportion to what they think that to be; a Circumstance in which hardly any two Colonies will concur in Opinion. But this is not the only Instance, by many, which evinces the absolute Necessity there is (for the sake of the Colonists themselves) of a general Superintending Power over all the British Dominions in America.

I send your Lordship by this Opportunity Copies of the Minutes & Proceedings of the Councill & Assembly, and of all the Acts passed during the late Sessions. There are only Three of the latter which contain any Thing of a new or particular Nature, and those have Clauses suspending their taking Effect till they receive His Majesty's Approbation. Their Titles are as follow, viz^t

1st An Act for Establishing the Boundary or Partition Line between the Colonies of N. York & Nova Cæsarea or New Jersey, and for confirming the Titles & Possessions of certain Lands adjacent to or near the said Line.—

2^d A Supplementary Act to an Act, entitled, An Act for the better enabling of Creditors to recover their just Debts from Persons who abscond themselves.

3^d An Act to enable Persons who are His Majesty's Liege Subjects, either by Birth or Naturalization to inherit & hold real Estates, notwithstanding the Pur-

¹ For this reason the dispatch is omitted here. It is published in N. Y. Col. Docts., VIII., 254.

chase, Grant, or Devise, were made before Naturalization within this Colony.

The Hon^{ble} John Ladd, Esq^r departed this Life on the 20th of Dec^r last¹ which has occasioned a Vacancy in His Majesty's Council for this Province. He resided in the Western Division of this Colony, which Circumstance I mention, as I find that it is generally understood here that it was one of the Terms on which the Government was surrendered to the Crown, that there should always be an equal Number of Councillors as well as Assembly-men in each Division. This Matter, however, has not been so strictly attended to of late Years as formerly, there being now only *Three* Councillors in West Jersey to *Eight* in East Jersey, which is not only too great an Inequality, but as they mostly reside from 50 to 80 Miles from the present Seat of Government, which is in the Capital of the former Division, it often occasions considerable Delay & Detriment to His Majesty's Service & the publick Business. It is, indeed, but seldom that I can collect a sufficient Number of them to form a Council, on sudden Emergencies; and those who reside at a Distance expect that I will never require their Attendance (which is always attended with Expence & Trouble to them) but at the Time of a Sessions of General Assembly, unless upon any extraordinary Occasions. On this Account, I think it particularly necessary that the

¹ John Ladd was a surveyor and man of prominence for many years in Salem and Gloucester Counties.—*Clement's First Settlers of Newton Township*, 142-3-5. In 1740 he interested himself in getting evidence against Robert Jenkins, of Salem, arrested for having counterfeit money in his possession.—*Penn. Archives*, I, 623. He was elected a member of the Assembly from Gloucester in 1754.—*N. J. Hist. Proc.*, May, 1850, 31. While still a member of that body, he was recommended by Governor Belcher in 1758 for a seat in the Council.—*N. J. Archives*, IX., 127. In 1762 he was appointed one of the Surrogates for West Jersey.—*Ib.*, 359. In 1763 Governor Franklin recommended him for appointment as Councillor, saying: "Mr. Ladd is a Gent^l. of Fortune and unblemished Character, was formerly in the Assembly where he was always on the Side of the Administration, and is now one of the principal Magistrates of Gloucester County, which Office he has long executed with Ability, and Credit to himself."—*Ib.*, 387. Mr. Ladd was appointed August 31, 1763.—*Ib.*, 394-5.—[W. N.]

Vacancy occasioned by Mr Ladd's Death, should be supplied by some Gentleman residing in the Western Division; and I therefore take the Liberty to nominate & recommend (for His Majesty's Choice) two Gentlemen, who are in every respect the best qualified to serve His Majesty in that Capacity of any I am at Liberty to mention. One is *Daniel Coxe*¹ Esq", of Tren-

¹ On April 26, 1771, the Lords of Trade recommended Mr. Coxe for the vacancy in the Council, and on May 4 the King in Council approved of the appointment.—*N. J. Analytical Index*, 423. Daniel Coxe was the fourth of that name identified with the history of New Jersey. Some notices of the family may not be inappropriate here. The first Daniel Coxe of whom we have record was of Stoke Newington, England, and died in 1686.—*Penn. Hist. Mag.*, VII., 317.

He left a son, the second Daniel Coxe, born 1640 or 1641, died January 19, 1730, in his ninetieth year. The latter was one of the most eminent physicians of his day, a prolific writer on chemistry and medicine, and was physician to Charles II., and afterwards to Queen Anne. Although he never came to America, he acquired large possessions in West Jersey, and was at least nominally Governor of that Province, 1687-1691. He also acquired title to a tract imperial in its dimensions, lying between latitude 31 degrees and latitude 33 degrees, and extending from the Atlantic to the Pacific, which he spent a fortune in exploring, his vessels being the first to ascend the Mississippi from its mouth. This was called *Carolana*. He was a staunch Church of England man, interesting himself in establishing that church in West Jersey, near Cape May.—*Id.*, V., 114; VII., 317-26.

The third Daniel Coxe was the Doctor's eldest son, and was baptized in London, August 31, 1673.—*Id.*, VII., 336. Although he joined with other proprietors in recommending Andrew Hamilton for Governor (*N. J. Archives*, II., 376, 410), he seems to have been a favorite of Lord Cornbury, whom he probably accompanied to America in 1702, and by whom he was appointed Commander of the forces in West Jersey.—*N. J. Archives*, III., 35, 42, 44. He was thereafter known as "Colonel" Coxe. He doubtless returned to England after a very short stay here for in 1704 he was in London, waging a vigorous defense against the attacks of some of the New Jersey Proprietaries.—*Id.*, 35. He had been recommended in 1702 by the Earl of Nottingham and by the Earl of Clarendon for a seat in the new Governor's Council of New Jersey.—*N. J. Archives*, II., 486, 502. In 1705 he was again recommended by Lord Cornbury, and notwithstanding the hostility of the Quakers he was appointed in 1706, and soon after sailed for America, when Lord Cornbury appointed him one of the associate Judges of the Supreme Court of the Province.—*N. J. Archives*, III., 78, 84, 125, 132; *Vroom's Supreme Court Rules*, 47. In the year following (1707), notwithstanding his hostility to Quakers in general, he made an exception in favor of Sarah, the presumably pretty daughter of John Eckley, a Quaker, of Philadelphia, with whom he eloped, being married to her by Lord Cornbury's chaplain, who most opportunely happened to be on hand, "between two and three o'clock in the morning, on the Jersey side, under a tree by fire light." The gallant bridegroom was then a "fine flaunting gentleman."—*Watson's Annals*, I., 50. On the arrival of Lord Lovelace, in 1708, as Governor of New Jersey, Colonel Coxe was again named as one of the Council.—*N. J. Archives*, III., 316. He did not get along so well with Governor Hunter, at whose request he was removed from the Council in 1713.—*Id.*, IV., 149, 182. He was elected to the Assembly in 1714, by the "Swedish vote" (*N. Y. Col. Docs.*, V., 399, 404), and again in February, 1716, from the county of Gloucester and from the town of Salem, both, although Sheriff Wil-

ton (about ten Miles from hence) and the other, *John Lawrence, Esq^r*, who lives in this Town. The first was lately in England, and had I hear the Honour of being personally known to your Lordship. The latter was lately a Member of Assembly, has a good Estate, & is a Lawyer by Profession. Both of them are Mem-

liam Harrison, of Gloucester, was accused of having resorted to sharp practice to secure his defeat, by removing the polls several miles from the usual place. Colonel Coxe declared to serve for Gloucester, instead of Salem, and being chosen Speaker, April 4, complained of Sheriff Harrison on the 26th, and had the satisfaction of publicly reprimanding him, by order of the House. His triumph was short-lived, for Governor Hunter immediately prorogued the Assembly until May 7. The Governor's opponents in the House appear to have purposely stayed away, in the hope of preventing a quorum, but by May 21 the Governor's friends got thirteen members together, and having a quorum they elected John Kinsey Speaker, in the absence of Colonel Coxe, and then coolly proceeded to expel the Colonel and the other anti-Administration members for non-attendance, declaring them, moreover, ineligible to re-election, and when some of them were notwithstanding again returned, they were again expelled.—*MS. Minutes of Assembly in State Library, Trenton*. Colonel Coxe sailed the ensuing July for England, where he agitated vigorously during 1717 and 1718 for the removal of Governor Hunter, and appears to have had some idea of securing the succession for himself.—*N. Y. Col. Docs.*, V., 482; VI., 52; *N. J. Archives*, IV., 267, 299. While thus retired from official life the Colonel directed his attention to literature, publishing in 1722 a description of "Carolana," which was republished in 1727 and 1741.—*Stevens's Historical Nuggets*, I., 199, 200. In 1725 he ran for the Assembly in Burlington, where the Sheriff adopted in his behalf the device of Sheriff Harrison some years before in Gloucester.—*N. Y. Col. Docs.*, V., 767. In 1730 he received a commission as Provincial Grand Master for New York, New Jersey and Pennsylvania, he being the first on the Continent to be thus honored.—*Hough's Historical Sketch of Free Masonry in New Jersey*, prefixed to Grand Lodge Proceedings, 1787-1857, VII. In 1734 he was again appointed, by Governor Cosby, to be third Judge of the Supreme Court, which office he held thereafter until his death.—*Vroom's Sup. Ct. Rules*, 47; *Lewis Morris Papers*, 48. Most of his life in America had been spent at Burlington, but during his later years he lived at Trenton, where he died April 25, 1739, and was buried at St. Mary's Church, Burlington.—*Hills's Hist. of the Church in Burlington*, 255; *Dr. Hall's First Pres. Church, Trenton*, 236.

The fourth Daniel Coxe was the Colonel's eldest son. He appears to have led an uneventful life, but few notices of him appearing among contemporary records. In 1746 he was named as one of the Burgesses in the first charter of the borough and town of Trenton.—*Book AAA of Commissions, in Secretary of State's Office*, Trenton, fol. 266. During the rioting in 1747 he was naturally identified with the Proprietary party.—*N. Y. Col. Docs.*, VI., 345. His will, dated January 25, 1750, names his wife, Abigail, daughter, Grace Coxe, and son, Daniel Coxe, the latter being evidently a minor at this time. The will was proven January 21, 1758.—*Liber No. 8 of Wills, in Secretary of State's Office*, Trenton, fol. 536.

His son, the fifth Daniel Coxe, was probably born about 1740. He studied law, and was licensed as an Attorney and Counsellor March 20, 1761, and as a Sergeant November 15, 1772.—*Vroom's Sup. Ct. Rules*, 59, 54. In the fall of 1767 he sailed with his wife and his brother-in-law, John Tabor Kempe, Attorney-General of New York (who had married Grace Coxe), for England, where they managed to get their Carolana claims adjusted by accepting instead extensive grants of land in

bers of the Church of England. I have the Honour to be, with the greatest Respect,

My Lord, Your Lordship's

most obedient humble Servant

W^m: FRANKLIN

Governor Franklin to Major William Trent.

[From the original, among the Manuscripts of Wm. Nelson.]

BURLINGTON, Jan.^y 14, 1771.

Dear Sir,

I Yesterday receiv'd your Letter of the 31st of October, & immediately sent for Mr. Allinson, one of the Burlⁿ Company of whom you borrow'd the 15,00£ on a Mortgage on Part of your Estate in Pensylvania.

Western New York.—*Duer's Life of Lord Stirling*, 89; *Cal. N. Y. Land Papers*, 467 et seqq. The minutes of the Council show that after his appointment in 1771 he was regular and faithful in his attendance until the close of that body's existence in 1775. He was a zealous Tory, and even the burning of his handsome residence at Trenton by the British, during their pursuit of Washington in December, 1776 (5 American Archives, II., 1376), did not impair his attachment to the Royal cause, for in 1777 he went to New York, where he remained till the close of the War, serving as Chairman of an Association of Refugees. Christopher Sower maliciously says he "was appointed to the chair to deprive him of the opportunity of speaking, as he has the gift of saying little with many words."—*Sabine's Loyalists*, I., 339. In June, 1779, he wrote to Joseph Galloway that he was confident the end of the Rebellion would come that Summer.—*Hist. Mag.*, June, 1862, 181. He married June 5, 1771, Sarah, daughter of Dr. John Redman, of Philadelphia.—*Records Christ Church*, 2 Penn. Archives, II., 68. Dr. Redman was a surgeon in the American Army during the Revolution, and appears to have kept his daughter and her children with him much if not most of the time during the War. She was evidently in Philadelphia when Coxe wrote to Galloway in 1779. In 1780 she was again with her father.—*Penn. Col. Records*, XII., 390. In December of that year Coxe was Secretary to the British Commissioners appointed to receive and pardon repentant rebels, an office which proved a sinecure.—*Moore's Diary of the Revolution*, II., 378. At the close of the war he went to England, whither his wife and children followed him, probably in 1783, as in that year she and her father and her children were given passports from Philadelphia to New York.—*Penn. Col. Records*, XIII., 551. She returned in 1806, to comfort her aged father and dying mother.—*Sabine's Loyalists*, I., 340. Her husband died in England prior to 1828, for in that year she brought suits in New Jersey for her dower rights in his property which had been confiscated, and recovered judgment therefor.—*N. J. Law Reports*—4 Halsted, 378; 5 Halsted, 328; 6 Halsted, 395. She died at Brighton, England, in 1843, aged ninety-one.—*Sabine*, I., 340. [W. N.]

Upon my acquainting him with your Apprehensions of their proceeding to sell the Lands, and of the great Disadvantage it would be to you to have so valuable an Estate put up to Sale in your Absence, he has assured me that tho' several of them would be very glad to have their Money, having immediate Use for it, yet it was never their Intention to sell your Property until they had given you sufficient Notice. And he has promised me, in Behalf of the Company, to wait to the Time you request, and that they will do nothing unfair or unkindly by you in any respect. From my Knowledge of the Men, I am sure you may rely on this Declaration, & make yourself entirely easy.

I have at present, Company in the House, & am a good deal hurried, but I have snatch'd as much time as to give you this Information least the next Post should be too late for the Packet.

I shall as you desire acquaint M^r Wharton's Family with his being well, & the Reason of his not writing. It would give me great Pleasure to hear that you had succeeded in your Negotiations, & to see you both again in America. You cannot imagine what an infinite deal of Difficulty & Trouble I have had in the Management of that cursed Business of the Otago Tract, which turns out after all, an Object scarce worth Attention. But that is not the only Reason I have to repent my going to the Treaty at F. Stanwix. However, I have it not in my Power to tell you any more, at Present than that I am, very sincerely

Your Friend & hum. Servant

W^m FRANKLIN.

[Addressed: To Major William Trent, To be left at the Pennsylvania Coffee House, London via N. York P^r Packet.]

*Letter from John Pownall to John Robinson, relative
to a bounty upon Slaves from America.*

[From P. R. O. B. T. Plantations General, Vol. 42, p. 376.]

WHITEHALL MARCH 1, 1771.

To John Robinson Esq^r

Sir,

The Report of the Commissioners of His Majesty's Customs containing objections to the granting a Bounty upon Slaves from America, which Report was inclosed in your Letter to me of the 16th day of last month, having been communicated to the North American Merchants, who had applied for the said Bounty, they have in Consequence thereof presented a Memorial to the Lords Commissioners for Trade and Plantations containing their Answers to the Objections stated by the Commissioners of the Customs; and I am directed by their Lordships to transmit to you the inclosed Copy of the said Memorial, and to desire you will be pleased to communicate it to the Lords Commiss^{rs} of the Treasury; and to acquaint their Lordships, that the Lords Commissioners for Trade and Plantations are of opinion that the Answers of the Merchants to the Objections made by the Commissioners of the Customs are full and satisfactory.

I am, with great respect, Sir,

Your most obedient humble Servant

JOHN POWNALL.

Letter from Governor Franklin to the Earl of Hillsborough, relative to ordering recruiting parties, and to making provision for the King's troops; also announcing the death of John Smith, a member of the Council.

[From P. R. O. America and West Indies, Vol. 176 (194).]

BURLINGTON, March 27, 1771.

Right Hon^{ble} the Earl of Hillsborough

My Lord,

As soon as I was honoured with your Lordship's Circular Letter of the 11th of December, I summoned a Meeting of the Council, and by their Advice issued a Proclamation (a Copy of which is enclosed) requiring all Magistrates and other Civil Officers, and all other His Majesty's Liege Subjects in this Province, to be aiding and assisting to such Officers and Recruiting Parties as shall be ordered into New Jersey. His Majesty may have the firmest Reliance, that I shall exert my utmost Endeavours, in every Matter which may be in my Power, to give Efficacy & Dispatch to the Plan which has been formed for the Augmentation of his Forces.

I have called a Meeting of the Assembly, to be held here on the 17th of next Month, to make Provision for the Troops stationed in this Colony, when I shall recommend it to them to give Encouragement to His Majesty's Subjects of this Province to enlist in the Battalions now serving in America, and to do whatever else may be necessary or proper for them to do for the fur-

ther Security of this Part of His Majesty's Dominions.

I have the Honour to be, with the greatest Respect,
My Lord, Your Lordship's

most obedient, & most humble Servant

W^m FRANKLIN.

P. S. I have just receiv'd your Lordship's Letter of Jan^{ry} 2^d 1771, N^o 29.

The Hon^{ble} John Smith died here Yesterday.¹ This

¹ JOHN SMITH was the second son of the Hon. Richard Smith, of Green Hill, Burlington, and was a brother of Samuel Smith, the historian, and of William Lovett Smith and Richard Smith. He was born "1st mo. 20th 1722"—March 20, 1722. In 1741, he sailed in one of his father's ships to the West Indies, returning the next year, and in 1743 engaged in the West India trade, in Philadelphia, where he resided for the next twelve or fifteen years, carrying on a flourishing business, and enjoying the company of a delightful society. He occupied a handsome house on Second street, and in 1746 bought a fine country estate at Point-no-point, on the Delaware, above the town. At these houses he entertained handsomely a wide circle of friends and acquaintances, including the leading men and women of his day. He and some of his young Quaker friends organized a sort of a club, devoted to social converse and mutual improvement, and the cares of business, and even the occasional loss of a ship, captured by Spanish cruisers, did not interrupt his quiet pleasures, nor divert his attention from the best authors of the day, Fielding's "Joseph Andrews," and Thomas Story's "Journal" being read with apparently equal interest, as they came from over the water. In 1747 he wrote for gratuitous distribution a pamphlet, "The Doctrines of Christianity, as held by the people called Quakers, vindicated, in answer to G. Tennent's Sermon on the Lawfulness of War." Withal, he found time to promote the organization of the Philadelphia Contributionship, one of the first fire insurance companies in the country, and helped found the Pennsylvania hospital (1751). He was also prominent in Friends' councils, being chosen a representative to the Quarterly and Yearly Meeting, and held some minor offices not inconsistent with his professions. In 1750, and again in 1751, he was elected a member of the Pennsylvania Assembly. Meantime (1746-7), he had become smitten with the charms of a fair young Friend, Hannah, daughter of ex-Chief-Justice James Logan and Sarah Read (daughter of the Hon. Charles Read, of Pennsylvania). She was thus described, 1744, by an impressionable young gentleman from Virginia: "She was tall and slender, but Exactly well Shap'd; her Eyes Express'd a very great Softness, denoting a Compos'd Temper and Serenity of Mind, Her Manner was Grave and Reserv'd, and, to be Short, She had a sort of Majesty in her Person, and Agreeableness in her Behaviour, which at once Surprized and Charmed the Beholder." After this glowing description of the fair Hannah's charms, Mr. Smith's predilection is not to be wondered at. She was a delicate creature, and having accepted his invitation to accompany him and his sister to Evesham Meeting, he with a lover's solicitude for her comfort, borrowed Governor Belcher's four-wheeled chaise, said to be the only vehicle of the kind in New Jersey—to carry the party. He returned the compliment in October, 1748, when he brought over by one of his own ships the Governor's intended bride, and on her arrival at Philadelphia procured a four-oared barge and transported her up the river to Burlington. James Logan favored his daughter's suitor, and told him the girl owned 500 acres of land, that he would give her husband £750, that she should have £2,000 on her father's death, and £1,000 more on the death of her mother. Having duly "passed meeting," they were mar-

makes two Vacancies in His Majesty's Council for West-Jersey, which I hope will be supplied by the appointment of the two Gentlemen I recommended to your Lordships in my Letter N. 25, Daniel Cox Esq^r and John Lawrence Esq^r who reside in the Western Division.

ried "10th mo. 7th, 1748"—December 7, 1748, and after spending a day or two at her father's place, Stenton, he took her to his own home in his chaise. She bore him several children, but six weeks after the birth of her last she died—December 18, 1761. He appears to have taken up a residence in Burlington some years before this, occupying the house built by his father in 1720.—*The Smiths of Burlington*, passim. In 1757 he was a subscriber to "The New Jersey Association for Helping the Indians."—*N. J. Hist. Soc. Proc.*, January, 1875. He was appointed, December 12, 1758, a member of the Council, on recommendation of Governor Belcher.—*N. J. Archives*, IX., 127, 151, 153. In June, 1761, he was named one of the Commissioners to Try Pirates.—*Ib.*, 284. On the death of his wife he retired altogether from business, and spent the rest of his days at Burlington, occupying himself in quiet works of benevolence, and in the faithful discharge of his public and private duties. It is related that Governor Franklin, having put up for sale his country place at Burlington, with its herd of an hundred deer, the bellman going about the streets of Burlington very early in the morning, disturbed Mr. Smith, whose health had become impaired, so that sleep was a rare pleasure to him. Putting his head out the window he asked what was for sale? "The Governor's Park," was the reply. "Put up your bell and go home, and I will buy the property at the owner's price," exclaimed the Councillor, as he closed his window and tried to resume his disturbed slumbers. Such is the story of his purchase of this fine estate.—*The Smiths of Burlington*. Mr. Smith died, as above stated, March 26, 1771, in his forty-ninth year. Proud says of him: "He was engaging, open, friendly and undesigning, in his address and behaviour; of a cheerful and benevolent disposition of mind; well skilled in the laws of his country: and very ready, generous and serviceable, in giving his advice and assistance. In his religious character, he exhibited an excellent example of true practical Christianity, free from all affectation and narrowness of mind. He was, in several relations, one of the best of neighbours and of men."—*Hist. Penn.*, II., 233. Samuel Smith sums up a characterization of him thus eloquently and feelingly: "He was, in every conjugal relation, affectionately tender; a fond father, an indulgent master; he was more. But I must stop—he was—my brother, my most intimate friend and companion! I lost all that could be lost in those relations."—*The Smiths of Burlington*, 165.—[W. N.]

Letter from Governor Franklin to Lieutenant Arthur Wadman, promising him assistance in recruiting men in New Jersey.

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. II, No. 8.]

BURLINGTON Mar. 30, 1771

Lieut. Wadman

Sir.

I am favoured with your Letter of the 21st Instant, acquainting me with your being sent by the General with a Recruiting Party into this Province, and your having made Brunswick your Head Quarters. You may be assured that I shall with Pleasure afford you all the Assistance in this Service which may be in my Power. I have already issued a Proclamation requiring all Magistrates and other Civil officers to be aiding & assisting to such Officers & Recruiting Parties as shall be ordered into New Jersey

I am with great Regard Sir,
your Most obed^t Servant

W^m FRANKLIN

Report of Richard Jackson, Esq., on eight Acts passed in the Province of New Jersey in March, 1770.

[From P. R. O. B. T. New Jersey, Vol. 10, L. 10.]

To the Right Honourable the Lords Commissioners for Trade and Plantations

May it please your Lordships

In humble obedience to your Lordships Commands Signified to me by M^r Pownall, I have perused and

considered Seven Acts passed by the Governor Council and Assembly of New Jersey in March 1770 Intitled.

“An Act to provide a more effectual Remedy against
“excessive Costs in the recovery of Debts under fifty
“pounds in this Colony and for other purposes there-
“in mentioned”

“An Act for Defraying Incidental Charges.”

“An Act to revive and amend, an Act intitled, an
“act for better settling and regulating the Militia of
“this Colony of New Jersey, for the Repelling Inva-
“sions and suppressing Insurrections and Rebellions.”

“An Act for preventing dangerous Tumults and
“Riotous Assemblies, and for the more speedy and
“effectual Punishing the Rioters.”

“An Act to revive and continue the Process and
“Proceedings lately depending in the Inferior Court
“of Common Pleas, and Court of General Quarter
“Sessions of the Peace, for the County of Mon-
“mouth.”

“An Act to enable the Owners and Possessors of
“certain Meadows and Marshes bounding on Dela-
“ware River and Salem Creek in Lower Penns Neck
“in the County of Salem to stop out the Tide from
“overflowing the same.”

“An Act to revive an Act intitled, An Act to pre-
“vent waste from being committed upon the Com-
“mon Land allotted to the Patent of Secaucus in the
“Corporation of Bergen.”

And I am humbly of Opinion, that the same are proper in point of Law.

I have also perused and considered An Act passed in the same Year 1770 Intitled, “An Act to explain
“and amend an Act of the General Assembly passed
“in the Tenth Year of his Majesty’s Reign, intitled
“An Act for the Relief of Insolvent Debtors, and for
“other purposes therein mentioned.”

And I am of opinion, that the frequent and occasional Interposition of the Legislature in the Cases of Individuals for the purpose of stopping or diverting the usual Course of Legal Proceedings cannot but be attended with Danger of great Injustice, and therefore that it is to be wished General Acts of Insolvency may be penned with such care and attention, as at the same time to include every proper case, and likewise to provide for the most equal Justice among the Creditors both present in the Colony, and absent, so as to make further private Acts of this sort unnecessary; which however well intended, and I dare say for the most part founded on the true Interest of the Creditors, yet should be avoided excepting in very urgent Cases, and should then be supported by a Preamble specially stating at large all the circumstances, particularly the consent express or implied of the Creditors.

In the several Cases provided for by this Act there are no particular Directions for the security of the Creditors, not even a reference to the General Insolvent Acts before passed, and if there was no other objection to the Law but what arises from the total Discharge of William Hewlings by the last Clause, I think that fatal because the precedent is so dangerous, inasmuch as it is not even alleged to be for the benefit of the Creditors. But the Clause staying all proceedings against William Gerrard for five years, and which is n[ot] alleged to be for the benefit of all his Creditors, though said to be at the desire of the principal ones, probably well intended appears to me to be likewise too dangerous a precedent to be trusted with your Lordships Countenance. I therefore humbly beg leave to advise your Lordships to report the Act fit to be dis-allowed.

All of which is humbly submitted by

My Lords Your Lordships most obedient
most humble Servant

April 9th 1771

R JACKSON

*Letter from Benjamin Franklin to Gov. Franklin—
The Ohio Affair—The Assembly's Insolvent Laws.*

[From Works of Benjamin Franklin, Vol. VII., 516-7.]

LONDON, 20 April, 1771.

Dear Son,

* * * The Ohio affair seems now near a conclusion, and, if the present ministry stand a little longer, I think it will be completed to our satisfaction. Mr. Wharton has been indefatigable, and I think scarce anyone I know besides would have been equal to the task, so difficult it is to get business forward here, in which some party purpose is not to be served, but he is always among them, and leaves no stone unturned.

I have attended several times this winter upon your acts of Assembly. The Board [of Trade] are not favorably disposed toward your insolvent acts, pretending to doubt whether distant creditors, particularly such as reside in England, may not sometimes be injured by them. I have had a good deal of conversation with Mr. Jackson about them, who remarks, that, whatever the care the Assembly may, according to my representation of their practice, take in examining into the cases to prevent injustice, yet upon the face of the acts nothing of that care appears. The preambles only say, that such and such persons have petitioned and set forth the hardship of their imprisonment, but not a word of the Assembly's having inquired into the allegations contained in such petitions and found them true; not a word of the general consent of the principal creditors, or of any public notice given of the intention to apply for such an act; all which, he thinks, should appear in the preambles, and then those acts would be subject to less objection and

difficulty in getting them through the offices here. I would have you communicate this to the Speaker of the Assembly, with my best respects. I doubt some of those Acts will be repealed. Nothing has been done, or is now likely to be done, by the Parliament, in American Affairs. * * *

B. FRANKLIN.

Letter from Governor Franklin to the Earl of Hillsborough, announcing the refusal of the Assembly to provide for the King's troops, and transmitting Copies of his Speech and Messages on the Subject.

[From P. R. O., America and West Indies, No. 194.]

BURLINGTON April 30th 1771.

To the Rt. Hon^{ble} the Earl of Hillsborough.

My Lord

I had the Honour to acquaint your Lordship in my Letter of the 27th of March, that I had called a Meeting of the Assembly here on the 17th Instant, in order to make Provision for supplying the Troops with the Necessaries required by Act of Parliament—In my Speech at the Opening of the Session I recommended this Matter to them in the strongest Manner, but they absolutely refused granting any Money for the Purpose, alledging the inability of the Colony in Excuse. As I had at the former Session, been so happy as to prevail on them to recede from a Resolution of the like Nature, I was not without Hopes that I might be able to do the same again. Accordingly I undertook, in a Message, to prove to them, from a State of Facts, that the Colony was very able to defray the Expence required, and that there was even a Sum more than sufficient for it in the Treasury unappropriated. They returned an angry and somewhat abusive Answer,

denying the Facts to be as I had stated them. To this I made a full reply, calculated to obviate any Misrepresentations which might be made to their Constituents, who, I had Reason to know, had been before so greatly misled by the wrong Accounts they had receiv'd of the State of the Treasury, and the Ability of the Province that in several Counties they had even instructed their Members not to comply with the Requisition. The Speech, Addresses, and the several Messages which passed between me and the Assembly on this Subject I transmit herewith for His Majesty's Information, and have only to add, that I have Cause to believe that the Sentiments of the House are since much altered, and that at their next Session, which will be on the 28th of May, they will consent to grant the Money necessary for the Supply of the King's Troops in this Province.

I have the Honour to be, with the greatest Respect,
My Lord, Your Lordship's most obedient,
and most humble Servant

W^m FRANKLIN

The Speech of His Excellency William Franklin, Esquire, Captain General, Governor and Commander in Chief in and over the Colony of New Jersey, and Territories thereon depending in America, Chancellor and Vice-Admiral of the same, &c.

Gentlemen of the Council, and Gentlemen of the General Assembly,

The Sum granted at the last Session for the Supply of His Majesty's Troops stationed in this Colony, was so much below what had been annually expended for the like Service before, that a longer Recess than you have had could not be reasonably expected.

Gentlemen of the General Assembly :

The Barrack-Master's Accounts, with their several Vouchers, I shall order to be laid before you, when I hope it will appear to you that the Money entrusted to the Disposal of the Governor and Council has been managed with the utmost Care and Frugality. Some of the Barracks being greatly out of Repair, and in Want of Bedding and other Necessaries, I must recommend it to you to grant a sufficient Sum for supplying these Deficiencies, as well as for providing the Troops with their usual Allowance.

The principal Reason given by you, Gentlemen, for not granting a larger Sum at your last Meeting was, your having been denied an Act for a Paper Currency. But as that was a Measure to which (as I am assured) the King would not have with-held his Royal Concurrence, if it could have been given without violating the Law and the Constitution, I shall hope that you will not again urge a Point that must now appear neither becoming nor decent, but that you will as cheerfully and readily as heretofore make due Provision for this necessary Service. Besides, when you consider, that upon the first Appearance of a Rupture between the Crowns of *Great-Britain* and *Spain*, I received assurances that in case Matters should, contrary to His Majesty's just Expectations, come to Extremities, the Security of his American Dominions should be a principal Object of His Majesty's Care and Attention, you cannot, I think but be impressed with the most lively Sentiments of Gratitude, and be happy in an Opportunity of manifesting them by corresponding Actions.

Gentlemen of the Council, and Gentlemen of the General Assembly :

During the late Prospect of a War, the defenceless State of this Province must no doubt have occurred to you, and to the People in general. His Majesty's uni-

form Wishes to preserve the public Tranquility may not always be successful. A Time of Peace, however, is certainly the best Time to prepare for War,¹ and there is no knowing how soon such an Event may happen. This is therefore a Matter worthy of your particular attention. For my Part, I know of Nothing we have to rely on, under God, for our Protection against the sudden Attempts of an Enemy, but the Regiment of Regulars which His Majesty has been so kind as to afford us, and the Militia. From the scattered Residence of the latter, and their Want of Discipline, much cannot be expected from them on such Emergencies.—I have some Time ago, indeed sent Orders to the Commanding Officers of the several Regiments, to have their Men as frequently exercised and as well disciplined in every Respect as may be in their Power, and to be particularly careful that they may be provided with the Arms and Ammunition required by Law, but you must be sensible, that while the Law allows of so few Days of Muster, the People cannot be brought into proper Military Order. Whether therefore it would not be better to adopt some such Regulations for the Militia as are now established in our Mother Country, I submit to your Consideration. In the mean Time, as His Majesty has been graciously pleased to order the several Battalions now serving in *America* to be completed as soon as possible, you have an Opportunity, by giving some additional Bounty, or other Encouragement that may induce a Number of His Majesty's faithful Subjects of this Colony to engage in the Service, not only of demonstrating your

¹ The Rev. Aaron Burr, in "A Discourse Delivered in New-Ark, in New Jersey, January 1, 1755," uses this expression (speaking of the threatened French war): "The Way to have Peace in the present case, is to make a speedy and vigorous Preparation for War." In a speech to Congress, January 8, 1790, Washington put the same idea thus: "To be prepared for war is one of the most effectual means of preserving peace." The Latin proverb is, "*Si vis pacem, para bellum.*"—*Mag. Am. Hist.*, X., 73, 520.—[W. N.]

Loyalty and Gratitude, but of providing in the most essential Manner for the Security and Defence of the Province.

The Indians of the Six Nations, and their Allies and Confederates, having lately complained of the Abuses and Violences committed by the Traders and Frontier Inhabitants of several of His Majesty's Colonies, and intimated the bad Consequences which are likely to happen, if they are not redressed, His Majesty has thought proper to signify his Pleasure that I should represent this Matter in the strongest Manner to you, and urge you in his Name to fall upon some Means of putting Indian Affairs under such Regulation as may have the Effect to prevent those Abuses of the Trade, and those Violences and Encroachments of the Frontier Inhabitants of which the Indians so justly complain.—The Governments of *Virginia*, *Pennsylvania*, *New-York* and *Quebec*, have, as I understand, already appointed Commissioners, who are to meet together, and form some Plan for this desirable Purpose. And though this Colony has little or no Concern in the Indian Trade, and the Indians have not sustained any Violences from our Frontier Inhabitants but what they have received ample Satisfaction for, yet as we must be eventually interested in whatever may affect the Welfare and Safety of our neighbouring Colonies, I cannot but recommend this as an Object deserving your most serious Consideration.

I have lately received two Orders of His Majesty in Council, which shall be communicated to you; the one disallowing an Act passed in *June* 1765 intituled, "An Act for regulating the Practice of the Law and other Purposes therein mentioned," (which Act was rendered unnecessary by a subsequent Act of the Legislature of this Province;) the other confirming an Act passed in *May* 1768, entitled, "An Act for choosing Representatives in the Counties of *Morris*, *Cumber-*

land and Sussex, and directing the Morris County Taxes to be paid into the Eastern Treasury of this Colony."

WILLIAM FRANKLIN.

COUNCIL CHAMBER April 18, 1771.

To His Excellency William Franklin Esquire
Captain General, Governor and Commander
in Chief in and over His Majestys Colony
of Nova Cæsarea or New Jersey and Terri-
tories depending thereon in America, Chan-
cellor and Vice Admiral in the same &c.

The Humble Address of the Representatives of
the said Colony in General Assembly con-
vened.

May it please your Excellency.

We His Majesty's Dutiful and Loyal Subjects the
Representatives of the Colony of New Jersey, in Gen-
eral Assembly convened have taken into our serious
Consideration your Excellency's Speech at the Open-
ing of this Session, and can truly inform your Excel-
lency That the State of this Colony is not altered for
the better since the last Session at Perth Amboy. At
which Time this House informed your Excellency
That they could not grant further Supplies for His
Majestys Troops without laying new Taxes on the good
People of this Colony, who are already burthened with
a heavy Debt contracted for his Majesty's Service dur-
ing the late War. We therefore cannot, consistent
with the Duty we owe our Constituents comply with
your Excellency's Requisition at present.

The Militia Law now in Force, we conceive may be
sufficient for all the Purposes intended thereby.

We would, on all Occasions, do the strictest Justice

to, and cultivate the Friendship of the several Indian Nations. But They have received full Satisfaction from this Colony & publickly acknowledged it. And We having no Trade or Traders among any of them cannot conceive it necessary to appoint Commissioners on the Part of this Colony.

We are truly thankful to our most Gracious Sovereign for confirming the Law for choosing Representatives for the Counties of Morris, Cumberland and Sussex, by which the Good People of those Counties will be equally Represented.

By Order of the House

STEP^N. CRANE Speaker

House of Assembly April 20th 1771.

A Message to the Assembly.

Gentlemen,

It is not without much Uneasiness and real Concern that I find myself under a Necessity of animadverting on that Part of your Address which relates to the Royal Requisition, and the Resolve of your House on which it is founded. My Duty to His Majesty, and my Regard for his Subjects in this Province, will not permit me to pass over in Silence a Matter in which his Interest and their Welfare are so greatly concerned.

The Resolve asserts in positive Words, "That the Colony is *not* of *Ability* to make *any further Provision* for the Supply of His Majesty's Troops stationed in this Colony." The Address refers me to your Message at the last Session at *Perth Amboy*, as containing your present Sentiments, and you are pleased to say that you "can truly inform me that the *State* of this Colony is *not* altered for the *better* since that Session." You do not, however, pretend to say that it is altered for the worse. But whether the State of this Colony

has, or has not improved within the last six Months, is a Question of great Nicety, and which, I believe neither you nor I are possessed of sufficient Data to determine, nor, if we were, is it a Matter of any Consequence to the Point under Consideration. If I was to hazard an Assertion on the Subject, it would be, that the Colony must be in a somewhat better State than at that Time, as it has been, for many Years past, in a gradual Course of Improvement, and nothing particular has since happen'd to its Detriment or Disadvantage.

But the Point really necessary to be considered, Gentlemen, is, Whether the State of the Colony, as set forth by the House at the last Session, is *justly* and *truly* represented to me in their Message? I must confess that I did not then, nor do I now view it in that Light; but as you nevertheless granted a Sum of Money for the Purpose requested, I was content at that Time to let it pass over without any Observations; tho' not without Hopes, indeed, that before another Session you would be sensible of my Kindness in this Respect, and by a subsequent Conduct evince that you wished to have it forgotten.

However, Gentlemen, as that is not the Case, and you still rely on the Declarations contained in that Message, I shall first state them, and then candidly examine whether they are or are not founded on *Facts*. The Message sets forth "That as the House were denied a "Loan-Office Bill, they were *thereby deprived of all* "Means of complying with the *Royal Requisition*, "without introducing *new Taxes* on a People already "grievously burthened by their Zeal for His Majesty's "service during the *late War*; * * that *since* the "War the Colony has incurred a very *heavy Debt* and "nearly *exhausted the Treasury*. * * * that they "have already expended *very large Sums* that the "Peace of the Colony might not be interrupted; *

“ * that the House were induced to comply with
“ my Requisition at that Time in hopes that they
“ should not be afterwards called upon for further
“ Aids; * * * and that they request that I would
“ be pleased to use my Influence that the Colony may
“ be eased of a *Burthen* so Excessively grievous.”

I cannot but remark here, how very different this lamentable Description of the State of the Colony is, from the one given by you in the Act for settling the Quotas of the several Counties, passed no longer ago than in *December* 1769. The Reason given for that Act in the Preamble is, that “ since the last Settlement
“ of the Quotas by the Act passed in the 26th Year of
“ King *George* the Second (1753) the *Circumstances* of
“ this Colony are *much* altered by the *great Improve-*
“ *ments* made therein, by its *Increase* and *Population*,
“ and the Erection of a *new County*, whereby it has
“ become necessary that a new Settlement be made,”
&c. And, indeed, this must I think appear a very just Representation to whoever will consider that the Price of Wheat has risen, since the Commencement of the late War, from Four or Five to Seven Shillings a Bushel, and the Rest of our Produce in nearly the same Proportion, and that we find a ready Sale, and ready Money, for all we can carry to Market.

Your Assertion that by being denied a Loan-Office Bill you were *deprived of all Means* of complying with the *Royal Requisition* without introducing *new Taxes*, does, I own, greatly astonish me. Could you, Gentlemen have been ignorant that there was at that very Time upwards of Ten Thousand Pounds at the Disposal of the Legislature of this Province, besides several Balances of unsettled Accounts to a considerable Amount, being Part of the Surplus Money made current for His Majesty's Service during the late War, for which no *new Tax* could be anyways necessary, as the Sinking of it had been long before provided for by

Law. Above Half of this Sum was then actually in the Treasury, ready for immediate Use, and the Remainder, tho' not there, might be called in whenever the Occasions of the Province made it necessary.

The present State of the Funds at the Disposal of the Legislature, as I have it from the Treasurer, is

In the Eastern Treasury, Cash in Hand	£1773: 4: 6
In the Western Treasury, Ditto	2156: 3: 6
Debts ascertained, and for which Securities are taken, besides the unsettled Balances before mentioned	4359: 14: 11
Total,	£8289: 2: 11

Of this Sum there is only about Half a Year's Support of Government, and the Money formerly reserved by Law to be apply'd by the Committee of Correspondence, which can be said to be appropriated; and if we allow for this, and the Incidental Charges which may arise,

	2250: 0: 0
still there will remain at our Disposal	£6039: 2: 11

Now we have Reason to think from the Experiment which has been made since the Disposal of the Money for furnishing the Troops has been left to the Governor and Council, that it will not (when the Barracks are properly repaired and furnished) take a Sum exceeding Twelve Hundred Pounds Currency *per Annum*, to supply the same Number of Men as at present with all the Articles required by Law; tho there has been heretofore, as I understand, near double that Sum expended for this Purpose, whereby the Province must probably have paid several Thousand Pounds more than was necessary. If we therefore only deduct from the Money actually in the Treasury, viz

£3929: 8: 0 the Sum requisite for the remaining Half Year's Support of the Government, £1250: 0: 0 and for completing the Year's Allowance to the Troops, 700: 0: 0=1950: 0: 0 we yet shall have in hand, without calling in a Farthing of the Sums outstanding £1979: 8: 0

But when it is considered that the Whole of our Paper Money was originally made current for His Majesty's Service only (as you have repeatedly acknowledged in your Support Acts, and particularly in your last Quota Act) with what Colour of Reason can you, Gentlemen, refuse to apply it to His Majesty's Use upon proper Requisition being made to you in his Name for that Purpose? For the Money, I apprehend, while any of it remains in the Treasury, ought to be appropriated as his immediate Service may, from Time to Time, require.

Your Denial of the Sum requested is, besides altogether inconsistent with the repeated Declarations made by the late Assembly at the Times of the Stamp and Duty Acts. In a Resolve of the 30th of *November* 1765, they declare "That His Majesty's Subjects inhabiting this Province are from the *Strongest Motives of Duty, Fidelity and Gratitude*, inviolably attached to His Royal Person and Government, and have ever shewn, and they doubt not ever will, their *utmost Readiness and Alacrity* for acceding to *Constitutional Requisitions* of the Crown." In an Address to the King on the Repeal of the Stamp Act, they "assure His Majesty that as they have heretofore granted Aids to the Crown, suitable to their Circumstances; so whenever Requisitions are made for that Purpose, in the ancient and accustomed Manner, their *Duty* to His Majesty, and *Concern* for the *Glory and Interest* of *Britain*, will ever induce them *cheerfully* to comply therewith to the *utmost* of their *Abilities*." And in their Address to me on

the 23d of *June* 1767, they say that “His Majesty’s gracious Reception of their Address, and Approbation of the Behaviour of this Colony, is truly agreeable to the House, and *cannot fail of inspiring* the Inhabitants of this Colony with Resolutions to improve *every opportunity of meriting* it from the best of Sovereigns.” The same Sentiments are likewise repeated in the Petition to the Crown in *May* 1768; but how to reconcile them to your Conduct on the present Occasion is not in my Power. Instead of manifesting that Duty, Fidelity, Gratitude, Readiness, Alacrity, cheerful Compliance, &c. of the Inhabitants of this Colony, of which your immediate Predecessors in Assembly so much boasted, you now tell me that you cannot, consistent with the *Duty* you owe *your Constituents*, comply with the *Requisition* which I have made to you by Order of His Majesty. After this, can you reasonably expect that the King will ever pay Regard to any Declarations from the Assemblies of this Province?

You alledge, however, in excuse, that “the People “are already *grievously burdened* by their Zeal for “His Majesty’s Service during the late War.” I am far, Gentlemen, from wishing to depreciate any Merit that this Colony may have acquired at that Time;—but when you speak in such a Tone of Distress of the *excessively grievous Burthen* that it sustains, and urge that as a Reason for not complying with the present Requisition from the Crown, you make it necessary for me to enquire more particularly into the Foundation there is for such an Assertion.

It appears that the Sum of £347,500 was struck during ten Years, on Account of the last War with *France*, and the one which followed with the *Indians*. Had this Sum been sunk within that Time, it would have been necessary to have raised on the People £34,750 Currency *per Annum* by Taxes; but upwards

of twenty nine Years (from 1755 to 1783 both inclusive) are allowed by Law for sinking that Sum, in the following Proportions, *viz.*

In the 2 first Years none of the Money current was allowed to be sunk.

For 2 years afterwards
there was ordered

to be sunk . . .	£5,000 <i>per Annum</i>	10,000: 0: 0
2 Ditto	10,000 <i>per Ann.</i>	20,000: 0: 0
11 Ditto	12,500 Do	137,500: 0: 0
12 Ditto	15,000 Do	180,000: 0: 0

29	Total,	£347,500: 0: 0
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The greatest Part of this Money was not, by Law, to begin to sink until it had been current several Years, some it for 17 or 18 Years. From the Use of so much Money for so long a Time the Colony must have received very considerable Advantages. Besides, it should be considered, that as a large Sum must of course be destroyed and lost by Accidents, it is so much clear gain to the Province; for the Money raised for sinking of it may be apply'd towards the future Support of Government, whereby Taxes for that Purpose, to such an Amount, will not be necessary. But will any Man who knows the true State of this Colony pretend to say that Fifteen Thousand Pounds Currency a Year, which is the greatest Sum to be raised, can be a *grievous Burthen* on the People? This Years Tax amounts to £12,500 and I am well assured that there is not a County in the Province where the Tax will come to above Six-pence in the Pound on Land and Stock, and in many not above Four-pence; though none but profitable Land is rated, and the best upon an Average in a Township, at not above, if so much, as Twenty-five or Thirty Pounds' per Hundred Acres, but by far the greatest Part considerably under. In *Burlington* County where I reside, the Assessors are restricted by Law from valuing any Tract of Land at

above £45, or under £6 per Hundred Acres which is much above several other Counties, and as high a Limitation as that of any others (except *Somerset* and *Salem* where the highest Sum allowed is £50.) yet no Lands in this County are rated on an Average in any Township, at above Twenty Pounds per Hundred Acres, and the Tax comes to little more than Fourpence in the Pound; nor would the Amount of the Tax paid for all the *Certainties*, as they are called, if it was likewise laid on the Land, make it Sixpence in the Pound even at its present low Valuation.—Compare this, Gentlemen, with what is paid by our Fellow Subjects in England on their Landed Property, which is *Four Shillings* in the Pound, besides innumerable other Taxes unknown to the People of this Country. Compare it even with the Taxes paid by some of the *New-England* Governments or with those paid by our neighbouring Colonies *New-York* and *Pennsylvania*, and you will find it so much below them, that I am convinced you will be ashamed ever to mention the Words *grievous Burthen* again on any such Occasion. But when it is known that the *Donation* you received from the Parliament during the War amounted to £79,668: 2: 0, Part of which, being appropriated to your Sinking Fund, *exempted* you from any *Provincial Taxes* for near five Years, and another Part is the Money you have in Debts outstanding on Security, your *grievous* Complaints must appear very extraordinary indeed !

What you mean, Gentlemen, by saying that the Province has incurred a very heavy Debt *since* the War I cannot conceive, as I know of no Debt the Province owes but what is included in the £347,500 mentioned in the Quota Act to have been “struck in the *last War* with *France* for the Use of the Crown.” Of this Debt there remained to be sunk from the Time when that Act passed in 1769, to the Year 1783, about

£190,000. Nor can I comprehend what is meant by the “*very large Sums* expended, that the Peace of the Colony might not be interrupted.” If the Money annually granted for the supply of the Troops in the Barracks since the War, is here alluded to, I have only to say that that also was taken out of the Sum struck in the last War for the Use of the Crown; and that if you are still disposed to preserve the Peace of the Colony, you will immediately apply a Part of the Remainder of that Fund to the same Purpose.

There are many other Reasons which I could urge on this Occasion, but as I have already, I hope, fully shewn to your Satisfaction, That your House has the Means of complying with the Royal Requisition without introducing *new Taxes*—that the People are not *grievously burthened* on account of the late War * * that the Colony is of sufficient Ability, even if a *new Tax* was necessary, to make further Provision for the Supply of His Majesty’s Troops, I cannot therefore but flatter myself that you will on mature Consideration, recede from your late Resolution, and grant the Sum required.

But if you should, nevertheless, obstinately persevere in setting yourselves up in Opposition to the King and Parliament, when you have not even the Assembly of any neighbouring Colony to countenance your Proceedings by a similar Conduct, you will, I believe, in the Opinion of every sensible Man, act a Part extremely rash and imprudent, and big with Mischief to your Constituents.

WILLIAM FRANKLIN.

April 23, 1771.

Ordered

That Mr. *Price* and Mr. *Day*, do wait upon His Excellency with the following Message in answer to His Excellency’s Message to this House of the 23rd Instant.

May it please your Excellency.

The State of this Colony is justly and truly represented in our Message to your Excellency at the last Sessions; yet, nevertheless as at that Time the Winter was approaching, and we being in Hopes that you would use your Influence to have the Burthen removed, and that the House should not be called upon for further Aids, on that Account we granted a Sum of Money for the Purpose requested.

We cannot but remark here, how very different your Excellency's Discription of the State of the Colony is, from the One given by *you* in the Bill, entitled, "An Act for striking £100,000 in Bills of Credit," passed no longer ago than in *December* 1769. The Reason given in the Preamble of that Bill is, Whereas the great Distress in which this Colony for several Years passed has been involved in for Want of a sufficient Currency, both as a Medium of Commerce, and to pay Debts, hath compelled very many of the Inhabitants to sell their Estates, or suffer them to be sold at an accumulated Expence by the Sheriffs, frequently for less than Half the Value by which the Merchants, Manufacturers and Traders in *Great Britain*, and other Creditors have been great Sufferers, which Grievance in all Probability will much increase if not speedily remedied. That Bill failed, and the Circumstances of this Colony are not since altered for the better; Lands have continued and still do continue to sink in Price, and are sometimes sold for less than one third Part of the Value they were sold for a few Years ago.

The high Price of Wheat is owing in Part to there not being enough to Supply the Demand, occasioned by the Failure of the Crops, the Consequence of the Land being much worn, and the Badness of the Seasons; so that a Farmer notwithstanding this high Price does not get as much now for his Year's Labour

as he formerly did when he had a full Crop. But there are not one fourth Part of the Housholders in *New-Jersey* that raise Wheat to sell, most of the Rest buy that necessary Article; and the high Price that Bread Corn, and other Provisions now sell at has reduced large Numbers of the Inhabitants of this Colony to great Distress, and is very sensibly felt by many more. How your Excellency happened to account the high Price of Wheat at this Time among the Riches of this Province, and from that Error give the State of the Colony in the Manner you have done, we cannot account for otherwise than by the Astonishment you confess yourself in when you drew that Message

Your Excellency's Arithmetic strengthens our Argument by proving that in the Treasuries of *New-Jersey* there is no more than £3929: 8: 0 in Cash. This small Sum is now charged with upwards of Seven Months Support of the Civil Government, Payment of the Incidental Charges, £.44 to the Executors of Mr *Parker*, £50 to disabled Soldiers, about £.150 to the Barrack-Masters of *New-Brunswick*, £.200 to the Agent, £.1000 liable to be drawn by the former Committee of Correspondence, and near £.100 by the present Committee, above £.2000 liable to be drawn by the Eastern Proprietors Bounties on Hemp and Flax.

We can by no Means consider what is due to the Treasury, as Money in our Power. The Reason of that Money being outstanding, is because the Debtors cannot possibly procure it without the Sale of Lands greatly under Value, and is one of the many Proofs of the Distress of this Colony.

Our refusing the Demand is no Way inconsistent with the Reason given by *you* in the Preamble of the Act for settling the Quotas passed in *December* 1769. Between 1753 and 1769, the Circumstances of the Colony might be much altered, great Improvements made therein by its increase and Population and one new

County erected: And these Circumstances might and did occasion a new Regulation for raising Taxes, but that does not prove that this Province is not now in distressed Circumstances, and the Inhabitants borne down with Debts; on the Contrary, that is a Fact notorious to the whole Colony.

This Denial does not interfere with the Assembly's Resolve of the 30th of *November* 1765. The Conduct of the late and present Houses of Assembly respecting these Troops proves that Resolve to be true. They and we from the strongest Motives of Duty, Fidelity and Gratitude, and inviolable Attachment to His Majesty's Royal Person and Government have provided for the Subsistence of the Troops in Question, at above £2,000 *per Annum*, including the Articles supplied the Barracks for their Use for several Years past, and even at the Time of passing the Law to give £.500 to the Governor for their Supply, there was Wood in the Barracks to the Amount of more than £.200 that had been purchased by the Barrack-Masters and has been expended since your Excellency had the Management; so that in the Five Months they have cost us above £700, besides many Repairs that the Barrack-Masters added in that Time, and do continue to add. The Distresses of this Colony having arisen to a great Height, and the late appearance of a War being now over, we do think that Expence ought not to be continued upon us indefinite.

Nor does this Denial contradict the Addresses and Petition your Excellency mentions; there is nothing in any of them that alters the Constitution; there is no Reason to think that Assembly intended it should: it was not understood that it did. The Words do not bear that Interpretation. Resolves and Addresses cannot alter the Constitution. Those concerned in these Transactions were not so weak as to suppose it. Nothing less than an Act of the whole Legislature can do

it. But on the Contrary, the Assembly was left in full Possession of their antient Right of judging on that Subject, and the whole Constitution in its full Efficacy as it was before that Period.

To your Excellency's Question "Whether we expect the King will ever pay Regard to any Declarations from the Assemblies of this Province?" We answer, We hope He will. We are determined to do every Thing in our Power to deserve his Love, and his Confidence. The Question comes untimely and improperly from your Excellency, and doing so makes it serious. We should be glad of good Reasons to hope that your subsequent Conduct will evince that you wish to have it forgotten.

Your Excellency's elaborate History of the Appropriations to the late War has not the Effect you intend. It only proves the Duty and Loyalty of this Colony to His Majesty; that when it was necessary we entered so zealously into His Majesty's Measures, and provided so largely for His Forces, that in a few Years we mortgaged our Posterity down to the Year 1783; and that your Excellency desires us to make that Burthen yet heavier.

To judge of future Events by the past, in this Case is a good Rule; and we hereby assure His Majesty, that when similar Circumstances shall occur, we shall freely as heretofore exert our utmost Abilities in his Service.

Your Excellency has strangely blended the Taxes in this Province with those in *England*, as if they were raised on the same plan. Their Taxes are raised on the Pound Value of the Annual Rent of their Lands, ours on the Pound Value of the Capital. But what is your Excellency's Observations on that Head to the Purpose? If they pay higher Taxes than we, must we run ourselves in Debt for the Sake of paying as high Taxes as they do? that's a strange Way of demonstrating Loyalty.

Your Excellency says, that in this Province “none but profitable Land is rated.” We believe that one Half of the Land in *New-Jersey* that is taxed is not profitable to the Owner, for if a Man owns ever so much in a Tract, if *any Part* of it is improved the whole Tract is rated.

The Reason that your Excellency and we give such different Accounts of the Riches of the Province, is easy to account for: You see nothing but Affluence, we see the Distresses of the People. Therefore we have the best Right to Credit, as we have the best Means for Information.

Your Excellency's last Clause is alarming, as it's plainly calculated to set us in a bad Light with our Sovereign, by impressing an Idea that we are obstinately setting ourselves up in opposition to the King and Parliament, and obliquely intimating that we are desirous of the Countenance of other Colonies to support us. Sentiments that we disavow in the strongest Manner. We are firmly attached to our most gracious Sovereign King *George* the Third, and think our judging of the Abilities of this Colony and the Application of the publick Money ought not to be represented as setting ourselves up in Opposition to the King and Parliament.

By Order of the House

RICHARD SMITH, Clerk.

House of Assembly April 25, 1771.

A Message to the Assembly.

Gentlemen

I little suspected when I sent you my Message of the 23rd Instant, that it could possibly have given you such offence, or subjected me to receive such Language from a Body of Men whom I have always treated with Respect. If I know my own Heart, that

Message was dictated by the truest Regard for the good People of this Province, and I do not yet despair but that such of them, who have Discernment enough to see their own true Interest, will at some Time or other view it in that Light, notwithstanding the Cloud of Dust you have at present raised may conceal from them the true State of the Province. I shall not, however, return Railing for Railing, nor take those Advantages which the *Manner* of your Answer so frequently throws in my Way, nor, indeed, should I give myself the Trouble of making any Observations on the *Matter* of it, if I could avoid it consistently with my Duty.

When by His Majesty's Order I called upon you to grant a Supply for the Troops, you, I thought, rather too precipitately resolved not to comply with the Requisition, and referred me to your Message at the last Session for your Reasons. That Message contained nothing but general Assertions, in support of which not a single Fact was offered. To have returned only general Assertions to the contrary could have answered no valuable Purpose. The Point must still have remained as undecided as before. I therefore judged that the best Way to come at the Truth in a Matter of such Consequence to the Publick, would be to state the Facts as they appeared to me, that if I was mistaken in any of them you might set me right, or if otherwise that you might be induced to recede from a Resolution which seemed to threaten mischief to your Country. If you had pointed out to me any such Mistakes I should very candidly have acknowledged them, and thank'd you for the Information. But, instead of pursuing this Plan, you have for the most Part contented yourselves with repeating your Assertions, and where you have ventured to have Recourse to Facts you have either mistated or misrepresented them; a Conduct no ways becoming any one,

but much less so respectable a Body as the Representatives of a free People. That I do not say this, Gentlemen, without proper Foundation, will, I doubt not, sufficiently appear in the Course of the Observations which you have put me under a Necessity of making on your Answer to my Message.

You set out with declaring that the State of the Colony is justly and truly represented in your Message at the last Session, and endeavour to prove this by showing that it is similar to "the one given by *me* in the Preamble to the Bill for striking £100,000 passed in *December* 1769. This is the first Time I believe, Gentlemen, that ever a Governor was supposed accountable for the Truth of any Representations contained in a Preamble. The Doctrine appears entirely new and you ought to have the Honour of being the first Promoters of it. It has hitherto been a generally received opinion, that a Preamble contained the Reasons which the House where the Bill originated thought proper to give to the other Branches of the Legislature for obtaining their Assent, and which Reasons might or might not be the real Motive to the others for consenting to pass it into a Law. It is, accordingly, a very frequent Practice in the House of Commons in *England*, and in the Assemblies in the Colonies, to conclude the Preamble of a Bill with a *Prayer that it may be enacted*, which would be highly absurd if the Preamble was supposed to be given by the King or the Governor. As to the £100,000 Bill I do most solemnly declare that I had no Concern in writing the Preamble, nor were the reasons you have quoted those which induced me to give the Bill my Assent, nor indeed were they such as I urged in my Dispatches to the King's Ministers, when I recommended it as proper for the Royal Confirmation. I knew it was true that a Number of Persons in different Parts of the Province were (some by their own

Imprudence, and others by unavoidable Misfortunes) involved in Distress, but I never supposed it was much, if anything, owing to the Want of a sufficient Currency, as I observed every Labourer could get a good Price in Money for his Labour, and every Farmer the same for his Produce. At the same Time, however, I was of Opinion that a moderate Quantity of Paper Money issued on Loan at the usual low Interest taken by the Publick, might be of Service to such of them as had any real Property left and were disposed to be industrious. To others it did not appear to me that it could be of any Advantage, were the Quantity ever so great. But had I known the Province to have been in a far more flourishing State at that Time than even what I deem it to be in at present, I should nevertheless have been a Friend and Well-wisher to that Bill, and should have exerted myself as much as I have done in its Behalf, there being scarce any one Thing of which I am more fully convinced, than that a moderate Addition to our present Currency, even on the Terms on which the Crown can permit it, would make the Colony still more flourishing, and be likewise productive of considerable Benefit to *Great-Britain*. What View you could have, therefore, in mentioning the Preamble of that Bill, I am at a Loss to imagine. If I had really wrote it; and it had actually contained my Sentiments at that Time, yet the Facts I produced in my last Message plainly shew that whatever may have been or is still the Case with a Number of Individuals, the Province on the Whole, is and has been for many Years past in a State of Improvement. Your quoting it then on this Occasion can only serve to shew what, perhaps, would have been full as much to your Credit to have concealed, that you were capable of sending me two Bills at the same Session containing directly contrary Accounts of the State of the Colony.

The Reasons you give for the high Price of Wheat do not appear to me to be satisfactory. It is true that the Crops do sometimes fail when the Season happen to be bad or where the Land is much worn. But will any Man pretend to say that the Quantity of Wheat raised throughout the Colony, and of every other Kind of Produce which we send to Market, does not annually increase? If he has any Doubt about it, let him only inquire into the Number of new Farms which are annually settled, and the Improvements made and making on the old Ones; or let him ask the Merchants and others who purchase our Produce at *New-York* and *Philadelphia* for Exportation or Home Consumption, and he will be satisfied that the Increase is very considerable. I have frequently made Inquiries of this Nature, and am well convinced that the Quantity of our Produce carried to Market is much beyond what it was formerly, but that the Demand having increased in a still greater Proportion, has occasioned the high Prices we receive.—Whether there are not, as you say, above one *fourth* Part of the Housholders in *New-Jersey* who raise Wheat I know not, nor is it of any Consequence to my present Argument. The Inhabitants of the Colony are certainly for the most Part Farmers, and tho' they raise different Kinds of Produce according to the Nature of their Land and other Circumstances, yet if what I advanced, and which you do not contradict, be true, that the Prices of all Kinds have risen in nearly the same Proportion as Wheat, it can make no Difference. For if a Man who does not raise that Article is obliged to give more for it than heretofore, so likewise does he get a proportionately greater Sum for what he does raise. It seems therefore to be a strange Position “that the high Price which *Bread Corn* and other *Provisions* now sell at, has reduced *large Numbers of the Inhabitants* of this Colony to *great Distress*.” But I am

not surprized (strange as it is) that this Position should be advanced by you; for you, Gentlemen tho' the Colony consists chiefly of Farmers, can even wonder at my "accounting the high Price of Wheat at "this Time among the Riches of this Province!"

I shall next consider your Remarks upon what you are pleased to call my *Arithmetick*, which you say strengthens your Argument, by proving that there is no more Cash in the Treasury than £3929: 8: 0 This Sum you say is charged with

No. 1.	To the Executors of Mr <i>Parker</i>	44: 0: 0
2.	To disabled Soldiers	50: 0: 0
3.	To the Barrack Masters at <i>New Brunswick</i> ,	150: 0: 0
4.	To the Agent	200: 0: 0
5.	To the former Committee of Correspondence	1000: 0: 0
6.	To the present Committee	100: 0: 0
7.	To the <i>East-Jersey</i> Proprietors	2000: 0: 0
		<hr/>
		£3544: 0: 0

Besides the *Support of Government* for Seven Months *Incidental Charges* and *Bounties* on *Hemp and Flax*, for neither of which you have allotted any particular Sum.

But, Gentlemen, Is this a candid Representation of the Matter? Are not you conscious that the only Articles of all these, for which Sums can with any Propriety be said to be actually appropriated, are the two first Articles, the Support of Government, and the *One Thousand Pounds* to the Committee of Correspondence, and that for both the latter I made a Deduction in my State of the Account? And are you not sensible that even this very £.1000 (which is only ordered to be kept in the Treasury 'till it may happen to be wanted) may by a short Act be applied for the Support of the Troops, immediately, if you think proper? Towards the Article No. 3, the Sum of £110.

was paid several Months ago and therefore cannot remain a Charge against the Balance in the Treasury, and for the remaining 40£ no Accounts are yet exhibited to the House, or at least none yet settled or allowed; and whether any thing will be wanted for the Bounties on Hemp and Flax is uncertain, it depending on Events which may or may not happen, and, if they should, they are only to be paid out of the *current Money* which may be at the Time in the Hands of the Treasurers. For these no Money in the Treasury can be properly said to be yet appropriated, tho' the Legislature may hereafter think fit to make Provision for the Payment of them, and therefore they ought not to be brought into the present Account. But even if they were, yet the Balance of £.1979: 8: 0 mentioned in my Message is probably more than sufficient to discharge them, and the £.1000 to the Committee besides. The Allowance to the Agent, the Sum payable to the present Committee, and the Incidental Charges, are all considered in the £.1250 I allowed for the Support of Government for the remaining Part of the present Year. The last Article No. 7, is a large one indeed, but how you could possibly think of reckoning it as an appropriated Sum which you were obliged to keep in the Treasury, and venture to mention it as one of the Proofs of your not having it in your Power to comply with the Royal Requisition, is beyond my Comprehension. You must know Gentlemen, as well as I do, that the £.3000 subjected to the Disposal of the Eastern Proprietors were only allowed to be taken from Time to Time as it might become necessary, "out of the public Monies *in* the Treasury," so that if none happens to be actually there when wanted, the Province is not bound to furnish it in any other Manner. But supposing they had really drawn the whole Sum out of the Treasury, yet not only all the Estates of the General Proprietors are made Liable by Law to indemnify the Colony for the

said Sum, but a certain Number of them are obliged to give Bonds to the Treasurer "*conditioned* for the *Replacing* such Sum or Sums of Money, without Interest, into the Treasury, when demanded by such Treasurer *by Order of the House of Assembly.*" This needs no Comment; for a Man must be willfully blind who does not see that it cannot make the least Difference to the Province whether this Sum is in or out of the Treasury.

You "can by no Means, you say, consider what is "*due* to the Treasury as Money in your Power." If you had said that there was no Necessity of calling it in immediately, I could readily have agreed with you. The *Interest alone*, due on the *two* Sums called *Debts ascertained* for which you have Mortgages, is nearly sufficient to replace in the Treasury the Sum now wanted. And if the outstanding *unsettled Balances* due to the Province (which for Reasons best known to yourselves you have not chosen to mention) were likewise brought into the Treasury, as they ought to be, there would then be a Sum at your Disposal more than sufficient to answer all the present Demands. There is one Debt besides, amounting to upwards of £.1200 due from the Estate of late Col. *Schuyler*, for which a Bond was given some Time ago, and the Money, I am told, is now ready to be paid into the Treasury.

What you alledge concerning the Reason given by *me* in the Preamble of the Quota Act, and the distressed Circumstances of the Inhabitants, has been already fully answered. Nor need I take any Notice of your Assertion, that the Denial of a Supply for the Troops is not contradictory to the Assembly's former Resolve, Addresses, and Petition. If you cannot see what is so glaringly evident to others, nothing I can offer to convince you of it can be of any Avail. I shall therefore proceed to consider what you say concerning the *Barracks*.

Your Representation of this Matter is more unfair, if possible, than any Thing I have yet animadverted upon; but, to do you Justice, it must be allowed that you have not manifested a greater Want of Candour than of Gratitude on this Occasion.—At the last Session at *Perth Amboy*, a Majority of your House appeared much displeased with most of the former Barrack Masters Accounts; and when it was agreed to grant £500 towards the Supply of the Troops, you chose rather to leave it to the Disposal of the Governor and Council, than to put it into the Hands of the Persons before entrusted. The Money has since been expended with the utmost Faithfulness (as you must have observed by the Accounts and Vouchers laid before you) and by our Management a considerable Saving has been made to the Province. It seems, however, that you are not disposed to let this be known to the Publick. Instead of thanking us for our Care and Trouble (not a little of which fell to my Share) or even making a bare Acknowledgment of them, you endeavour to have it appear, that though I mentioned it would not take above £.1200 Currency *per Annum* to supply the usual Number of Men with the Necessaries required, yet it has cost the Province, under our Management, at above the Rate of £.700 for five Months, besides Repairs, &c. To make this out you say “there was *Wood* in the Barracks to the Amount of *more* than £.200,” which is not the Case, the Quantity received of the former Barrack-Masters by the one I appointed being exactly 228 Cords, which if we reckon at 15s 6½ *light Money* per Cord (the Medium Price he purchased at) amounts to only £.151: 17: 3½ *Proclamation*.

But you take no Notice that the five Months above-mentioned were the *Winter* Months, and that during the remaining seven Months little more than half the Wood, and but a small Quantity of Candles, will be

wanted. The Sum of £500 would therefore, I doubt not, be found sufficient to supply the Barracks for that Time, if there should happen to be no considerable Addition to the Number of Men; but as an Augmentation of 20 Men to a Company is ordered, I ask'd for 700£ which I was in hopes might answer the Purpose. If this had been granted, and any Part of it should have remained at the End of the Year, it would have been accounted for. But, Gentlemen, if you really think it more to the Advantage of this Province, that *above 2000£ per Annum* (which you acknowledge the supplying of the Troops has heretofore cost the Colony) should be expended by some of the Members of your House and their Connexions, than about 12 or 1400£ under the present Management, I shall not make the least Objection; but I shall hope then to hear no more of the *Poverty* of your Constituents.

The next Paragraph to the one I have just observ'd upon, with all "*them Transactions,*" &c. mentioned in it, I must beg Leave to pass over; as, except the first Line which is already answered, I do not see that it is at all pertinent to any Thing contained in my Message. And if the four Paragraphs immediately following, which only contain Declarations no ways corresponding with your present Actions, are treated in the same Manner, you will have no Reason to complain.

By desiring you to compare the Taxes of this Province with those paid in *England*, I meant no more than to intimate that you would find a great Disproportion. For tho' they may not be raised on the same Plan, *theirs* being, as you say, on the Pound Value of the *annual Rent* of their Lands, and *ours* on the Pound Value of the *Capital*, yet the Difference will be found on Examination to be little more than nominal. The Valuation put by the Assessors on the

Lands throughout a County will, I believe, in very few Cases, if any, be found on an Average to exceed the Value of the annual Rent or Income. Many Tracts I am convinced are rated at less. But be that as it may, I desired you likewise to compare our Taxes with those of several *neighbouring Colonies* (where they are raised on a similar Plan with our own) but this it seems did not suit your Design.

“But you ask, What are my Observations on this Head to the Purpose? If they pay higher Taxes than we, must we run ourselves in Debt for the Sake of paying as high Taxes as they do? that’s a strange Way of demonstrating Loyalty.” Indeed, Gentlemen, this is a strange Way of arguing, and what I have not been much accustomed to. Did I ask you to run yourselves in Debt for the *Sake*, as you call it, of paying high Taxes? Did I even ask you to run in Debt at all? Nay, did I not plainly shew you that you might demonstrate your Loyalty without any new Taxes whatever?

If I have been mistaken in saying that “none but profitable Land is rated,” I was led into it by the express Words of the Law, which are—“All *profitable* Tracts of Land held by Deed, Patent, or Survey, whereon any Improvement is made, the whole Tract shall be valued at the Discretion of the Assessors.” There are many Parts of a Man’s Farm which tho’ not cultivated, yet afford some Profit, and I apprehend that the Valuation put on them by the Assessor is only in Proportion thereto; at least that seems to be one Thing that is left by the Law to his Discretion. Many Persons who have larger Tracts than what they think proper to occupy, sever by lease only a Part of them for Farms, and let the Rest lie waste; by which Means they only pay Taxes for what they actually receive a Profit from.

The Reason assigned by you, why our Accounts of

the Province differ so much is, that I “see nothing
“but *Affluence*, and you see the *Distresses* of the Peo-
“ple.” I know not whether you allude here to my
Affluence, or to that of the Gentlemen of the Colony
with whom I am acquainted. If you mean the former,
I have only to say that if I do live in Affluence I must
at least spend among the People all I receive from
them, to which I presume they cannot have any Ma-
terial Objection. For so small is the Allowance to a
Governor in this Province (much below that of any
other of the King’s Colonies) that considering the in-
creased Expense of Living, especially to one in that
Station, it is impossible for him to lay up a Farthing,
unless he lives in a Manner that must disgrace his
Commission. This the People, for their own Honour,
would not like I believe, even if they were in the dis-
tressed Situation you represent them.—The Truth is
Gentlemen, I found my Account of the Province on
Facts, which it is not in your Power to controvert. I
know that there are but few People of great Fortunes
in it, but at the same Time I am convinced, that there
is a very considerable Number in Affluent Circum-
stances, and tho’ there are here, as in every other
Country, some distressed Persons, yet the Bulk of the
Inhabitants are enabled to live well if they think
proper. It gives me Pleasure to see this, and so far as
I can contribute to promote their Welfare I shall do
it, as I always have done with the utmost Readiness.
It cannot be in any Way my Interest to overrate the
Ability of the Colony, or to do anything which may
increase it’s Burthens, I may, with Propriety enough
call myself a Farmer of *New-Jersey*, and my Farm,
which is no inconsiderable one, must pay Taxes as
well as yours. It is here, if I return to a private Sta-
tion, that I propose to spend the Remainder of my
Days.

You do me great Injustice, Gentlemen, in suppos-

ing that I had any Intention to set your Conduct in a bad Light with your Sovereign. No Governor, I believe, has ever taken more Pains to make an Assembly appear to Advantage than I have done with respect to you, whenever a proper Opportunity offered. Of this I have the strongest Proofs in my Possession, and some of them appear on your Minutes; and I still hope, however we may differ at present, that I shall have Occasion to do it again. Your Conduct indeed at this Time does appear to me alarming, and I think you are unnecessarily risking the future Peace and Happiness of this Colony.—I have no Motive in so warmly urging your Compliance with the Requisition, but what ought equally to influence you and your Constituents. You have notwithstanding again resolved not to comply, and informed me that you are desirous of being dismissed. I could not, however, think of parting with you until I had given you my free Sentiments on the Subject, that you might, if you thought proper, communicate them to your Constituents, and consult them on a Matter in which they are so deeply interested, and which is really of as great Importance as any Thing that ever came under their Consideration. Tho' the Recess I can allow you for this Purpose is but short, yet I shall hope it will be sufficient for you to see the Expediency of receding from your Resolution, and thereby restoring that Harmony which is so necessary to the publick Welfare.

WILLIAM FRANKLIN.

April 29, 1771.

Instructions of the Freeholders of Hunterdon County to their representatives¹ in Assembly, John Hart and Samuel Tucker, adverse to the quartering of troops in the Province.

[From New Jersey Historical Society Manuscripts, W. J., No. 30.]

For John Hart & Samuel Tucker Esq^{rs}

We the freeholders of the County of Hunterdon Province of West Jersey; to the Representatives of

¹ John Hart, later one of the signers of the Declaration of Independence. "Born, where or when, no man now appears to know, and whose handwriting many have sought and few have found, in other form than on a Colonial note."—*Col. T. B. Myers, in Hist. Mag.*, November, 1868, 230. John Hart was a son of Captain Edward Hart, who came from Stonington, Conn., early in the last century, and settled at Hopewell, then in Hunterdon, now in Mercer county. He was said by a granddaughter to have been born in Stonington.—*Cooley's Early Settlers in Trenton*, 104-5. Captain Hart was a zealous Presbyteritan, and recognized as such by the dignitaries of the church.—*Ib.*, 101. The records of the Presbyterian Church at Maidenhead (now Lawrenceville) show that John was baptized there by the Rev. Jedediah Andrews, of Washington Square Presbyterian Church, Philadelphia, "12th Mo. 21st, 1713."—*Hist. Somerset and Hunterdon Counties*, 818. Various writers have interpreted this date to be December 21, 1713, overlooking the fact that it is according to the "Old Style." As a matter of fact, by our present reckoning, the date would be March 5, 1714. Mr. Hart was doubtless brought up on his father's farm, and received little or no education, the few specimens we have of his manuscript indicating an illiterate writer. He was a Justice of the Peace of Hunterdon county in 1755.—*Ib.*, 258. He was elected in 1761 to the twentieth Assembly, which began its sittings April 7, 1761.—*N. J. Hist. Society Proc.*, May, 1850, 32; *Allinson's Laws*, 238. Upon the dissolution of that Assembly, in 1768, he was again elected a member in June, 1768, and sat in the twenty-first Assembly, which first met October 10, 1769.—*N. J. Hist. Soc. Proc.*, May, 1850, 32; *Allinson's Laws*, 342; *ante*, 33. He continued a member of that Assembly until its dissolution, December 21, 1771.—*Post*, Dec. 27, 1771. The minutes show that he was a staunch supporter of the rights of the people during his ten years of service in that body. In 1774 he was a Judge of the Court of Common Pleas of Hunterdon county.—*Hist. Somerset and Hunterdon*, 257. But though thus holding an office at the hands of the Governor, he did not hesitate to accept an election, July 8, 1774, by his fellow-citizens of Hunterdon, to the first Provincial Congress of New Jersey, and he presided at another meeting, held for the like purpose, January 18, 1775, when he was chosen to the second Provincial Congress.—*Minutes Provincial Congress, etc.*, 1775-6, 14, 49. He attended the sessions of that body in May and again in August, 1775, being appointed on the Committee of Correspondence during the recess before the latter session, and on the Committee of Safety afterwards, serving during 1776-7. He was re-elected to the Provincial Congress in September, 1775, and sat in the October

said County appointed to meet att Burlington with the other Representatives of said Province on the 28th day of May Anno Domini 1771—GREETING.

Gentlemen

Whereas we understand his Excellency the Governor has adjourned the House of Assembly in order to Consider further on divers Affairs presented to the House last Session; In which Interval the Members might have an Opportunity to Consult their Con-

session of that year, and in January and June, 1776, being named on important committees, among other duties imposed on him was that of signing his name to the reams of paper money issued by the Provincial Congress. On June 15, 1776, he was elected Vice-President, and one week later was elected one of the five delegates to the Continental Congress.—*Minutes*. He and his colleagues arrived at Philadelphia in season to affix their names to the immortal Declaration, on July 2, 1776. In the selection of a new delegation of Congressmen November 30, 1776, Mr. Hart and Francis Hopkinson were omitted, for what reason does not appear. In August, 1776, Mr. Hart was elected to the first Assembly under the new Constitution, and on the meeting of that body, August 23, he was unanimously elected Speaker, which office he held by successive elections during 1776, 1777, and the first session of 1778, being annually re-elected from his county, until compelled by failing health to retire from active life. Owing to his prominence he was hunted by the British and the Tories with peculiar ferocity when the enemy traversed New Jersey in December, 1776, but he never faltered in his loyalty.—*Cooley*, 105-6; *Lives of the Signers*, by Sanderson, Goodrich, Lossing; *Hist. Collections of N. J.*, 262; *Governor Parker's Oration*, July 4, 1865. Under date of "Princeton, November 25th, 1777," while Speaker of the Assembly, Mr. Hart addressed this note to Governor Livingston: "Sir, The House of Assembly Request that your Excellency Direct Mr. Collings [Collins] to print fifty Copies of the Law for purching Cloathing for the New-Jersey Redgment and transmit the same to your Excellency as soon as possible. I am Sir Your Humble Sevant JOHN HART. To his Excellency William Livingston."—*Sedgwick's Livingston*, 192. Mr. Hart paid his dues to the Pennington Presbyterian Church as late as 1769, but gave the Baptists in 1771 a deed for the plot on which their church had been erected in 1747.—*Cooley*, 110; *Edward's Hist. Baptists*, II., 45. He died May 11, 1779, at his home in Hopewell. In 1865 the New Jersey Legislature caused a monument to be erected to his memory, on which occasion Governor Joel Parker delivered an eloquent and impressive address, in the course of which he said: "Upon a careful examination of the history of New Jersey during and immediately preceding the Revolutionary War, I am of opinion that John Hart had greater experience in the Colonial and State legislation of that day, than any of his cotemporaries; and that no man exercised greater influence in giving direction to the public opinion which culminated in independence."—*Oration*, 18. The monument follows the biographical compilers in giving the date of Mr. Hart's death as 1780. But in this, as in many other particulars, the compilations err. Mr. Hart's will was proved May 23, 1779.—*Governor Parker's Oration*, Appendix, 26.

Samuel Tucker was born in 1731, and at an early age enlisted in mercantile business at Trenton, then in Hunterdon county, extending his operations occasionally to New England and the West Indies, and soon establishing a reputation as a

stituents.—We therefore without the least Defection in our Zeal for his Majesty, or desire to promote Contention between the Different Branches of the Legislative Body in this Province, yet desirous that our Liberties may be secur'd to us, do agree with the Resolution taken by the Assembly at their last Setting; and approve the Reasons given to his Excellency for not Complying with the Several Requisitions made respecting Incouragement for the Augmenting his Majesty's Regular Troops in this Province and Granting supplies

"man of good understanding, a man of probity and veracity."—*N. J. Archives*, VII., 637, 640. He was a Justice of the Peace of Hunterdon in 1767.—*Hist. Somerset and Hunterdon*, 258. He was also Sheriff of the county, probably between 1762 and 1767.—*Ib.*, 258; *Field's Provincial Courts*, 170. In 1768 he was elected with John Hart to represent Hunterdon, Morris and Sussex counties in the twenty-first Assembly.—*N. J. Hist. Soc. Proc.*, May, 1850, 32; *Allinson's Laws*, 70, 109, 195, 314. He at once took an active part in the attempt made to reform the practice of the law, and thereby drew upon himself the attention of the lawyers, who upon investigation found that he had himself charged excessive fees while sheriff.—*Field*, 170. Nevertheless, he was elected in 1772 to the twenty-second Assembly, and during the next three years was exceedingly zealous in promoting the American cause against British aggressions. He sat in that Assembly until it was prorogued for the last time, December 5, 1775. In the meantime he was Chairman of the Hunterdon county meeting, July 8, 1774, which appointed delegates, himself among the number, to the first Provincial Congress of New Jersey, held for the purpose of choosing delegates to the Continental Congress, and was likewise chosen January 18, 1775, to the second Provincial Congress, held for the same purpose. He had been appointed by the Assembly, February 8, 1774, on a Committee of Correspondence. When the Assembly was prorogued, May 20, 1775, Mr. Tucker stepped into the Provincial Congress three days later, and was made Vice-President, May 25, and when that body adjourned in August, he was named as a member of the Committee of Safety, to sit during the recesses of the Assembly, in which position he was continued from time to time subsequently for a year and a half. He was elected President of the Provincial Congress, October 4, 1775 (whence he was often styled "Governor" Tucker), and again June 11, 1776, and as such President had the honor of affixing his official signature to the first Constitution of New Jersey, July 2, 1776, although in the preceding November the Congress over which he presided had declared its "detestation" of "sentiments of independency." In February, 1776, he was elected one of the two Treasurers of New Jersey. On September 4, 1776, the Legislature, elected under the new Constitution, appointed Mr. Tucker to be Second Judge of the Supreme Court, at a salary of £100.—*Minutes*, passim. On opening the Burlington Courts, November 13, 1776, the Grand Jury "addressed" him after the old-country fashion, congratulating him on his appointment, and declared: "We have no doubt of your integrity and assiduity, and can only wish your country had called you to so important an office in times less perilous and dangerous. But, Sir, let the peril and difficulty of the times be a criterion to distinguish who are real friends to their country, and who are not."—5 *American Archives*, III., 662. These words would appear profoundly significant, in the light of events during the next three weeks. On December 9, the State chest containing money and other valuables, which Treasurer Tucker had sent away from Trenton to keep from fall-

towards their Support. Moreover we your Constituents Subject these following Queries to your further Consideration.

1st Whether to have the King's Troops stationed among us in Time of Peace is Constitutional and Agreeable to our Rights and Priviledges?

2nd Whether they are or can be of any use to us, or whether any proper Officer of this Government has the Command of them in any Case of Immergency?

3rd Whether Regular Troops does not spread Vice and Immorality in a Country where they are maintained in idleness?

4th Is it Consistent with Honour and Justice to Support those who do us no Service?

5th Whether there is not Danger that a Military Power may in Time interrupt the Proper Influence and Management of Civil Administrations?

ing into the hands of the advancing British, was captured by the enemy, and on the 14th he was himself taken prisoner, and held until he could obtain a "protection" from Col. Rall, the Hessian commander. Governor Livingston was much displeased with the whole affair, especially with Tucker's apparent cowardice, and the Legislature was reluctant to release him from responsibility as Treasurer. His taking a British "protection," too, lessened the respect his friends had previously entertained for him, and forced his retirement from public life.—*Minutes*, passim; *Hall's Pres. Church, Trenton*, 274; *Field's Provincial Courts*, 169; *Elmer's Reminiscences*, 265; *Gordon's N. J.*, 237. Nevertheless, he retained a good position in the community, and in the ensuing September, John Adams records that he "lodged at Mr. S. Tucker's, at his kind invitation."—*Works*, II., 438. From 1766 to 1788 he was a trustee of the Presbyterian church at Trenton, being clerk of the Board most of the time.—*Hall's Hist.*, 200. He died January 14, 1789, aged 67 years, 3 months and 19 days.—*Ib.*, 203. His letters and addresses, published in the American Archives, and elsewhere, show that he was a man of superior ability and scholarship, and that he had the confidence and esteem of Washington and other principal men of the day. While in the Provincial Congress he favored an act for the more easy manumission of slaves, and he showed the earnestness of his views on that subject by providing in his will for the freeing of his slaves, on certain prudent conditions.—*Hall*, 203.

It is related that once when Tucker and Hart were both candidates for the Assembly from old Hunterdon and its dependent counties, the latter was supported by the Presbyterians, and Tucker by the Episcopalians, Methodists and Baptists. "During the first two days of the election Hart was ahead, but on the third, one Judge Brae coming up with a strong reserve of Church-of-England-men secured Tucker's return. A wag observed that the Judge was not unlike the Witch of Endor, for it was clear that he had raised Samuel."—*Sedgwick's Livingston*, 143. If this incident occurred it must have been in 1772, as in 1761 Hart was successful. In 1769 both men were elected, and in 1772 Tucker was chosen.—[W. N.]

We think Gentlemen the Consideration of these Things with what you have already urged will Constrain you to abide by your former Resolutions, and that you will Continue to make the Ease, Safety, Interest, and Morals of this P[rovince the] Subjects of your Zealous Attention.

Signed by the Freeholders of Hunterdon May 1771.

Signers

HEZEKIAH STOUT	JOAB HOUGHTON
[MOSES] HART	HENRY VAN KIRK
WILL ^M SHERD	ANDREW STOUT
NEHEMIAH SAXTON	JAMES MATTIVEN
NATHANIEL STOUT	ABRAHAM STOUT
BENJAMIN STOUT	W ^M CHAMBERLING
W ^M BRYANT.	

Order of Council, appointing Daniel Coxe a member of the Council of New Jersey.

[From P. R. O. B. T., New Jersey, Vol. 10, L. 24.]

AT THE COURT AT S^T JAMES'S THE 1ST DAY OF
MAY 1771.

PRESENT

The Kings most Excellent Majesty in Council.

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations Dated the 26th of last Month, Setting forth, that John Ladd Esquire one of his Majesty's Council for the Province of New Jersey being deceased, and Daniel Coxe Esquire having been recommended to the said Lords Commissioners as a Person well Qualified to serve his Majesty in that Station they

therefore humbly propose that he may be appointed of his Majesty's Council for the said Province in the Room of the said John Ladd Esquire deceased—His Majesty in Council Approving thereof, is Pleased to Order, as it is hereby Ordered that the said Daniel Coxe Esquire be constituted and Appointed a Member of His Majesty's said Council in the Province of New Jersey in the room of the said John Ladd Esquire deceased And that the Right Honble the Earl of Hillsborough one of His Majesty's Principal Secretaries of State do cause the usual Warrant to be prepared for His Majesty's Royal Signature.

Letter from the Earl of Hillsborough to Governor Franklin, relative to the dispute with Spain, the Indian trade, etc.

[From P. R. O. and West Indies, Vol. 176 (194).]

WHITEHALL 4th May 1771.

Gov^r Franklin

Sir,

I have rec^d your Dispatch N^o 25, & have laid it before the King.

His Majesty has no Doubt of your Attention to the Security of the Colony under your Gov^t, & of the Disposition of His faithful Subjects in New Jersey to concur with you in every Measure that would have been necessary for putting it into a State of Defence, in case the Issue of the Dispute with Spain had been contrary to His Majesty's Expectation.

The little Connection which you state to exist between New Jersey & the Indians, will plead in excuse for the Assembly's not entering so zealously into the Consideration of that Business as the nature of it seems to

require from other Colonies under different Circumstances.

I am aware of the Difficulties that will attend making any general Regulation for the Indian Trade, while it is to depend upon the Concurrence of different Colonies having different Views & Interests; & in agreeing in Opinion with you, that this is not the only Instance by many which evinces the absolute Necessity there is, for the sake of the Colonies themselves, of a general superintending Power over all the British Dominions in America, I cannot but lament the Obstacles which have been unhappily thrown in the way of the just Exercise of such a Power.

The Acts & Journals of the Legislature have been laid before the Board of Trade, & also your Recommendation of M^r Coxe, & M^r Lawrence, in consequence of the Vacancy in the Council, by the Death of M^r Ladd; & I have the Satisfaction to acquaint you that His Majesty has been pleased, in consequence of the Recommendation of that Board, to approve of M^r Coxe for that Station.

I am &c^a

HILLSBOROUGH.

Letter from Gov. Franklin to the Earl of Hillsborough relative to the Complaint of John Hatton, and transmitting copies of papers connected therewith.

[From P. R. O. America and West Indies, Vol. 176 (194).]

BURLINGTON, May 19th 1771

The Right Hon^{ble} the Earl of Hillsborough.

My Lord,

Inclosed I send your Lordship a Copy of the Minutes of the Privy Council of this Colony, from the 8th of January to the 26th of March, a great Part of which is

taken up with an Enquiry into a Complaint made by John Hatton, Esq^r Collector of His Majesty's Customs for the Port of Salem, against some Justices of the Peace living at Cape May. This M^r Hatton is the same Person mentioned in my Letter to your Lordship of the 25th of Augst 1768, N. 11, and in the Minutes of the Privy Council sent with my Letter N. 6.—The Council, after a strict and impartial Examination of the Parties, were unanimously of Opinion that there was not the least Foundation for his Complaint against the Justices. I need not trouble your Lordship with any Recital of Particulars here, as they are so fully set forth in the Minutes, and in the Copies of sundry Papers sent herewith.—I was in hopes that the Commissioners at Boston would before now have removed this man from his Office, as they have had the strongest Proofs of his Unfaithfulness in the Execution of it, ever since June 1769, as your Lordship will see by the enclosed Copy of the Report of the Inspector General. What Reasons they may have for continuing him in Office I know not, as they have not yet thought proper to return any Answer to my Letter of the 10th of April last, a Copy of which is among the enclosed Papers.

I have the Honour to be, with the greatest Respect,
My Lord, Your Lordship's

most obedient & most humble Servant

W^m FRANKLIN

Copies of sundry papers relative to Mr. Hatton's complaint against the Justices of Cape May, in New Jersey.

[From P. R. O. America and West Indies, Vol. 176 (194).]

Some Notes and Observations made by the
Dep^y Secretary of New Jersey, on the Com-
plaint of John Hatton Esq^r Collector of

Salem, against three of the Magistrates of Cape May, after the Examination of the Parties before the Governor & Council, explaining more particularly several Matters either omitted or but slightly ment^d in the Minutes of Council on that Subject.

There is very little of M^r Hatton's Complaint that, if true can affect the Magistrates of Cape May;—the Transactions in which he and his Son received the Injury, being entirely without their Jurisdiction. It may be reduced to the following Heads

1. Their sending their Warrant for him on the Oath of Hughes.

2. Their sending their Warrant for his Negro on the same Foundation, and committing him after Examination.

3. Refusing to admit the Negro to Bail.

4. Demanding Surety of the Peace of M^r Hatton, on the Affidavit of Mills,—on which they took his own Recognizance.

5. Demanding the like Surety from the Negro, & committing him to Prison for want of Security.

In all which Transactions it does not appear that he was under any Kind of Restraint more than for a few Hours, and that from absolute necessity, and not at a Time when the Duty of his Office required his Attendance. But even if it had interfered with the Revenue, the Cause of this Restraint was of a higher Nature;—for whenever the Kings Peace comes in Question, all Civil Matters must give Way to the Enquiry. In the 4th Paragraph of his Complaint, M^r Hatton calls the Charge against his Negro a *Pretence*, and says “the Oath of Hughes was only invented to distress him and his Family.” If the Oath was invented by the Magistrates for that Purpose, it was undoubtedly

highly Criminal in them. But can it be supposed that they could induce Hughes to perjure himself to furnish such a Design? What Motive could they have for wishing to distress him? They were not interested in the Goods seized, nor could he affect their Interest by any Seizures—They were not in Trade, nor had they any Property that could be affected by the Revenue Laws. On the other Hand they had lived on Terms of good Neighbourhood with the Collector: The Magistrate who administered the Oath to Hughes had, as he acknowledges shewn him particular Acts of Civility, But on Hughes's offering to make such an Oath, the Magistrates would have been Criminal in omitting the Enquiry.

The 5 Par. charges the Magistrates with “sending
“five Men to his House and taking him out by Force
“thro’ heavy Rain, tho’ he was exceeding ill and dangerously wounded.” The Magistrates, to make it as easy as possible to M^r Hatton, convened at the House of his nearest Neighbour, at a considerable Distance from their own Houses, and did not order Force to be used untill they found other Measures ineffectual; and it was proved to them by the Man at whose House they were, that he had been *riding about* with him *most of the Day* in the *same kind of Weather* and the Constable (by whom they had received a Message from M^r Hatton rather disrespectfull) reported to them that he was not so ill as to be in any Danger from coming out.

The Arrogance and Rudeness with which he charges the Magistrates, was no more than the Language they thought it necessary to use to restrain him from insulting them in the Duty of their Office when he appeared before them, charged on Oath as a Criminal. The £500 Security he offered for his Negro, was no other than his own Recognizance in that Sum, which they did not think a sufficient Security; nor did they

think the Negro *Bailable* had the Security been *ever so good*. The Secretary's Letter contained no more than his Advice to admit the Negro to Bail if they should think it legal so to do from the Circumstances of his Case, of which they were then the sole Judges.

The Justices had seen the Governor's Proclamation *before*, and did not think it necessary to read it in the presence of M^r Hatton, especially as it did not relate to what was then required of them.

Par. 6. Hughes, in the mean Time, had procured a Writ of Habeas Corpus, and was admitted to Bail by the Hon^l Charles Read Esq^r one of the Justices of the Supreme Court, and Collector of His Majesty's Customs for the Port of Burlington, by which he was intitled to his Liberty. But the *Justices of Cape May* did not think they had Power to admit him to Bail, tho' he was committed for a Crime, of a less Nature than the Negro stood charged with.

Par. 7; By the Complaint in this Paragraph, one would imagine Mills was one of the Persons pointed out in the Proclamation as being concerned in the *Rescue* of the *Pilot Boat*. But the fact is *otherwise*. Mills is not mentioned in the Proclamation in the Light of a Criminal, nor was he *at all concerned* in the Affray. M^r Hatton did influence the Printer to insert, under the Proclamation, an Advertisement, signed by himself, offering a Reward for apprehending Mills; but he seems not to have been very desirous of having him taken up, as he declined making any Affidavit before the Justices which they thought would be a proper Ground for issuing a Precept against him.

Par. 8 & 9. These Warrants against M^r Hatton & his Negro, were grounded on Mills's Affidavit, and his demanding *Surety of the Peace* against them. From his going voluntarily before the Justices to make this Affidavit, it should seem that he did not fly from Justice, and that he had at least as much Reason to be

affraid from the Threats of M^r Hatton, as the latter could have from his Menaces. M^r Hatton insinuates that he wore Pistols in his Pocket, and he charges Mills with carrying a Club, they had quarrelled, and probably mutual Threats had passed. On Binding both Parties to their good Behaviour, the Judges obliged Mills to find a Bondsman, but from M^r Hatton they took no other Security than his *own Recongizance*, which, if it can be called Partiality at all, was in his Favour; tho' by the Words of his Complaint, a Stranger to the Fact would imagine they obliged him to procure a Bondsman.

Par. 12 & 15. The Threats of Destruction to any who should give M^r Hatton any Assistance, appear no where but in the Complaint: the Magistrates deny any knowledge of it. And, indeed, all his Fears of Injury to his Person or Property appear to be chimerical and without Foundation. His Informations have chiefly come by his own Servants whom he sent out as Spies for that Purpose; and some of the People, knowing their Design, have dropped Expressions on purpose to furnish them with a Tale, that they might have an Opportunity to laugh at the Effects of his suspicious Disposition. Par. 13 & 14. are fully answered in the Minutes of Council.

The Complaint of the 26th Jan. begins with an *impudent Falsehood*. No such Promise was ever made to him; on the Contrary the Governor repeatedly told him that he could not, consistent with the Royal Instructions, deprive a Justice of his Office, but with the Advice of the Council, which could not be expected 'till after a Hearing. His Complaint against the Magistrates, after his Answering a few Questions in Explanation of some Parts of it, afforded but a *slender Foundation* for calling upon them to *answer it*, much less to *suspend them without a Hearing*.

He charges one of the Justices with pursuing the

Constable, to know what Witnesses he had summoned, and tampering with such as he could influence.—The Fact appears thus,

Justice Whilden happened to meet the Constable at the House of one of the Witnesses sent for by Mr Hatton, but did not know the Constable's Errand there, nor speak to the Witness on the Subject; nor did he ever, as he declared on Oath, signify the least Desire that any Person should decline testifying the whole Truth in Behalf of Mr Hatton. The Collector had sent his Negro to dog the Justice, who seeing him go into this House where the Constable was, and continue there for some Time, returned and told his Master of it—and his Imagination supplied the Rest.

Mr Hatton says he was more likely to be insulted than to obtain Justice, when he had his Witnesses before the Justices to be sworn, and refers to a Certificate of the two Justices as a Proof of it.—This Certificate amounts to no more than this, That two Persons brought before the Justices refused to swear [which they had a Right to do] and that Mr Hatton's Son having written something for one of them to swear to, the Man put the Paper in his Pocket and refused to return it.

It must be observed that Mr Hatton procured the Depositions of twelve other Persons respecting the same Transactions; and it is remarkable that these Depositions are *all* drawn up in the *Hand Writing* of Mr Hatton & his Son, and in such Parts of them as relate to the Conduct of the Justices, particular Words and Expressions are selected, which, standing by themselves, may sometimes appear to have a Meaning totally different from the real Sense of them when connected with what was said before and after them.

Mr Hatton concludes his Address in Language that would excite Compassion in the Breast of a Savage—if the Facts asserted in it were true

“I have left my Wife at the Point of Death thro’
“Fright, My only Child wounded and a Cripple, And
“my Servants trembling thro’ Fear: And I obliged to
“quit my Family and Office And to travel thro’ snowy
“Desarts, All by Reason of the Power and Actions of
“James Whilden, Thomas Leaming & John Leonard
“Esquires.”

From all that has appeared concerning this Matter, so far as I have been able to discover, he might with as much Truth, have inserted the Names of the Commissioners of the Customs, or the Directors of the East India Company, as the Justices of Cape May. For except that he was twice sent for by the Magistrates on criminal Accusations, which took up but a very few Hours of his Time, he seems to have been as much at Liberty, and as free from Obstructions from the Magistrates and all other Persons within their Jurisdiction as any Man in the Country.

In his Remonstrance of the 20th of February he charges “the greatest Part of the People of the County” with being “Smugglers, boasting the Sweets of an illicit Trade, and depending on the Magistrates for Support in their Villany.”

M^r Hatton has resided among them for some Years past and been particularly intimate with them, in all which Time he has made no Complaint of an illicit Trade being carried on amongst them, nor has he now pointed out any Instance of Smuggling, or shewed any Circumstances to induce a Belief that there has been any of that Business carried on by the People of Cape-May. The Bulk of the People and all the Magistrates of whom he has complained, are Farmers, unacquainted with Trade, and accustomed to a retired and peaceful Life. That there may have been Smuggling carried on from on board the Ship he mentions, is very probable; and it is beyond a Doubt that M^r Hatton and his Son were much beat and wounded on board

the Pilot Boat by Seamen belonging to the Ship—but it is not even alledged that the Magistrates of Cape May were privy to it, or gave any Countenance to the Perpetrators of it. Hughes, the only Person, except the Sailors, who was in the Affray, was taken up by the Magistrates and committed to Prison as soon as he came on Shore; and, notwithstanding the Violence of M^r Hatton's Accusation, the Magistrate before whom he was examined, alledges that Hatton and his Son acknowledged, on their first coming on Shore, that they had intreated Hughes, during the Affray, to moderate the Fury of the Sailors & to save their Lives, and that Hughes had interposed in their Behalf. The Truth I believe is, that M^r Hatton being disappointed of the Prize he had taken, was determined to turn his Wounds to some Account another Way. He seems to have had it in View, from the Beginning of his Quarrel, to provoke the Magistrates into Acts of Indiscretion, that might wear the Appearance of Persecution; and strives to ground all their Transactions against him, on a Settled Dislike to his Office, as one that the People wish to be entirely rid of. He wants to induce a Belief in his Superiors that he is persecuted for a strict Adherence to his Duty, which he doubts not will procure him Preferment. It is not the *Office* but the *Officer* that is unpopular in the Province. He ascribes to himself the Attributes of Majesty, and considers himself as out of the Reach of the Laws—that his Person and his Servants are sacred, and not to be called to Account for even the most atrocious Crimes;—that his very Potatoes are to be treated with so much Respect, that a Servant employed in gathering them, must not be arrested tho' charged on Oath with a Design against the Life of a Subject! It is by no Means strange that a Mind under the Influence of such Ideas should, on the other Hand consider the People of the Country as in a State of Rebellion, dis-

regarding all Laws but such as they can exercise to the Oppression of his Majesty's Officers, and carrying on an illicit Trade in open Defiance of them, and that he should ascribe to the Magistrates against whom he complains, an unbounded Influence over the Bulk of the People, and a more arbitrary Exercise of Power than the Bashaws of Turkey could ever arrive at.

Some Notes taken by the Dep^y Secretary on the
Examination of John Hatton Esq^r before
the Governor & Council. Feb^r 23, 1771.

John Hatton Esq^r being examined by the Governor in Council says.

That he resides in Cold Spring in the County of Cape May 50, or 60 Miles or more from Salem,—that he does not know how far it is from Cohansie,—does not know where Cohansie is,—believes it is in Cumberland County—it is not in Cape May. Does not know any Place called Cohansie, but knows a Creek or River of that Name.

Saw Inspector Williams, who was down at Cape May twice; saw him there but once being from Home the other Time he came down. M^r Williams borrowed Hatton's Book of Letters and returned it to him. Knows a Person of the Name of Murch who is a Gentleman,—believes he was a Merchant,—was acquainted with him,—received several Letters from him, *but never sent any one of his Letters to the Commissioners.* Does not recollect *receiving* any remarkable Letter from Murch *characterising the People of this Province.* Does not know that he, Murch, was ever taken up by a Magistrate or committed to Prison. Since Murch went to England has rec^d a Letter from him (last Fall or Summer) requesting he would procure him a Certificate of the safe landing of some Tea

he had to Philadelphia consigned to one Mr Boyd to sell. *Is very clear he never sent a Copy of a Letter from Murch, to the Commissioners.*

Some Notes taken by the Dep^y Secretary on the
Examination of John Hatton jun^r Feb^r 23^d
1771.

John Hatton jun^r examined by the Governor & Council, on Oath says

His Father resides at Cold Spring in the County of Cape May,—knows Salem,—has been there, but does not know the Distance they are apart,—never travelled that Road,—it is above 5 Miles,—not 100,—nor 80,—has heard it is about 60, or 70 Miles. Remembers Mr Murch, an Englishman, Christian Name John he thinks,—does not know his Occupation,—heard he intended to purchase Lands, but that he did not purchase any,—has seen him at his Father's House,—Mr Murch wrote several Letters to his Father, one of which he remembers *characterises the People*, but does not remember what Character it gave,—believes he may have copied this Letter—[Objects to answering such questions as reveal his Fathers Secrets] Afterwards says, *his Father did transmit a Copy of the Letter to the Commissioners*; this Letter declared Murch did not choose *to purchase Lands in such a Country*. Remembers there was something about *the Governor* in it,—is *certain* it was wrote by *Murch*.—does not know how the Letter came to the House, but saw it after it came.

Never was at Cohansie,—does not know how far it is from his Fathers House.

Copy of a Letter from the Commissioners of
the Customs, to Governor Franklin

His Excellency Governor Franklin

Sir

M^r Hatton Collector of Salem & Cohensy having represented to us that in the Month of November last a large Ship called the Prince of Wales, Captain Crawford, arrived in Delaware Bay either from London or Liverpoole which Ship was met by several Pilot Boats (and as he had been inform'd) were employed to receive sundry Contraband Goods from on board said Vessel, that he attempted to go on board of her, but that they manned their Sides with Guns &c and threatened to Murder him, that he had made Seizure of one of the Pilot Boats, having some of those Goods on board, which was afterwards rescued out of his Hands by a number of Persons in a Barge belonging to the Ship, upon which Occasion, he, his Son and a Negro Servant, were treated in a most barbarous manner, greatly wounded and with great difficulty got on Shore. That his Son was, afterwards met by a number of Sailors at Philadelphia, tarr'd and feathered, put in the Pillory, dragged by a Rope through the Water and left in such a Condition that his Life was despaired of—We thought it necessary to transmit Copies of the several Papers, laid before us, for the Information of the Lords Commissioners of His Majesty's Treasury. We have since received further Accounts from M^r Hatton complaining of the Conduct of the Magistrates, & of Distresses & Embarrasments which have appeared to us to be most extraordinary and in some Instances improbable, but as he informs us that your Excellency had issued your Proclamation and that the matter was to be heard before your Excellency and your Council on the 21st of February, We should be glad you would be pleased to acquaint us

with the Result of this Enquiry, that we may be able to form a true Judgement of the Conduct of our Officer.—

We are with great Regard Sir

Your Excellency's

Most Obedient humble Servants

HEN. HULTON

W^m BURCH

BENJ. HATTOWELL

CUSTOM HOUSE BOSTON 26th March 1771

Copy of a Letter from His Excellency Governor Franklin to the Commissioners of His Majesty's Customs at Boston

BURLINGTON April 10, 1771.

Gentlemen,

I Yesterday received your Letter of the 26th of March, and am much surprized to find that M^r Hatton has not acquainted you with the Result of the Enquiry made by the Governor & Council into his Complaint against the Magistrates of Cape May, as on the 25th of Feb^ry he obtained a certified Copy of all the Minutes & Proceedings relative to that Matter, which he said was to be immediately transmitted to you, agreeably to the Orders you had before given him. However as it appears by your Letter that you have not received them, I have directed the Secretary to make out another Copy, which I send enclosed; together with a Copy of sundry Notes & Observations made by him, explaining more particularly several Matters relative to Mr. Hatton's Complaint, which are either omitted, or slightly mentioned, in the Opinion given by the Governor and Council. By comparing these with the several Paragraphs of the Complaint, as numbered

you “may be able to form a true Judgement of the Conduct of your Officer.”

The Representation Mr Hatton has made to you of the ill Treatment that he, his Son, and Negro, received from a Number of Seamen belonging to the Ship Prince of Wales, in Delaware Bay, on account of his having seized a Pilot Boat, suspected to have some Contraband Goods on Board belonging to said Ship, and of the barbarous Usage which his Son afterwards received of them and a Number of others at Philadelphia may, for aught I know, be very just. They were Transactions entirely out of the Jurisdiction of this Government, and which I have had no Opportunity of enquiring particularly into. But as to his Complaints against the Conduct of the Magistrates, and of the Distress which they have occasioned him, I do take upon me to say they are entirely false and malicious.

Altho’ I have long had a very bad Opinion of Mr Hatton’s Principles and Disposition, yet as he appeared before me with several Wounds, which he said he had got on board a Pilot Boat, from some Irish Seamen, when doing his Duty, and told me a melancholly Story of the ill Treatment he had received from three of the Justices, I was moved to give some Credit to his Assertions. Accordingly I issued a Proclamation for apprehending the Persons concerned in the Affray, in Case any of them should appear in this Province, and afterwards sent Orders to the Justices to appear before me in Council on the 21st of February, which (as they and most of the Gentlemen of the Council lived at a great Distance) was as soon as they could be well got together. I besides advised him to apply to the Governor of Pennsylvania for a like Proclamation, and to obtain the Chief Justice’s Warrant for searching all suspected Houses & Places in Philadelphia, at which City the Seamen were at that Time. He was likewise advised by the Attorney Gen^l to ap-

ply to the Court of Admiralty, where only the Offence was properly cognizable. Neither of which he did, as I have heard. On the contrary, he has done but little else but ride about the Country, taking a Number of unnecessary Journies to Philadelphia, Burlington and Amboy, with an Expectation, as I suppose, of receiving a handsome Allowance out of the Revenue for his Trouble and Expences, on pretence that he was engaged in what his Majesty's Service absolutely required.

The Day fixed for the Hearing, and some Days both before and after, happened to be the severest Weather we had during the Winter, yet several of His Majesty's Council and the King's Attorney, tho' they had between 60 & 70 Miles to Travel, gave their Attendance & spent with me near three Days in hearing the Parties, and enquiring into the Affair, when they gave it as their unanimous Opinion, that there was no just Foundation for any of M^r Hatton's Charges against the Justices.—The Particulars of his Complaint, and the Opinions of the Council and Attorney General, are set forth at large in the Minutes. I could not but concur with their Sentiments, as the Facts in favour of the Justices were, indeed, too evident to admit of any Hesitation in the Matter.

M^r Hatton appears to be a Man of a very unhappy, violent Temper, sometimes bordering on Madness, so that it is impossible that he can live long in Quiet with his Neighbours. He has extravagant Notions of his Power and Importance as a Collector of the Customs—insists upon great Homage and Deference being paid him by the Country Magistrates—tells them he is exempted from paying Taxes out of England—& that he has it in his Power to get the Governor Council, Chief Justice, Attorney General, and every Officer of Government removed, if they should at any Time refuse to do as he would have them. In short, there is noth-

ing so absurd & outrageous, that he has not shown himself capable of saying or doing, on which Account I have had more Trouble with him than with all the other People in New Jersey. Besides, he has got a Notion in his Head, that by making a great Clamour against the Inhabitants of this Province, representing them all as concerned in Smuggling, in Combination against him and his Authority, and that he is suffering from his active Zeal for his Majesty's Interest, he shall make himself a Man of Consequence with the Commissioners of Customs, & through them get preferred to a better Collectorship. In this I should most heartily wish him Success, so that it was any where out of this Colony, were I not well assured that he has been unfaithful in his Trust, and strongly connected with some of the most noted Smugglers in Philadelphia, and with the only Person in all his District who is suspected to have any Concern in such illicit Practices. Nor indeed, have I the least Doubt, if the People on board the Ship and Pilot Boat had offered him Money instead of Blows, when he first came to them, but that he would readily have accepted of it, and left them to pursue their Measures without any Disturbance from him whatever.

I do not, however, expect that the Opinions of the Governor, Council, Attorney General & Secretary, now transmitted to you, will have much Weight with you, Gentlemen, or make you think the worse of the Conduct of your Officer. My Reasons for this I shall tell you candidly, that if I am in the Wrong in any of them, you may set me right. They are

1st Because you paid so little Regard to the Opinion of the Gov^r and Council, in the Year 1768, on a former Complaint of the same kind, that you thought it necessary to send to me for “Copies of the several *Affidavits* and *other Materials* upon which it was *grounded*: thereby shewing that you either believed us to be in-

competent Judges, or doubted the Justice of our Decision, and were therefore determined to make a fresh Enquiry into the Matter Yourself.

2^d Because I am credibly inform'd, that so far from blaming or censuring Hatton for his extraordinary Conduct at that Time, you even gave him Marks of your Approbation, complimenting with a Place in the Customs, an infamous Fellow whom he then sent to you with his groundless Complaints. I call this Fellow (whose Name is Clark) infamous, because he appeared evidently, both to the Council and me, to be determined to swear thro' thick & thin, in favour of Hatton, and contradicted himself so often in the Course of his Testimony, that several of the Council declared that they thought he ought to have been committed to the Goal for Perjury.

3^d Because your own Inspector General of the Customs (who was particularly directed by you to enquire what Foundation there was for M^r Hatton's Complaint at that Time) not only represented to you, in his Report or Letter of the 17th June 1769 that the Disputes Hatton had with the People were "of a *private* Nature, arose from *trifling* Matters, owing to an *unwise Deportment* in his *private Station*," and not "on Account of his *Zeal for the Service*," or for "*exerting himself in his Duty*," as he had alledged, but at the same Time acquainted you with sundry Facts, and transmitted to you a Number of Proofs, fully evincing that he had been guilty of unwarrantable Practices in his Office, and had given Encouragement and Assistance to some of the most noted Smugglers, to the great Detriment of the King's Revenue; notwithstanding which you have suffered him to continue in Office, and have not, at least as I can learn, ever shewn any Marks of your Disapprobation of his Conduct.—Had I not known that the Inspector General, after a strict Examination into the Matter, had made such a Report

to you, I should myself have suspended Hatton from acting in his Office till further Orders from proper Authority. But as you were made fully acquainted with his Conduct, and it was a Matter over which you had a particular Superintendancy, I was unwilling to interfere; more especially as I had a Right to expect that you would have thought yourselves in Duty bound, after receiving such Information, to remove him immediately from his Office in the Customs.

There is one Matter more, Gentlemen, which I think necessary to mention to you on this Occasion. It appears by M^r Hatton's Book of Letters (which has been seen by several Gentlemen in Salem) that he wrote you a Letter on the 23^d of Jan^y 1769, containing some injurious Reflections on me & the Magistrates, accusing us of having treated him with *Inhumanity*, & intimating that we were *Enemies to our King & Country*. At the same Time he sent enclosed a Letter which he said he had received from an English Gentleman who arrived here the June preceding, and "would give you an Insight of his disagreeable and *precarious* Situation." A Copy of this pretended Letter I have seen. It is signed with the name of *John Murch*, and is dated Nov^r 28, 1768. There never was, perhaps, considering the Time when it was wrote, a Letter penn'd with a more wicked Design: But as it seem'd to carry its own Antidote with it, being fill'd with an extravagantly ridiculous and improbable Account of the Disposition & Intentions of the People of this Province, I never took any Notice of it, except writing to the Inspector General (when I heard he was at Philadelphia on his Way to Salem) acquainting him that I suspected it to be a Forgery of Hatton's, or at least that Murch was some low Fellow who had wrote it at his Instigation, and should therefore be much obliged to him if he would demand a Sight of the *Original*, and enquire Murch's Character and

where he was to be found, that he might, should there be Occasion, be examined concerning it. Nor should I, Gentlemen, ever have thought it worth my while to have said anything to you on the Subject (having entertained too good an Opinion of your Understanding to suppose such an absurd Letter could possibly have any Regard paid to it by you) had I not observed in your last Letter, that you “thought it necessary to transmit to the Lords Commissioners of His Majesty’s Treasury, Copies of the several Letters laid before you” by Hatton, relative to his last Complaint, tho’ no proper Enquiry had then been made into the Truth of his Representations, at least none which had come to your Knowledge. This, I own, has alarm’d me. You may have likewise thought it necessary to transmit to their Lordships the two above mentioned false and scandalous Letters respecting me and the Inhabitants of this Colony, without so much as enquiring or thinking it your Duty to make any previous Enquiry into the Truth of the Allegations. And their Lordships, not being acquainted with the real Circumstances of the Case, and perhaps relying that you would not trouble them with any idle Informations, or such as you had not good Reason to believe might be depended upon, may have conceived Prejudices greatly to my Disfavour. Had I received any such Letter concerning you, Gentlemen, and thought them worthy of the least Attention, I am sure I should have deem’d myself bound in Honour to have informed you of it immediately, that you might have an Opportunity of clearing yourselves from any Imputations they contained, and of explaining your Conduct to His Majesty’s Ministers: And I would willingly believe that you have not, as you never gave me any Notice thereof, transmitted those Letters to England respecting me; but, if I am mistaken in this Point, and the Letters are actually transmitted, then

I must desire that you will as soon as possible, send me Copies of them properly authenticated under the Great Seal of the Colony where you reside, that I may have it in my Power to obtain that Justice from M^r Hatton which I am entitled to. A Request so reasonable I hope you will not refuse, especially when I tell you that Hatton had the Assurance, when I lately tax'd him in private with having written & sent those Letters, to deny that he ever wrote a Syllable to you against me, or ever sent you any Letter from Murch, having, as he said, always entertained the highest Opinion of me and my Conduct in this Government. But as I thought that he might afterwards deny he had ever made such a Declaration to me (no one besides being present at the Time) I took an Opportunity of asking him about those Letters before the Council, when he again positively asserted, "*that he was very clear he never sent a Copy of a Letter from Murch to the Commissioners.*" However, his Son (tho' he has as bad a Character as his Father) being soon after examined on Oath upon the same Subject, and not knowing what his Father had said, confess'd that Hatton *did transmit to you a Copy of a Letter from Murch*, and that it was *relative to me and the People of this Province*. A Copy of the Notes taken by the Secretary of their Examinations on this Point, and concerning the Place of the Collector's Residence (which is said to be without the District allotted him by his Commission) I send enclosed for your Perusal.

That this Representation, Gentlemen of M^r Hatton's Conduct does not proceed from any particular Enmity to the Man,¹ or Inclination to do him a Disservice, you must do me the Justice to allow when you consider,

¹ Warrants were issued by the Supreme Executive Council of Pennsylvania in August, 1776, for the arrest of the Hattons, senior and junior, for "treasonable practices," in aiding in the escape from jail of Col. Kirkland. The elder Hatton was arrested in New Jersey, taken to Philadelphia, and released on bail.—*Penn. Col. Records*, X., 666, 670, 694, 695; *Penn. Archives*, V., 7.

That it was not made 'till you call'd upon me for it (I having left him, after giving him a Copy of the Governor's and Council's Opinion for you, to tell his own Story in his own Way) and that I have not only shewn him no Resentment on Account of his Letters (tho' I have long known of them) but have never yet demanded of him my Share of the Seizure of the Sloop Speedwell (which he gave you such pompous Accounts of in 1768,) notwithstanding I am well inform'd he has converted the whole of it to his own Use, not having even accounted for the Share due to His Majesty.

I am with great Regard, Gentlemen,

Yours, &c

W^m FRANKLIN

Copy of a Letter from the Inspector General to the Commissioners of the Customs.

Gentlemen,

By my Report of Delaware Bay & River, your Honours will see the Situation of the District of Salem: as to the Collector's Disputes with the People; they are in my Opinion of a private Nature, and arose from trifling Matters, I can't find that M^r Hatton has ever disobliged any Person there as an officer and therefore has not given any Cause for Resentment against him on that Account, on the Contrary he indulged them in a very great Degree, even in giving them blank Certificates and blank Permits to be filled up by themselves.

I send a Number of those Permits and Certificates inclosed which Your Honours will see are filled up with as many different Hands, as they are for Persons. What Pretences M^r Hatton can form that he received ill Treatment from the People on Account of his Zeal for the Service, Your Honours will best judge. I am

further to observe that every Vessell which entered with him from the West Indies was only in Ballast except 5. from April 1765 to May 1766, which was detected by the Man of War and Cutters, and what is still more remarkable he never entered any, but what belonged to noted Smugglers.—John Relfe is the Person who had the Permit from him for the 5 H'ds of foreign Sugar after they were seized by the Collector of this Port.

Since September 1767, three Vessels entered with M^r Hatton from Gaudaloupe and one from Dominico, all in Ballast, and he has not received a Shilling Duties during that Time.—Every Smuggler speaks well of him as a Collector, but in his private Conduct as a peevish, fretfull, and not a very good natured Person, —Though I do not think myself concerned with the private Character of any Officer, yet I found myself under the Necessity of mentioning this of M^r Hatton as he complained of receiving ill Usage from the People on Account of exerting himself in his Duty, that your Honours may the better see how far that was the Case, and tho' it is probable that he might have been ill used yet there is little Doubt of its being owing to an unwise Deportment in his private Station.

He has lived for a twelve Month past at Raccoon Creek, and is now removed from thence to Cape May 90 Miles below Salem, out of the way of all business, so that it is necessary he should fix his Residence in a proper Part of the District.

By this plain State of Facts I hope your Honours will see all Circumstances concerning M^r Hatton & his District in their Proper Light.—His Situation having a Family to support with a narrow Income might account for some of the irregular Appearances in his Conduct as an Officer That with his Time of Life in a distant Country renders him an Object of Compassion, and therefore I beg Leave to recommend him to

your Admonishment as I presume it will come with more Propriety & Weight from Your Honours than me and wish it may have the Effect of his living upon a better Understanding with the People, & being more Circumspect in the Duties of his Office.

I am with great Respect, Your Honours

Humble Servant

J. WILLIAMS

PHILADELPHIA 17 June 1769

To the Hon^{ble} The Commissioners of His Majesty's Customs at Boston

Letter from Governor Franklin to the Earl of Hillsborough, announcing the continued refusal of the Assembly to grant money for the supply of the King's troops.

[From P. R. O. America and West Indies, Vol. 1st 6 (194).]

BURLINGTON June 1, 1771.

To The Right Hon^{ble} The Earl of Hillsborough
My Lord,

In my Letter of the 30th of April, I inform'd your Lordship of the Assembly's having at that Time refus'd to grant any Money for the Supply of His Majesty's Troops stationed in this Province, but that I had Hopes of their receding from their Resolution at the next Session. In these Hopes, however, I have been greatly disappointed, for they have again resolved, by a great Majority, not to comply with the Requisition. The only Reason they give for their Refusal is, that the Colony in its present Circumstances is not of Ability to make any further Provision for the Troops, which is one of the worst Reasons they could possibly have

invented, it being a notorious Fact that the Colony was never in a more flourishing Condition than at present, and that there is now actually in the Treasury a greater Sum of Paper Money unappropriated (originally made current for the Use of the Crown) than is sufficient to answer the present Demand. Their Conduct therefore in this respect is entirely inexcusable, and I can assure your Lordship that it not only appears in this Light to me, but to many of the principal Inhabitants of this Province. Some of the Members who voted against the Supply had positive Instructions from their Constituents to grant it. The real Cause of their extraordinary Conduct, as I am inform'd and have Reason to believe, is that they expect a Dissolution will shortly take place, in order to give the Counties of Morris, Cumberland, & Sussex an Opportunity of electing Members agreeably to the Law lately confirm'd by His Majesty,¹ and that by their Refusal they should recommend themselves to the Bulk of the common People and so secure their Elections. I had therefore some Thoughts of dissolving the Assembly, in hopes that after they had secured their Seats by a new Election, they might be brought to grant the Supply as formerly; but the Gentlemen of the Council, and many other Friends of Government, were of Opinion, that if they were dissolved at this Time, it would be understood, that it was on Account of their refusing to burden the People with new Taxes, &c. which would encrease their Popularity, ensure the Return of the same if not worse Men into the Assembly; and, as they would be re-elected principally for their Refusal

¹ Morris county was set off from Hunterdon county, by act passed March 15, 1738-9, but continued to vote with Hunterdon in the election of two Assemblymen. Cumberland was set off from Salem by act passed January 19, 1747-8, but still voted with Salem in the Assembly elections. Sussex was set off from Morris by act passed June 8, 1753, but continued to vote with Hunterdon in the choosing of Assemblymen. By an act passed May 10, 1768, confirmed by the King in Council, December 9, 1770, each county was allowed to choose two representatives.—*Allin-son's Laws*, 109, 153, 194, 306, and various dispatches ante.

of the Requisition they would probably still avoid a Compliance.

My Purpose at present is to prorogue them from Time to Time, without letting them proceed to any Business till I am honoured with His Majesty's Pleasure thereupon. If it should not be thought expedient to punish them with a Suspension of their Powers of Legislation by *Act of Parliament*, as was done in the Case of New York on the like Occasion, the same Thing may be regularly & constitutionally done by continued Prorogations, until they consent to make the Provision required. There are many Matters both of a publick and private Nature for which they want to obtain Acts of Assembly, and for which rather than continue long without, I imagine they would give up the Point. Or, if Leave could be given me to consent to a Loan Office Act, on Condition that Part of the Interest should be annually applied to the Support of the Troops, I am convinced that the People in general would then insist upon the Assembly's Compliance, even tho' the Money was allowed to be a legal Tender in the Treasury and Loan Offices only. But this cannot be done, I suppose, without an Alteration in the late Act of Parliament respecting Paper Currency in the Colonies.—

The only Inconvenience which occurs to me as likely to attend the Prorouging the Assembly till they are brought to a proper Sense of their Duty, is, that if they should happen to hold out any long Time, the Officers of Government would be deprived of their Salaries, which, small as they are, they cannot well do without. The present Support of Government, however will not expire until the first Day of October next, by which Time I may, perhaps receive His Majesty's particular Directions for my Conduct in this Matter.

I have the Honor to be, with the greatest Respect,

My Lord, Your Lordship's most obedient

& most humble Servant

W^m FRANKLIN.

Letter from the Lords of Trade to Gov. Franklin, relative to the disallowance of two Acts of the Assembly of New Jersey.

[From P. R. O., B. T., New Jersey, Vol. 17, p. 247.]

WHITEHALL June 21, 1771

To William Franklin Esq^r Governor of New Jersey.

Sir,

We have had under Our consideration the Laws passed by you in October 1770, and have found it necessary for reasons which we have humbly submitted to His Majesty to propose that two of the said Laws, that is to say the supplementary Act to the Act for enabling Creditors to recover their just Debts and the Acts for confirming Titles derived from Grants and Devises made by Aliens should be disallowed.

Besides these Laws the Act for the support of Government appears to Us in part to require explanation, and to be in other respects liable to material objection.

The inclosed Extract of the Report made to Us on that Law by Our Counsel, contains a very proper and just observation on that part of it which directs the Salaries to be paid out of such Money made current for His Majesty's Service in the late War that now is in the Treasury and altho' We have full Confidence that the Legislature of the Colony would not designedly propose any Law that should have the operation to give a further Currency to Paper Credit, than what the Act of Parliament allows yet Laws of this [kind] may be so inadvertently framed as to have that consequence, and therefore in a case of this kind the utmost precaution should be used to prevent it and to leave no room for any doubt in the consideration of the Law here, and We think that the best means of avoiding

any such mistake or doubt would be to state in future Acts of this sort the quantities of Paper Bills remaining in the Treasury under the different emissions at the time of passing the Act and the periods fixed for their redemptions.

We have long had hopes that the House of Representatives of New Jersey would from the propriety of the thing itself have receded from their Claim of the Sole right of appointing an Agent for the Colony 'and that those words in the support Bill which are meant to establish their Claim would have been omitted, We observe however with concern that they are still continued and therefore as we think that such Claim is unjust and unwarrantable, and never can admit any person to appear before Us as Agent for the Affairs of the Colony at large who is not appointed by concurrent Act of the whole Legislature of the Colony, it is Our Duty to signify that opinion and resolution to You in order that you may not give your Assent to any Law with the like Clause for the future.

We are, Sir,

Your most obedient humble Servants,

HILLSBOROUGH.	JOHN ROBERTS,
ED: ELIOT.	W ^m FITZHERBERT.

Letter from the Earl of Hillsborough to Gov. Franklin approving his conduct in the matter of recruiting the King's forces, and inclosing public papers.

[From P. R. O. America and West Indies, Vol. 176 (194).]

WHITEHALL, July 3rd 1771.

Governor of New Jersey.

Sir,

I have received, and laid before the King, your let-

¹ See Governor Franklin's letter of December 26, 1771.

ters of the 15th and 27th of March,—30th of April, and 4th of May last.

You appear to have shown a proper Attention to your Duty, as well in publishing the Order of His Majesty in Council, inclosed in my Letter N^o 28, as in the Steps you took to give Efficacy and Dispatch to the Plan for recruiting His Majesty's Forces.

The Board of Trade has, in consequence of your Notification of the Death of M^r Smith, recommended M^r Lawrence¹ to supply the Vacancy.

¹ John Lawrence was a prominent lawyer of Burlington for many years. He was a grandson of Elisha Lawrence, one of the earliest settlers of Monmouth county, who married Lucy Stout, and died at Chestnut Grove, Upper Freehold, Monmouth county, May 27, 1724. The latter's son, Elisha Lawrence, married Elizabeth, daughter of Dr. John Brown, and had children: John; Anne, who became the third wife of Reynold Keen, of Philadelphia, and died August 1, 1823, in her seventy-second year; Elizabeth, who married Dr. James Newell, of Upper Freehold, and died February 22, 1791, aged sixty years.—*Penn. Hist. Mag.*, V., 97-8; *Dr. Wicke's Hist. Medicine in New Jersey*, 431. There was a John Lawrence, senior, of Monmouth county (the Surveyor, who ran the "Lawrence Line" between East and West Jersey), and his son, John Lawrence, junior, afterwards a physician, besides one or more of the same name, of the Quaker family of Lawrences, at Bordentown. Hence the Burlington lawyer was often spoken of as John Brown Lawrence, after his maternal grandfather, to distinguish him from the several other John Lawrences. There was a John Lawrence admitted to the New Jersey Bar in May, 1747, and another at the November Term, 1749.—*Vroom's Sup. Ct. Rules*, 58. One of these was undoubtedly the Burlington lawyer; the other may have been an attorney who traded at Bordentown, 1751-7.—*Hist. Burlington and Mercer Counties*, 456. It was doubtless the Burlington lawyer who was licensed as a Sergeant-at-Law in 1771.—*Vroom's Sup. Ct. Rules*, 54. John Lawrence was elected to represent Burlington county in the Assembly of 1767.—*Minutes*. It is not likely that it was the Assemblyman who was one of the Committee of Lawyers to present charges against ex-Sheriff and Assemblyman Samuel Tucker, in 1769, as related by Judge Field.—*Provincial Courts*, 170. Mr. Lawrence was Mayor of Burlington in 1769.—*Hills's Church in Burlington*, 296. When Col. Donop approached Burlington with his Hessians, December 11, 1776, Mr. Lawrence, with the Rev. Jonathan Odell, M. D., Rector of St. Mary's Church, and two or three other of the principal citizens, went out to meet the troops, and to intercede with Col. Donop to protect the town from pillage by his soldiers. To this the Colonel graciously agreed, and he and some of his officers dined with Mr. Lawrence. The American gunboats lying in the river fired upon the town to drive the Hessians out, compelling their retreat to Bordentown, whither Mr. Lawrence, Dr. Odell and others were obliged to accompany them, in order to avoid arrest by the Americans for harboring the enemy.—*Hills*, ut supra, 315; *The Smiths of Burlington*, 170. Mr. Lawrence subsequently returned to Burlington. On March 31, 1777, he was "desired" by the Governor and Council of Safety to "attend" them at Bordentown. He did so on April 3, when he was examined, but it is not stated that anything came of this.—*Minutes Council of Safety*, 1777, 11, 12. He was for many years a leading member and officer of St. Mary's Church in Burlington, his name appearing repeatedly in the church records from 1765 to 1795.—*Hills*, 288, 305, 324, 341. He was also one of the first Trustees of

I was concerned to find by your letter of the 30th of April that you had been disappointed in your Expectations that the Assembly would make Provision for supplying the King's Troops with the necessaries required by Act of Parliament, and that the Arguments which you very properly urged to induce them to a Compliance, had an Effect so contrary to your Wishes. The King however approves of your Resolution to persevere in your Demand, and I shall be very glad to hear that it has been attended with the Success you say you have reason to hope for.

Inclosed I send you two Orders of His Majesty in Council on the 7th instant, disallowing two Laws passed in New Jersey, the One in Nov^r 1769, the Other in March 1770, and that you may know the Reasons which have induced such Disallowance, I send you inclosed, for your own Information, Copies of the Representations of the Board of Trade upon the said Laws.

I am &c^a

HILLSBOROUGH

Burlington Academy, founded in 1792.—*Ib.*, 328-9, 332-3-4-5. He probably died in 1796, at Burlington. His wife was Martha. They had children: 1, John, licensed as an attorney in 1789, and settled at Woodbury, New Jersey, where he enjoyed a large practice, and where he died.—*Vroom's Sup. Ct. Rules*, 95; *Alden's Epitaphs*, No. 583; *Hist. Gloucester, Salem and Cumberland Counties*, 131; *Mickle's Gloucester*, 2d ed., 71. 2, James, born at Burlington, October 1, 1781: baptized in St. Mary's Church, November 14, 1781: studied law 1784-6 with his brother John at Woodberry, in deference to his father's desire, and on the latter's decease entered the navy in 1796, winning in his chosen sphere an imperishable renown as one of the most gallant of naval heroes, even though cut off at the early age of 32 in his disastrous fight with the *Cheasapeake* against the British frigate *Shannon*.—*Mickle*, 71; *Hist. Collections of New Jersey*, 96; *Alden*, 583; *Hills*, 319. 3, A daughter of John Brown Lawrence married Michael Kearny (son of Philip Kearny, an eminent Perth Amboy Lawyer, by his wife Isabella, daughter of Chief-Justice Robert Lettis Hooper, of Trenton).—*Whitehead's Perth Amboy*, 91. This meagre sketch has been given with a view to distinguishing between the numerous John Lawrences who figure in the annals of New Jersey, 1775-83, to the great bewilderment of the student of that period in the history of the State. Upon the representation of the Board of Trade, June 27, 1771, Mr. Lawrence was appointed by order of the King in Council July 19, 1771, to be of the Council of New Jersey.—*N. J. Analytical Index*, 422-3. He sat with that body until its dissolution in November, 1775.—*Minutes*.—[W. N.]

Letter from the Earl of Hillsborough to Gov. Franklin, relative to the complaint of Mr. Hatton, and to the obstinacy of the Assembly in still refusing to provide for the necessities of the King's troops.

[From P. R. O. America and West Indies, Vol. 176 (194).]

WHITEHALL July 19th 1771.

Gov^r Franklin.

Sir,

I have received and laid before the King Your dispatches N^o 30. & 31.

The Examination at the Council Board into the complaint exhibited by M^r Hatton appears to me to have been conducted with great Attention and Impartiality, and the inclosed Extract of M^r Pownall's letter to M^r Robinson of this day's date will inform you of the Communication I have made to the Treasury Board of the Minutes of that Council, and of the other Papers inclosed in your dispatch N^o 30.

The Obstinacy of the Assembly, in persisting in their Refusal to provide the King's Troops with the Necessaries required by Act of Parliament, is matter of very serious Consideration; and their Conduct on this Occasion is the more reprehensible as it appears evidently from your Representation of the State of the Colony, and of its Finances, that there is not the least Colour for the Pretence on which they ground their Refusal.

The Asserting therefore that the Colony is not of Ability to make any further Provision, is adding Mockery to Insult, and their refusal can be considered in no other light than that of a wilfull Contempt for the Authority of Parliament; You will doubtless

therefore, at their next Meeting, renew your Endeavours to persuade them to recede from so unjustifiable a Disobedience to the Terms of the Mutiny Act, and should you not succeed, it will be my Duty to advise with the rest of The King's Servants upon the Measures it may be proper to pursue.

The King approves of your Determination not to dissolve the Assembly upon this Occasion, & of your proroguing them in the manner you mention, in order to give them time for due Consideration of their Conduct, which will I hope induce them to correct it.

I am &c^a

HILLSBOROUGH

Letter from Mr. Pownall to John Robinson, relative to the Complaint of Mr. Hatton, Collector of the Customs at Salem.

[From P. R. O. America and West Indies, Vol. 257 (275).]

WHITEHALL July 19th 1771

John Robinson Esq^r

Sir,

I am directed by the Earl of Hillsborough to transmit to you the inclosed papers by which the Lords Commissioners of His Majesty's Treasury will be informed of the steps his Lordship has thought fit to take in consequence of your Letter to me of the 13th instant so far as the papers transmitted therewith relate to the case of the Naval Officer of Rhode Island & the Complaints made by the Officers of the Customs of the Ill-treatment and Obstruction they have met with in that Colony and at Philadelphia.

With regard to the Complaint made by M^r Hatton Collector of the Customs at Salem in New Jersey his

Lordship has not thought fit to take any Step there-upon, the whole of the Transaction of which M^r Hatton complains, appearing to his Lordship by papers which have been received from the Governor of that Colony, & Copies of which I inclose, in a very different Light from that in which it is stated in the papers inclosed in your Letter to me.

Lord Hillsborough however desires you will assure the Lords Commissioners of the Treasury that if they are not satisfied with the Result of the Examination at the Council Board of New Jersey into the Complaint exhibited by M^r Hatton against the Justices of the Peace, and with the Representation of this Matter in Governor Franklin's Letter to the Commissioners of the Customs at Boston of the 10th of April, & in the Attorney General's Letter of the 23^d of February last, both which are very material, his Lordship will most readily concur with them in any further Measure they may recommend as necessary for enabling M^r Hatton to execute his Office.

I am &c

POWNALL

Letter from Governor Franklin to the Earl of Hillsborough, relative to a dispute between the Governor and the Assembly, on the resignation of a member of the House (Mr. Ogden).

[From P. R. O. America and West Indies, Vol. 176 (194).]

BURLINGTON, July 20th 1771

My Lord,

Since my last I have been honoured with your Lordships Letter of the 4th of May (N^o 30).—It gives me Pleasure to find that His Majesty has been pleased to approve of M^r Coxe for supplying one of the Vacancies in the Council of this Province, and I shall be

happy to hear that Mr Lawrence is appointed to fill the other.

Inclosed I send your Lordship a printed Copy of the Votes & Proceedings of the Assembly during the two last Meetings at Burlington. They contain nothing particular (besides the Messages I before transmitted relative to the Assembly's Refusal to grant Money for the Supply of the Troops) except three Messages which pass'd between us on the Subject of a Member having resign'd his Seat in the House on Account of his having become insolvent.¹ The House accepted his Resignation, and ordered their Speaker to issue his Warrant to the Clerk of the Crown, to make out a Writ for a new Election which the Clerk accordingly did, and apply'd to me to have the Great Seal affixed to it as usual. But, as I had some Doubts of the Legality of such a Resignation, I consulted the Council upon it, who were of Opinion with me that it was by no means regular or constitutional. It appears to me, indeed, that if it was once admitted that the Assembly have an uncontrollable Right to permit the Members to resign whenever they think proper, it would be nearly the same Thing as allowing them the Power of dissolving themselves; as a Dissolution might by such Means be brought about at any Time when the House should incline to have one, though against the Inclination of the Governor. The Law of the Province which directs the Qualifications of Members, and gives the House a Right to judge of their Qualifications, is similar to that in England. I apprehend that when the Person elected is judged to be duely qualified and admitted to take his Seat, it cannot be vacated merely on Account of his afterwards becoming a Bankrupt or Insolvent; and, if I mistake not, there are more than one who

¹ See Governor's Franklin's letter of April 6th, 1772; also the letter of the Earl of Hillsborough of August 7th, 1772.

hold their Seats in the present House of Commons tho' they have long since become Bankrupts, and consequently not possess'd of the Qualifications required by Law to entitle them to be elected. But the Assembly contend that in such a Case, if a Member does not resign, that they have the Right to expel him, as being the sole Judges of the Qualifications of the Members. There are Instances of Resignations being admitted, where it has been clearly proved that a Member was absolutely disabled by Bodily Infirmities from attending his Duty in Parliament, but not otherwise that I can find; and I imagine if Resignations in other Cases could be accepted by the House of Commons, it would not be so much the Practice as it is for Members to accept of Places under the Crown, for the Purpose only of vacating their Seats. However, as it appears to me to be a Matter which nearly concerns the Prerogative, I have refused to seal the Writ for a new Election until I can obtain further Light on the Subject, or receive His Majesty's Directions for my Conduct. I beg leave to refer your Lordship for the Particulars of what pass'd between me & the Assembly on this Head to Pages 11, 21, 22, 23, & 24 of the Votes & Proceedings sent herewith.

I have the Honour to be, with the greatest Respect,
My Lord, Your Lordships most obedient &
most humble Servant

W^M FRANKLIN

P. S. I have receiv'd from M^r Pownall Ten printed Copies of the Account of the Process used in Sweden in the Manufacture of Pitch and Tar, which I shall not fail to distribute in such Manner as may be most likely to answer the good Purposes intended.—W. F.

Address of a Committee of the Clergy of the Church of England in New York and New Jersey, to Secretary Hillsborough, relative to the distressed state of the Church in those parts, through the want of Bishops.

[From P. R. O. America and West Indies, Vol. 258 (276).]

NEW YORK Oct^r 12th 1771

To the Honorable the Earl of Hillsborough

May it please your Lordship,

We, his Majesty's dutiful, loyal and affectionate Subjects, the Clergy of the Church of England in the Colonies of New York and New Jersey, beg Leave to address your Lordship in Behalf of our distressed Church in this Part of the World, which, through the want of Bishops, labours under many Difficulties and Hardships.

The Case of our Church in the Colonies, may it please your Lordship, is peculiarly hard. It exists only in a maimed, imperfect State, being destitute of the highest Order of its Clergy; whilst all other religious Denominations fully enjoy their respective Forms of Church Government. Even the Moravians and Roman Catholics have their Bishops; the various Sects of Dissenters completely exercise the Discipline, and possess the Privileges, of their several Systems. The national Church only, which is an essential Part of the Constitution, is excepted from this general Indulgence, and is denied the Privileges that are granted to others. This mortifying Distinction marks them out as the only Sufferers in this way.

We can have no Ordination, but at a heavy Expence; and the Hazard to Candidates for the Ministry, and the Time lost, in crossing an Ocean 3000 Miles in Breadth, are very considerable. The Expence amounts, at a moderate Computation, to £100 sterling to each Candidate: and the Risque may be estimated from this Circumstance—that, according to an exact Account taken in 1767, out of Fifty-Two Persons, who had gone home for holy Orders from these Northern Colonies, Ten had perished, either in the Voyage, or by Sickness which it occasioned. We are deprived of that regular Discipline over the Clergy, which is necessary to the Welfare and Prosperity of every Church; and of the apostolic Ordinance of Confirmation, which we esteem to be highly beneficial.

These Grievances are very great, besides their being peculiar to us; and become daily more obvious, and more sensibly felt. Under these Circumstances, esteeming it to be a Duty we owe to God, to his Church, and to the State, to use every justifiable Method in our Power to have them removed: We have by this Conveyance humbly supplicated the Throne, and laid our Case before his Majesty.

From his paternal Goodness we entertain the most sanguine Hopes of Redress; and that he will graciously interpose his royal Authority and Power, for the Removal of these Hardships from near a Million of his loyal Subjects belonging to the Church of England in these Parts, by appointing one or more Bishops for America. We also most earnestly request your Lordship's Countenance and Assistance in promoting this Measure, which is dictated by every Motive of good Policy, as well as Piety. The Relation in which your Lordship stands to the Colonies, points You out as the properest Person, next to our gracious Sovereign, to whom we should prefer our Complaint

and Request, And it is a pleasing Circumstance, that our Duty, on this occasion, should coincide with our Inclination, to address a Nobleman, whose many amiable Qualities, and whose Zeal in the Service of the best of Kings, as well as his warm Attachment to the Constitution, we cannot but look upon as very favorable to an Application of this Nature.

The only Plan on which an Episcopate is requested, as the Public has been often assured, is, that Bishops may be sent to the Colonies with purely ecclesiastical Powers, without any temporal Authority, and without any Jurisdiction over the Dissenters of any Denomination. From hence it is evident that we only desire an Exemption from the peculiar Hardships we have hitherto suffered, and to be placed on an Equality with other religious Denominations. We wish not to interfere with the Rights or Privileges of others, or to abridge that ample Toleration they already enjoy. With this Disposition we conceive it to be no more than reasonable, that we should be indulged with the same religious Privileges which are granted to them; especially considering our Relation to the national Establishment. Yet notwithstanding the Equity of our Claim, it has met with Opposition from a certain Quarter. Objections against it have been publicly offered; but these have been minutely discussed, and refuted to the entire Satisfaction of the impartial.¹ And we submit it to your Lordship's Wisdom, whether, even waving the Justice of our Cause,

¹ The Rev. Dr. Chandler, of Elizabethtown, New Jersey, whose name is appended to this address, was by his brother clergymen constituted the champion of an American Episcopate, and published voluminous works on the subject in 1767, 1768 and 1770. The Rev. Dr. Charles Chancy, of Boston, was perhaps his ablest antagonist. The literature of the subject is exceedingly ample. At the close of the war Dr. Chandler was appointed Bishop of Nova Scotia, but felt constrained to decline on account of his health, and the Rev. Charles Inglis, at one time Rector of Trinity Church, New York, was appointed.—[W. N.]

the Church in America should be sacrificed to the Perverseness and unreasonable Clamours of its Adversaries.

The Members of the national Church are, from Principle and Inclination, firmly attached to the Constitution. From them it must ever derive its surest Support. We need not enter into a formal Proof of this, as the Reasons are sufficiently obvious. Omitting all other Arguments, that might be adduced, let past Experience decide. Independency in Religion will naturally produce Republicans in the State; and from their Principles, too prevalent already, the greatest Evils may justly be apprehended. The Church must inevitably decrease in the Colonies, if Bishops are not sent to relieve its Necessities; and the Dissenters will in Time gain an intire Ascendancy. How far it may be consistent with good Policy and the Safety of the State to permit this, we are willing that your Lordship should determine.

We would not trespass too far on your Lordship's Time, and therefore beg Leave to refer You for farther Intelligence to the Bearer, our worthy Brother the Reverend D^r Cooper, President of King's College¹ in the City of New-York. He has an extensive Acquaintance with the Affairs of our Church in America, and in him we repose an intire Confidence.

We shall only add, that were the Measure we now earnestly petition for carried into Execution through your Lordships Interposition, it would reflect peculiar Lustre on your Administration, and insure the grateful Applause of Millions, to the latest Posterity. With Sincere Prayers for your Lordship's long Life and Happiness, and that all your Endeavors to promote the Honour of our Sovereign, and the Prosperity of

¹ Now Columbia College.

his Subjects, may be abundantly rewarded, we have the Honour to subscribe ourselves,

May it please your Lordship,
Your Lordship's most respectful
and obedient Servants,

Signed by Order of the Clergy.

SAMUEL AUCHMUTY, D. D.	} The Committee.
THOMAS B. CHANDLER, D. D.	
JOHN OGILVIE, D. D.	
CHARLES INGLIS, A. M.	

Letter from Governor Franklin to the Earl of Hillsborough, relative chiefly to Mr. Hatton and his complaint.

[From P. R. O. America and West Indies, Vol. 176 (194).]

BURLINGTON Oct^r 21th 1771

Rt. Hon^{ble} the Earl of Hillsborough

My Lord,

I have had the Honour to receive your Lordship's Dispatches N^o 31, & 32.

It gives me great Pleasure to find that the Steps I took to give Efficacy and Dispatch to the Plan for recruiting His Majesty's Forces, has appeared in so favourable a Light to your Lordship.

M^r Lawrence desires me to make his Acknowledgments to your Lordship and the Board of Trade, for the Favour done him in recommending him for the Vacancy in the Council occasioned by the Death of M^r Smith.

I am very happy that my Endeavours to prevail on the Assembly to provide the King's Troops with the usual Necessaries have met with His Majesty's Appro-

bation. I have called another Meeting of the Legislature to be held here on the 20th of November, when I shall not fail to renew my Endeavours to persuade the Assembly to a Compliance with the Terms of the Mutiny Act.

It is with great Concern I observe that the Commissioners of the Customs at Boston have transmitted to the Treasury Board the Complaint exhibited by Hatton, a Man whom they knew, from Documents in their own Hands, to have before acted as a Villain in his Office. The Report of their Inspector General (a Copy of which I sent your Lordship) is alone a sufficient Proof of Hatton's Villainy; but I am also credibly informed that another Gentleman, who was sent by the Commissioners as Inspector of the Customs into this and some of the neighbouring Colonies soon after Hattons last Complaint, has openly declared that he found he had been guilty of many undue Practices, and was every way unfit to be a Collector of His Majesty's Customs. It is, however, with Pleasure I observe that your Lordship approves of the Conduct of the Council Board in the Examination into his Complaint and that you have caused so full and candid a Communication of it to be made to the Treasury Board.

The two Orders of His Majesty in Council on the 7th of June, disallowing two Laws passed in New Jersey, were duely published immediately after I received them.

I have the Honour to be, with the greatest Respect,

My Lord, Your Lordship's most obedient,

& most humble Servant

W^m FRANKLIN

*Letter from Governor Franklin to the Lords of Trade,
in answer to a letter of their Lordships, relative
to two Acts proposed to be repealed, the emissions
of Paper Bills, and the appointment of an Agent.*

[From P. R. O. B. T., New Jersey, Vol. 10, L 44.]

BURLINGTON Oct^r 21st 1771

My Lords,

I am honoured with your Lordships Letter of the 21st of June.

The two Acts of Assembly, which your Lordships mention as proposed to be repealed, I had some Doubts concerning the Propriety of at the Time of Passing, and therefore refused to give my Assent to them before Clauses were added to suspend their taking Effect until His Majesty's Assent was obtained.

As to that Part of the Act for the Support of Government which appears to your Lordships to require Explanation, it is necessary that I should inform you, that although the last Act directed the Salaries to be "paid out of such Money made current for His Majesty's Service in the late War, that now is in the "Treasury," yet in fact there was not at the Time any of that particular Money remaining in the Treasury, the whole having been paid out before, either to the Commissioners appointed during the War to pay and cloath the New Jersey Troops, or for the Support of Government. The Money, however, in the Treasury owed its being there to the Money made current for His Majesty's Service during the War, and may in some Respects be considered in the same Light tho' it is not specifically the same. It is the Amount of the several Ballances which were due from the Commissioners to

the Province, after paying & cloathing the Troops and selling of the Military Stores, &c. remaining on Hand at the Conclusion of the War. These Ballances were not paid into the Treasury in New-Jersey Money, but chiefly in Gold and Silver and such Paper Money of the neighbouring Colonies as had obtained a Currency here. The Law therefore would have been better had it directed the Salaries to be “paid out of such Money *“granted* (instead of *made current*) for His Majesty’s “Service in the late War, that now is in the Treasury;” for the Sum there must be considered as Part of what was *granted*, remaining unexpended, and tho’ not the identical Money that was *made current* yet the adequate Representative of it. But the Assembly, it seems, without attending to this Difference, adopted the Words used in the former Act when there was Paper Bills actually in the Treasury of different Emissions. There is, however, no Doubt when the Matter is explained to them, that they will readily make the necessary Alteration in the next Support Bill.

Your Lordships may be assured that there has not been any Attempt of the Legislature here, to give a further Currency to our present Paper Credit, than what the Act of Parliament allows. Yet it is proper that you should be inform’d, that altho’ the Quantity of Paper Money required by Law to be sunk in each Year is upon the whole regularly called in and destroyed, yet it often happens that there is but little among it of the particular Emission which ought to be sunk at that Time. So that Bills emitted in the year 1761 (for Instance) which by Law might be all current until 1774, when a Part is directed to be called in, may be all sunk before that Period commences, and other Bills of a former Emission, which ought to have been already sunk, may continue in Circulation until the Year 1783, the last Period allowed by Law

for the Existence of Paper Currency in this Province. By this your Lordships will perceive that the whole Sum of Paper Money struck at different Times during the War is considered in the Light of one Emission, and the Quantity required by Law to be annually sunk out of particular Emissions is sunk out of any Emission which happens to be paid into the Treasury. This Practice took its Rise from Necessity, the New Jersey Currency having such an extensive Circulation through the Neighbouring Provinces, that the Treasurers have never had it in their Power to collect a sufficient Quantity of the particular Emission directed to be sunk in any one Year. The Letter of the Law to be sure is not strictly adhered to on this Occasion, nor can it be, yet the Spirit of it is fully complied with, as no greater Sum of Paper Bills in the whole is ever suffered to continue in Circulation than what the Law allows.

I shall not fail to pay due Attention to that Part of your Lordships Letter which respects the Appointment of an Agent, when the next Support Bill comes under Consideration; but I must confess I have very little Hopes of their receding from a Claim which I understand has been long acquiesced with in this Province as well as in most other of His Majesty's Colonies in North America.

I have the Honour to be with great Respect,

My Lords, Your Lordships

most obedient humble Servant

W^M FRANKLIN

Letter from the Earl of Hillsborough to Gov. Franklin, approving of his position in the dispute with the Assembly touching the resignation of a member.

[From P. R. O. America and West Indies, Vol. 176 (194).]

WHITEHALL 4th Dec^r 1771

Governor Franklin

Sir,

Since M^r Pownall's letter of the 17th September, your Dispatches N^o 33 & 34, have been received and laid before the King

Your refusal to seal the Writ for a new Election for the County of Essex, on the ground upon which the Speaker thought fit to issue it, until His Majesty's Pleasure should be known, is approved by the King. It is as you justly observe a matter which nearly concerns the Prerogative, and the arguments on one side and the other must be fully considered in the different Departments of Government, before I can send you any Instructions upon it.

I am sorry for the indisposition you complain of in your Dispatch N^o 34, which I hope has not proved of any long continuance.

I am &c^a

HILLSBOROUGH.

Letter from Mr. Pownall to Richard Jackson, desiring his opinion in the matter of the dispute between the Governor of New Jersey and the Assembly, concerning the resignation of a representative.

[From P. R. O., B. T., New Jersey, Vol. 17, p. 252.]

Dec^r 18th 1771

To Richard Jackson Esq^r

Sir,

I am directed by the Lords Commissioners for Trade & Plantations to transmit to you the enclosed extract of a Letter from the Governor of New Jersey to the Earl of Hillsborough, and Minutes of the Assembly of that Colony therein referred to relative to a dispute with the said Assembly concerning their Claim of a right for a new Election for the County of Essex on the resignation by the Representative for the said County of his Seat in the Assembly on account of Insolvency; and to desire you would take the said Papers into your consideration, and report to their Lordships your Opinion, as to the legality of the Claim set up by the said Assembly.

I am Sir, Your most Obedient

humble Servant,

JOHN POWNALL.

Letter from Gov. Franklin to the Lords of Trade, acquainting their Lordships with the appointment of an Agent for that Province by the concurrence of the Legislature.

[From P. R. O. B. T., New Jersey, Vol. 10, L. 15.]

BURLINGTON Dec^r 26th 1771

My Lords,

In my Letter of the 24th of October, I acquainted your Lordships, that I had very little Hopes that the Assembly would recede from their Claim of the sole Right of appointing an Agent for the Colony. Since which there has been a Session held here, when, after a good deal of Persuasion, and many Arguments urged to them, in a private Way, they consented to omit those Words in the Support Bill which seem'd meant to establish their Claim, and to which your Lordships objected.—The Agent is accordingly now appointed by a Vote of the Council in their Legislative Capacity, and by a Vote of the Assembly to which I have given my Concurrence in a Privy Council, and his Salary is provided for by a joint Act of the whole Legislature of the Colony.

I have the Honour to be, with great Respect, & Regard

My Lords, Your Lordships most obedient,
& most humble Servant

W^m FRANKLIN.

Letter from Governor Franklin to the Earl of Hillsborough, informing him that the Assembly had consented to provide for the arrears due to the troops, and that the debt of the Colony incurred during the late war would be paid.

[From P. R. O. America and West Indies, Vol. 176 (194).]

BURLINGTON Dec^r 27th 1771

The Rt. Hon^{ble} the Earl of Hillsborough.

My Lord

I informed your Lordship in my Dispatch No. 35, that I had called another Meeting of the Legislature, and should not fail to renew my Endeavours to persuade the Assembly to a Compliance with the Terms of the Mutiny Act. I have now the Pleasure to acquaint your Lordship that my Endeavours have been attended with Success, and that the Assembly have at length granted a Sum of Money to discharge the Arrears due for the Support of the Troops. Two Articles of the General's Account they have indeed disallowed, as you will see by the enclosed Copy of their Message; but they have allowed all that has been usual, or is required by the Mutiny Act, and I have no Doubt but they will, at their next Session, discharge any further Arrears which may be due for the Maintenance of the few sick Men left behind by the Regiment lately stationed here. This, however, they will do in Expectation that it will be the last Expence of the kind for which they shall be called upon for some Years to come.

The Debt mentioned in their last Message, as incurred by the Colony during the late War, and not yet discharged, is about 200,000£ Currency; towards the Payment of which they are to raise 15,000£ p

Annum until the year 1783, besides the usual Expences for the Support of Government. They think the Taxes for this Purpose will fall heavily on the People, and that they ought at least to be exempted from the Burthen of supporting Troops during that Time. I promised to represent their Opinions and Inclinations on the Subject to His Majesty's Ministers, tho' I do not concur with them in Sentiments either with Respect to the Weight of the Taxes, or the Burthen of supporting Troops. The latter, I think has been of considerable Advantage to the Colony, and that from mere Views of Profit they should have desired an additional Regiment rather than have parted with the one stationed here.

I made no Requisition for the Supply of the Troops in my Speech at the Opening of the Session, as I was convinced that a great Majority of the Members were then determined against granting any Money for that Purpose, and that if they once declared that Resolution in their Address (which would be immediately published & circulated through the Country) it would be hardly possible to get them to recede from it.

I therefore only recommended to them the common Business of the Colony, and when they had proceeded some Weeks in that, and I found the Generality of the Members were become interested in the Success of some one Bill or other, I made the Application. It however fail'd, and there was a majority of One against it, owing to two of the Members who were for the Measure happening to be absent at the Time by Reason of Sickness. Notwithstanding which I renewed the Application, and gave them an Intimation that if they did not comply I should prorogue them immediately. At length, after considerable Debate in the House, and some private Conferences with several of the Members, Three of those who had before voted on the negative, were prevailed to vote on the other

side of the Question, by which the Point was carried by a Majority of Twelve to Seven.

The Messages which passed between us on this Subject are enclosed, and Copies of the Minutes and Laws of the Session shall be sent to your Lordship as soon as they can be made out.

The Matter respecting the Appointment of an Agent, signify'd to me by the Board of Trade, I have likewise carried through, though a Point of great Difficulty with most of the Members, and which many of them told me it was impossible I should succeed in.

I have the Honour to be, with the greatest Respect,
& Regard My Lord, Your Lordship's

most obedient & most humble Servant

W^m FRANKLIN.

Letter from the Earl of Hillsborough to Governor Franklin—the removal of the troops from New Jersey leaves no cause for disagreeable altercation with the Assembly.

[From P. R. O. America and West Indies, Vol. 176 (194).]

WHITEHALL Jan'y 11th, 1772

Gov^r. Franklin,

Sir,

I have received your dispatch N^o 39, & have laid it before the King.

By the removal of the Troops from New Jersey there will be no occasion for any further demand that may give rise to disagreeable Altercation with the Assembly, & the only subject of Discussion that now remains is with regard to the Payment of the Arrears.* This appears to me to be a matter that requires to be managed with some Delicacy, but as I observe that Gen-

eral Gage has wrote to you fully on that subject, his Sentiments, and your own Discretion, will be better Guides for your Conduct than any thing I can say.

I am &c.^a

HILLSBOROUGH.

Order of the King in Council, disallowing two Acts passed in New Jersey in October, 1770, and directing the Lords of Trade to prepare and lay before His Majesty a draught of an additional instruction to the Governors of all His Majesty's Colonies, restraining them from giving their assent to any law by which the lands, etc., of persons who have never resided within the Colony, shall be made liable to be attached for the recovery of debts due from such persons.

[From P. R. O. B. T. Plantations General, Vol. 29 (27), U. 19.]

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AT THE COURT AT ST^T JAMES'S THE 15TH
DAY OF JANUARY 1772.

PRESENT

The King's most Excellent Majesty in Council.

Whereas there was this Day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs Dated the 10th of this Instant—viz^t—

“Your Majesty having been pleased by your order
“in Council of the 27th of June 1771 to refer unto this
“Committee a Representation from the Lords Com-
“missioners for Trade and Plantations in the words
“following viz^t—

“We have had under our consideration two acts

“passed in your Majestys Colony of New Jersey in
“October 1770 intituled,

“A Supplementary Act to an Act intituled An Act
“for the better enabling of Creditors to recover their
“just Debts from Persons who abscond themselves.

“An Act to Enable persons who are his Majestys
“Leige Subjects either by Birth or Naturalization to
“Inherit & hold Real Estates notwithstanding the
“Purchase, Grant or Devise were made before Nat-
“uralization within this Colony—

“Whereupon We humbly beg leave to represent to
“Your Majesty—

“That by the first of these Acts the Lands Tene-
“ments Goods Chattels Rights and Credits of Persons
“who have never resided within the Colony are made
“liable to be attached for the Recovery of Debts due
“from such Persons, and although the Situation of
“New Jersey, and its Connections with the Colonies
“of New York and Pennsylvania in which the own-
“ers of Lands and Effects in New Jersey do fre-
“quently reside, do in some Degree distinguish it in
“this Case from other Colonies, Yet We are clearly
“of opinion that the mischevious consequences of
“such a Law when General must greatly outweigh
“the Utility of it—

“That by the second of these acts the Title and
“Claim of every Inhabitant of that Colony to any
“Lands or Tenements granted or made by any Alien
“before naturalized by Law shall not be defective or
“disputable on the ground of such alienation either
“in the Grantors or Grantees; a provision which tho’
“evidently founded on principles of Humanity and
“Good Policy, Yet is of such a Nature, and does so
“materially affect Your Majestys Rights derived from
“the Laws and Constitution of this Kingdom that it
“ought not to have been the object of a Law of that
“Colony without Your Majestys permission first ob-

“tained, from whose Bounty and Goodness alone an
“Indulgence of this Nature ought to have flowed—

“For these Reasons We humbly lay these two Acts
“before Your Majesty for Your Majestys Disallow-
“ance thereof, and crave leave further humbly to pro-
“pose that as the practice of passing Laws in the Col-
“onies of the nature of that first mentioned in this
“Representation has of late but too much prevailed,
“an additional Instruction should be given to the
“Governors of all Your Majestys Colonies, restraining
“them from giving their assent on any pretence
“whatever to any Law by which the Lands Tene-
“ments Goods Chattels Rights and credits of persons
“who have never resided within the Colony shall be
“made liable to be attached for the Recovery of Debts
“due from such persons—

“The Lords of the Committee in obedience to your
“Majestys said order of Reference this Day took the
“said Representation and Acts into their Consider-
“ation, and do humbly Report to Your Majesty, that
“they concur in opinion with what is above proposed
“by the Lords Commissioners for Trade and Planta-
“tions, and to that End that it may be adviseable for
“Your Majesty to Signify Your Royal Disallowance
“of the said Acts; and to Direct the Lords Commis-
“sioners for Trade and plantations to prepare the
“Draft of an additional Instruction to the Governors
“of all your Majestys Colonies agreeably to what is
“proposed in the above Representation of the said
“Lords Commissioners—

His Majesty taking the said Report into Considera-
tion, was pleased, with the advice of His Privy Council,
to approve thereof, and accordingly to Disallow the said
Acts; And His Majesty doth hereby Order that the
Lords Commissioners for Trade and plantations do
prepare and lay before His Majesty at the Board, a
Draft of an additional Instruction, to the Governors

or Commanders in Chief for the time being of all his Majestys Colonies restraining them from giving their assent on any pretence whatever to any Law by which the Lands Tenements Goods Chattels Rights and Credits of persons who have never resided within the Colony shall be made liable to be attached for the Recovery of Debts due from [such] persons—

STEPH: COTTRELL

Representation from the Lords of Trade to the King, submitting a draft of an additional instruction to the Governors in America, in compliance with the foregoing order of the King in Council.

[From P. R. O., B. T., Plantations General, Vol. 42, p. 395.]

WHITEHALL Feb. 1, 1772

To the King's most Excell^t Majesty.

May it please Your Majesty,

In obedience to Your Majesty's order in Council dated the 15th of January last, we have prepared, and herewith beg leave humbly to lay before Your Majesty Draughts of Additional Instructions to the Governors or Commanders in Chief of all Your Majesty's Colonies and Plantations in America, restraining them from giving their Assent to any Law, by which the Lands, Tenements, Goods, Chattels, Rights and Credits of Persons, who have never resided within the respective Colonies shall be attached for the payment of debts due from such persons, otherwise than as allowed by the Laws of this Kingdom.

Which is most humbly submitted

HILLSBOROUGH.	JOHN ROBERTS.
SOAME JENYNS.	GREVILLE.

Additional Instruction to Our Trusty and Well-loved William Campbell Esquire commonly called Lord William Campbell, our Captain General and Governor in Chief in and over Our Province of Nova Scotia in America. Given——

Whereas Laws have been passed in some of our Colonies and Plantations in America, by which the Lands, Tenements, Goods, Chattels, Rights and Credits of Persons, who have never resided within the Colonies where such Laws have been passed, have been made liable to be attached for the recovery of debts in a manner different from that allowed by the Laws of England in like Cases; and whereas it hath been represented unto Us, that such Laws may have the consequence to prejudice and obstruct the Commerce between this Kingdom and Our said Colonies, and to affect public Credit; It is therefore Our Will and Pleasure, that you do not on any pretence whatever give your Assent to, or pass any Bill or Bills in Our Province under your Government, by which the Lands, Tenements, Goods, Chattels, Rights, and Credits of Persons who have never resided within Our said Province shall be liable to be attached for the Recovery of Debts due from such Persons, otherways than is allowed by Law in Cases of the like Nature within this Our Kingdom of Great Britain, until you shall have first transmitted unto Us, by one of Our Principal Secretaries of State, the Draught of such Bill or Bills, and shall have received Our Royal Pleasure thereupon, unless you take Care in the passing of such Bill or Bills, that a Clause or Clauses be inserted therein, suspending and deferring the execution thereof, until Our Royal Will and Pleasure shall be Known thereupon.

A like additional Instruction was prepared for other Governors in the American Plantations.

*Order in Council approving the draft of the foregoing
Additional Instruction.*

[From P. R. O. America and West Indies, Vol. 108 (109).]



AT THE COURT AT S^T JAMES'S the 3^d Day
of February 1772

PRESENT

The Kings most Excellent Majesty in Council.

Whereas there was this day read at the Board, a Report from the Lords Commissioners for Trade and Plantations, together with Draughts of Additional Instructions to the several Governors or Commanders in Chief of His Majestys Colonies and Plantations in America (prepared by the said Lords Commissioners in Pursuance of His Majestys Order in Council of the 15th of last Month) to restrain them from giving their Assent to any Laws, by which the Lands Tenements, Goods, Chattels, Rights and Credits of Persons who have never resided within the respective Colonies, shall be attached for the Payment of Debts due from such Persons otherwise than as allowed by the Laws of this Kingdom—His Majesty taking the same into Consideration, was pleased, with the Advice of His Privy Council, to approve of the said Draughts of Additional Instructions (which are hereunto annexed) and to order, as it is hereby ordered, that the Right Honourable the Earl of Hillsborough, One of His Majestys Principal Secretaries of State do cause the same to be prepared for His Majestys Royal Signature.

STEPH: COTTRELL

Letter from Benjamin Franklin to Governor Franklin, in relation to the appointment of Colonial Agents in England.

[From "Works of Benjamin Franklin," by Sparks, VII., 564.]

LONDON, 30 January, 1772.

MY DEAR SON: In your last you mention some complaisance of Lord Hillsborough towards you, that showed a disposition to be on better terms.¹ His behaviour to me in Ireland corresponds exactly. * *

The resolution of the Board of Trade to admit, for the future, no agents to appear before them, but such as are appointed by "concurrent act of the whole Legislature,"² will I think, put an end to agencies, as, I apprehend, the Assemblies will think agents under the ministerial influence, that must arise from such appointments, cannot be of much use in their Colony affairs. In truth, I think the agents, as now appointed, of as much use to the Government here, as to the Colonies that send them, having often prevented its going into mistaken measures through misinformation, that must have been very inconvenient to itself, and would have prevented more of the same

¹ The Governor probably had referred to Lord Hillsborough's dispatches of July 3, July 19 and December 4, 1771, approving his conduct in various matters.

² See letter from the Board of Trade to Governor Franklin, June 21, 1771. When Benjamin Franklin presented his credentials as agent of the Massachusetts House of Representatives, to Lord Hillsborough, on January 16, 1771, that nobleman hotly declined to recognize any agent not appointed by the concurrent act of both branches of the Legislature, and approved by the Governor. As Franklin wrote at the time: "This doctrine, if he could establish it, would in a manner give to his Lordship the power of appointing, or at least negating any choice of the House of Representatives and Council, since it would be easy for him to instruct the Governor not to assent to the appointment of such and such men, who are obnoxious to him; so that, if the appointment is annual, every agent that valued his post must consider himself as holding it by favour of his Lordship, and of course too much obliged to him to oppose his measures, however contrary to the interest of the Province. Of what use such agents would be, it is easy to judge."—*Works*, VII., 508, 510; VIII., 7.

kind, if they had been attended to; witness the stamp and duty acts. I believe, therefore, we shall conclude to leave this omniscient, infallible minister to his own devices, and be no longer at the expense of sending any agent, whom he can displace by a repeal of the appointing act. I am sure I should not like to be an agent in such a suspicious situation, and shall therefore decline serving under every such appointment.

Your Assembly may avoid the dispute you seem apprehensive of, by leaving the appointment of an agent out of the support bill, or rather, I should say, the sum for his salary. The money in my hands will pay him, whoever he is, for two or three years, in which the measure and the minister may be changed. In the mean time, by working with a friend, who has great influence at the Board, he can serve the Province as effectually as by an open reception and appearance.

I am ever your affectionate father,

B. FRANKLIN.

Representation from the Lords of Trade to the King, with a draft of an additional instruction to the Governors in America, relating to an Alteration in the prayers for the Royal Family.

[From P. R. O. B. T., Plantations General, Vol. 42, page 405.]

WHITEHALL Feb^y 13, 1772

To the King's most Excell^t. Maj^y.

May it please Your Majesty,

Pursuant to an Order of the Lords of Your Majesty's most Hon^{ble} Privy Council, dated the 8th instant, directing us to prepare Draughts of Instructions proper to be sent to all the Governors of Your Majesty's Plantations in America, relating to the alterations in the prayers for the Royal Family, We herewith humbly

lay before Your Majesty the Draughts of such Instructions, as we conceive proper on this Occasion for your Majesty's Royal Approbation.

All which are most humbly submitted.

HILLSBOROUGH.

JOHN ROBERTS.

SOAME JENYNS.

GREVILLE.

Additional Instruction to Our Trusty and Well-beloved Guy Carleton Esq^r. Our Captain General and Governor in Chief in, and over Our Province of Quebec in America, and in his absence to Our Lieut^t Governor, or Commander in Chief of the said Province for the time being. Given —

Whereas it hath been declared by the Lords of Our Privy Council by their Order in Council on the eight of February instant that in the Morning and Evening Prayers in the Litany and in all other parts of the public Service as well in the occasional offices, as in the Book of Common Prayer, where the Royal Family is appointed to be particularly prayed for, the following form and order should be observed Viz^t Our Gracious Queen Charlotte, His Royal Highness George Prince of Wales, and all the Royal Family; Our Will and Pleasure is, that in all the Prayers, Litanies and Collects for the Royal Family, to be used within our Province of Nova Scotia under your Government, the following form and order should be observed viz^t Our Gracious Queen Charlotte, His Royal Highness George Prince of Wales, and all the Royal Family. And for the better notice hereof in Our said Province, It is Our further Will and Pleasure, that You cause the same to be forthwith published in the several Parish Churches, and other places of divine Worship within the said Province; and that you take Care that obedience be paid thereto accordingly.

*Letter from Gov. Franklin to the Earl of Hillsborough
transmitting public papers.*

[From P. R. O. America & West Indies, Vol. 176 (194).]

BURLINGTON March 10, 1772

The Right Hon^{ble} the Earl of Hillsborough.

My Lord

I have the Honour to transmit to your Lordship, Copies of the Minutes and Laws of the last Session of General Assembly held at Burlington. The present *Act for the Support of Government* is made conformable to the Sentiments of the Board of Trade, in the two Instances pointed out in their Lordship's Letter to me of the 21st of June. And the Assembly apprehend that in the *Act for the speedy recovering Debts from Six Pounds to Ten Pounds*, and in the *Act for the Relief of insolvent Debtors*, now passed, they have fully obviated the Objections made to the former Laws for the like Purpose, passed in Nov^r 1769, & March 1770, which received His Majesty's Royal Disallowance.—The other Acts passed at the last Session are of a common Nature, and need not be particularly mentioned.

I have the Honour to be, with the greatest Respect,

My Lord, Your Lordship's most obedient

& most humble Servant

W^m FRANKLIN

Letter of Gov. Franklin to the Earl of Hillsborough, relative to the settlement of the dispute concerning the resignation of Mr. Ogden as a member of the Assembly.

[From P. R. O., America and West Indies, Vol. 176 (194).]

BURLINGTON April 6th 1772

To the Hon^{ble} the Earl of Hillsborough

My Lord

I am honoured with your Lordship's Dispatches N^o 33, & 34.

His Majesty's Approbation of my Refusal to seal the Writ for a new Election for the County of Essex, affords me great Satisfaction.—As I was informed at the Beginning of the last Session, that the Assembly had some Thoughts of making that Refusal a Pretence for not granting the Money for the Troops, I was induced, in order to prevent an Altercation which might impede His Majesty's Service, to appoint M^r Ogden (the Gentleman whose Resignation was disputed) a Justice of the Peace; by which Means his Seat became vacated, agreeably to an Act of Assembly of the 4th of George the Second, which declares, “That if any Person being chosen a Member of the House of Representatives of this Province shall accept of any Office of Profit from the Crown, or from the Governor for the Time being, during such Time as he shall continue a Member, his Election shall be void, and a new Writ shall issue for a new Election, as if such Person so accepting was naturally dead.” M^r Ogden accepted of the Office; and as soon as I was informed that he had taken the necessary Qualification, I issued the Writ for a new Election, and another Person was

¹ “An Act for securing the Freedom of Assemblies,” passed July 8, 1730, Section 1.—*Allison's Laws*, 83.

accordingly chosen; but the Election did not happen till a few Days after the House was prorouged. Immediately on the Writ issuing I acquainted the House by a Message with what I had done, which prevented their sending me a Message on the Subject as they had before intended. However the House taking the Matter into Consideration some Days after, they were of Opinion it seems, that tho' the Law says expressly that his Seat shall be void on his accepting an Office of Profit, and that a new Writ shall issue yet that it is the *sole* Right of the House to declare the Seat vacant, and to order the Writ for a new Election, and that the Writ ought not to have been issued in Consequence of any other Jurisdiction whatever. This Opinion they contented themselves with expressing in two Resolves on their Minutes not choosing to send me any Message upon it, owing as I afterwards understood, to many of the Members being averse to enter into any Controversy on a Point on which they began to be dubious themselves. The Council, to whom I communicated the Message before it was sent, were of Opinion, that as the Law declared the Seat of a Member to be void on his Acceptance of the Office, and as such Acceptance must be known to the Executive Part of Government, I might either issue the Writ for a new Election immediately upon my own Knowledge of the Vacancy, or upon its being signified to me by an Order of the House: That it might be often necessary for the publick Good that I should exercise such a Power, otherwise, if a Member accepted of an Office during a Recess of the House, there would be no Election until the House should meet again; and then, tho' a new Writ should be issued the first Day of their meeting, yet a whole Session might elapse before a Member could be returned (there being always forty Days between the Teste and the Return of the Writ) which might be of great Detriment to the Place he represented: That there was nothing in the Act

abovementioned which gave the House the Right contended for, on the contrary, it declares that a "new Writ *shall* issue for a new Election" on the Acceptance of an Office. And, lastly, That even in the prior Act of Assembly (7th of Anne) where the House of Representatives are impowered, when met in General Assembly, to be Judges of the Qualifications of their own Members,² it is not declared that they shall be the *sole* Judges. As it is not impossible, after all, but that the Council and I may have been mistaken in this Matter, the Propriety of the Claim of the House depending in a great Measure, perhaps, on the Usage of the House of Commons in the like Cases, of which we have not the least Means of Information here; and as it is not unlikely but the Point may, on some future Occasion, be again brought into Dispute, I am glad to find by your Lordships Letter that you will send me Instructions upon it, after it has been fully considered by the different Departments of Government. My Message to the House on this Subject is in Page 18, and their Resolves in Page 27 of the printed Minutes sent herewith.

I should have informed your Lordship, that the House intended to admit the Member elected in pursuance of the new Writ, notwithstanding their Resolves; but since his Election I have dissolved the Assembly, and there has been a general Election, in order that the new Counties might be represented, agreeably to the Law which was lately confirmed by his Majesty.

I have the Honour to be, with the greatest Respect,

My Lord, Your Lordship's most obedient

& most humble Servant

W^m FRANKLIN

² "An Act regulating the Qualifications of Representatives to serve in the General Assembly in this Province of New Jersey," passed April 4, 1709, provides, Section 4, "that the House of Representatives, elected and chosen as aforesaid, when met in General Assembly, are and shall be Judges of the Qualifications of their own Members."—*Allison's Laws*, 7.

Letter from Governor Franklin to the Earl of Hillsborough, relative to two Acts of the Assembly passed October, 1770.

[From P. R. O., America and West Indies, Vol. 176 (194).]

BURLINGTON May 5th 1772

Right Hon^{ble} the Earl of Hillsborough

My Lord,

I am honoured with your Lordship's Dispatches of the 5th & 8th of February, and have likewise received those of M^r Pownall and M^r Knox dated the 11th and 18th of February.

I shall not fail to publish in the usual Manner, His Majesty's Royal Disallowance of the two Acts passed in Oct^r 1770, and to pay Obedience to the Additional Instruction with regard to the passing of Laws relative to the Attachment of Lands, &c. belonging to Persons who have never resided in the Colony. It is necessary, however, that I should observe to your Lordship, that the Law for this Purpose, to which I gave my Assent, was passed exactly in the Manner directed by the present Instruction, having a Clause suspending the Execution thereof untill the Royal Will & Pleasure should be known thereupon; a Circumstance which I presume was not attended to, as it is not at all mentioned in the Report of the Board of Trade. Nor is there any Notice taken in the Board of Trade's Representation on the other Act (relative to the Purchases, &c. of Aliens) that it also contained a Clause of the same Nature, and a humble Prayer to His Majesty that it might be enacted. This, I believe is the only Mode which has ever been pursued here, in making Application for a Law which may affect any of His Majesty's Rights; and tho' it has the Form of a Law, for the Sake of more expeditiously obtaining the

Advantages proposed by it, is only considered in the Light of a Petition. But as their Lordships say, "that "it ought not to have been the *Object* of a Law of "this Colony without His Majesty's Permission *first* "obtained," I shall be careful for the future not to give my Assent to any Law of the like kind, even with a suspending Clause, unless a Permission has been previously obtained from His Majesty. For what has past I shall hope to be thought the more excusable as it was agreeably to the constant Practice of this and the neighbouring Colonies in such Cases, no ways repugnant to any of the Royal Instructions, and as a Law of a similar Nature had a short Time before been passed by the Governor of New York, which has since been allowed of and confirmed by His Majesty.

It gave me particular Pleasure to hear from your Lordship, that the Addresses of both Houses had passed with such Unanimity, as it Affords a Prospect of that Harmony which is so essential to His Majesty's Measures for the Good of his People.¹

I very sincerely condole with your Lordship on the Deaths of their Royal Highnesses the Princess Dowager of Wales, and Princess Mary, Landgravine of Hesse Cassel, but am happy to find by your Lordships Letter, that His Majesty and the Rest of the Royal Family are as well as can be expected under such afflicting Events. The Orders for the Mourning and the additional Instruction directing the Form to be used in the Prayers for the Royal Family, I have caused to be made publick in the Manner usual upon such Occasions.

I have the Honour to be, with the greatest Respect,
My Lord, Your Lordship's most obedient
& most humble Servant

W^m FRANKLIN

¹ Neither the King's Speech at the opening of Parliament, nor the Addresses of the two Houses in reply, contained any reference to American affairs.

Letter from Gov. Franklin to the Earl of Hillsborough, transmitting the petition of the Presbyterian Clergy residing in New Jersey, praying that the Governor would grant them a charter to enable them to raise funds, etc.

[From P. R. O. America and West Indies, Vol. 176 (194).]

BURLINGTON May 11th 1772

Right Hon^{ble} the Earl of Hillsborough.

My Lord,

Having some Time ago received a Petition from Dr Witherspoon, President of the College at Princeton, and a Number of other Presbyterian Ministers residing in this Province, praying that I would grant them a Charter to enable them to raise a Fund for the Support of their Widows and Children, I laid the same before the Council, with a Draft of the proposed Charter, which, by their Advice, was referred to the Attorney General for his Opinion. The Attorney General having his Doubts both as to the Expediency and Legality of the Measure, advised me to defer granting it until I obtain His Majesty's Direction thereupon. He likewise communicated to me a Copy of a Report of the Lords of the Committee of Council for Plantation Affairs on the 24th of August 1767, respecting a Petition for the Incorporation of the Presbyterian Ministers &c in New York, wherein it appears that the Board of Trade had not only made it a Question how far such an Establishment could be created by His Majesty consistent with his Coronation Oath founded on the Act of Queen Anne, but upon the fullest Consideration were of Opinion, that independent of the Objection arising out of this Question, it was *not ex-*

pedient upon Principles of *general Policy* to comply with the Prayer of that Petition, or to grant them *any other Privileges* than they are *intitled to by the Laws of Toleration*, in which Sentiments the Lords of the Committee of Council agreed, and reported to His Majesty that the said Petition ought to be *dismissed*, and it was dismissed accordingly. I laid the said Copy of the Report of the Lords Committee of Council, together with the Attorney General's Report, before His Majesty's Council in this Province (as your Lordship will see by the Minutes of the 21st of February enclosed) who were of Opinion, "That if the said Charter shall be so drawn as to be unexceptionable in Point of Form, and shall be confined solely to the Purposes of the Charitable Institution therein mentioned, and the said Corporation made accountable to this Board for the Monies they shall receive and pay by Virtue of the said Charter, then and in such Case His Excellency may with Propriety order the Great Seal to be affixed to the said Charter *without referring the same to the Consideration of His Majesty's Ministers as advised by the Attorney General*, it appearing to the Council that the Reference made to the Board of Trade from the Governor of New York relative to a Charter for a Presbyterian Congregation in that Province, is by no means similar to the Case in Question."—This was the Opinion of four of the six Counsellors then present whereupon the Attorney General was directed to report his Opinion concerning the Alterations necessary to be made therein which he accordingly did; But as I have Reason to think that had there been a full Meeting of the Council the Majority would have been of the same Sentiments as the Attorney General, as to the Propriety of waiting for His Majesty's Orders, and as His Majesty's Ministers were so lately of Opinion that "it was not *expedient* upon Principles of *general Policy*

to grant the Presbyterians at New York *any other Privileges* than they are intitled to by the *Laws of Toleration*," I could not think it proper to acquiesce in the Opinion which the Council gave me on the Occasion. I have therefore enclosed to your Lordship Copies of the Petition, the Draft of the proposed Charter, M^r Ogden's Observations, the Attorney General's two Reports, and the Minutes of Council relative thereto, for His Majesty's Consideration, and shall be glad to be informed whether I may pass the said Charter, provided it is made conformable to the last Report of the Attorney General and the Sentiments of the Council. Charters for the like Purpose have been lately granted to the Clergy of the established Church of England in the Provinces of New York, New Jersey & Pennsylvania, a printed Copy of which is enclosed;'

¹ The need of such an organization having been long apparent, at a meeting of the clergy at Elizabeth-town, in October, 1767, a committee was appointed to frame a plan. "In pursuance of this appointment, the Revd. Dr. Smith, Provost of the College of Philadelphia, the Rev. Dr. Auchmuty, Rector of Trinity Church, the Revd. Dr. Cooper, President of King's College, both of New York, and the Revd. Mr. Cook, Missionary in Monmouth county, New Jersey, met at Perth Amboy, May 12, 1768, and framed a plan; which, with some alterations, obtained the approbation of sundry succeeding meetings of the clergy. A draught of a Charter was also agreed upon, and Charters soon afterwards passed in each of the three Provinces of New York, New Jersey and Pennsylvania, by which the Clergy, and a number of the most respectable Laity named with them, are created a body corporate, in which ever of these Provinces they may meet, or have occasion to transact business. The first meeting of the corporation, agreeable to charter, was convened at the city of Burlington, in New Jersey, October 4th, being the first Wednesday after the Feast of St. Michael, 1769."—*An Abstract of the Proceedings of the Corporation for the Relief of the Widows and Children of Glergymen, in the Communion of the Church of England in America*, Philadelphia, 1773, 3, 4. "The charter granted in Pennsylvania, is dated February 7, 1769; that in New Jersey March 29, and that in New York September 29, both of the same year; and by a rule of the corporation the annual meetings are to be held by rotation, once in three years, in each of the three Provinces."—*Ib.*, 5, note. At the anniversary meeting held at Perth Amboy, October 2, 1771, the sermon was preached by the Rev. Dr. Thomas Bradbury Chandler, of Elizabeth-town, and was printed by Isaac Collins, at Burlington, with a brief abstract of the proceedings, the charter, etc. The sermon was dedicated "to his Excellency William Franklin, Esq., Governor of New Jersey: in testimony of that Esteem which is due to Distinguished Merit, and of that Gratitude to which a generous Patron and Benefactor is entitled from every well wisher to our charitable corporation." This was the "printed copy" the well-pleased Governor enclosed in his letter above. The New Jersey charter, granted by Governor Franklin, is recorded in Liber AB of Commissions, in the Secretary of State's

and a Charter of the same kind was granted some Years ago to the Presbyterians in Pennsylvania, who are charged (as is mentioned in the Attorney Generals Report) with having misapplied a Part of their Fund in order to propagate and support the Presbyterian Religion among the new Settlers in different Parts of the Continent of North America.

I have the Honour to be, with the greatest Respect,
 My Lord, Your Lordships most obedient
 & most humble Servant
 W^m FRANKLIN

Petition of The Rev^d Dr Witherspoon & Mr E.
 Spencer for a Charter

To His Excellency William Franklin Esq^r Cap-
 tain General Governor & Commander in
 Chief in and over the Province of New Jer-
 sey in Council

The Petition of the Presbyterian Clergy in Com-
 munion with the present Established
 Church of Scotland residing in the Pro-
 vince of New Jersey aforesaid

Humbly Sheweth

That many of your Petitioners have under their
 Care large Congregations of sober and industrious
 People Inhabitants of this Colony who though willing
 to contribute all in their power towards the decent
 Support of their Ministers, yet are unable so to pro-

office, at Trenton, fol. 99. It may be added that as this important organization was effected in New Jersey, so it was in New Jersey, at the meeting of this corporation, at New Brunswick, on May 11, 1784, that the first formal steps were taken for the organization of the Protestant Episcopal Church in America, independent of the Church of England.—*Journals*, etc., *Hawkes and Perry's Hist.*, notes, etc., 377.—[W. N.]

vide for your Petitioners as will put it in their Power to lay up anything considerable for the Subsistence of their Widows or provision for their Children after their Decease while many Charitably disposed Persons of good Estates are willing to contribute towards establishing a Fund sufficient for their Relief and Your Petitioners themselves are willing to make small Annual payments for the same Purpose in Case there were Proper Persons Appointed & impowered to receive manage and dispose of the same.

Your Petitioners therefore most humbly pray that the Premises considered Your Excellency will be pleased to grant to your Petitioners His Majesty's Royal License by Letters Patent under the Great Seal of the said Province incorporating into a body Corporate & Politick with perpetual Succession such fit and prudent Persons for the purpose aforesaid as to his most gracious Majesty in his Wisdom shall seem meet & to invest them with the Necessary Powers Privileges & Immunities.

And Your Petitioners as in Duty bound shall ever pray &c.^a

Signed by Order & in behalf of the Presbyterian Clergy residing in New Jersey by

JN^o WITHERSPOON
ELIHU SPENCER¹

Draught of a Charter for incorporating "The
"New Jersey Society for the better Sup-
"port of the Widows and Education of the

¹ Elihu Spencer, born at East Haddam, Conn., Feb. 12, 1721, a graduate of Yale in 1746, associated with John Brainerd in Indian Missions, pastor at Elizabethtown, 1750-6; supplied Shrewsbury, Middletown Point, Amboy and the sea-coast towards Egg Harbor, 1761-4; spent four years in Lancaster Presbytery, Penn., 1765-9, when he was called to Trenton, where he died December 27, 1784.—*Webster's Hist. Pres. Church*, 587-90; *Sprague's Annals*, III., 165-9; *Hatfield's Elizabethtown*, 393-8.—[W. N.]

“Children of deceased Presbyterian Ministers in Communion with the present established Church of Scotland”

GEORGE &—To all &—Whereas our Loving Subjects the Presbyterian Clergy in Communion with the present Established Church of Scotland residing in our Colony of New Jersey North America by their Humble Petition presented to our Trusty & well beloved William Franklin Esq^r our Captⁿ General and Governor in Chief in & over our said Colony of New Jersey and the Territories depending thereon in America Chancellor & Vice Admiral of the same, and read in our Council of our said Province on the — day of — Anno Domini 1771, Have set forth that many of the Petitioners have under their Care Large Congregations of Sober Industrious People Inhabitants of this Colony, who tho' willing to contribute all [in] their Power towards the decent Support of a Gospel Ministry, Yet from the Present Scarcity of Cash & many other Obvious Reasons are, (Especially on the frontiers, Where the Inhabitants are Generally Scattered & but in Indifferent Circumstances) unable to do more than Provide a bare maintenance for their Respective Ministers, who not Choosing to neglect the more important Duties of their Office, are prevented from Providing for the Support of their Widows & Children After their Decease, by which Means, many of them, Often Suffer the Necessary Consequences of Extream poverty, while many of their Brethren in Different Parts, as well as other Charitably disposed persons, are willing to Contribute towards Establishing & Supporting A Sufficient fund for their Relief in Case there were Proper persons appointed & impowered to Receive manage & Dispose of the same, Wherefore the said Petitioners Have humbly prayed for our Royal Grant by Letters Patent, under our Great Seal of our

said Province To incorporate into a Body Corporate & Politick with Perpetual Succession, Such fit & prudent Persons for the Purposes afores^d with such Powers Immunities, and Privileges, As we in our wisdom, shall think meet And Whereas we being willing to Encourage & forward So usefull pious & Benevolent a design & being Convinced of the Loyalty & Affection of the Petitioners to our Person & Government, are Graciously pleased to Grant this their Reasonable request, Now Know Ye that we Considering the Premises, of our Especial Grace Certain knowledge & meer motion, Have Given & Granted Constituted and Appointed and by these Presents for us our Heirs & Successors Give Grant Constitute & Appoint unto our trusty and well beloved William Franklin Esq^r our Governor and Commander in chief of our Province of New Jersey, Richard Stockton and John Berrien Esq^{rs} John Witherspoon Doctor in Divinity William Tennent Timothy Jones Andrew Hunter John Brainherd Elihu Spencer, Charles M^cKnight Israel Read, Benjamin Woodruffe, Alexander M^cWhirtor, James Caldwell, Azel Roe, Jeremiah Halsey, Enoch Green Clerks, William P. Smith; Wiliam Livingstone, Elias Boudinet and Robert Ogden Esq^{rs} William Burnet, Moses Bloomfield & Nathaniel Scudder Gentlemen that they the said William Franklin, Richard Stockton, John Berrien John Witherspoon, William Tennent, Timothy Jones, Andrew Hunter, John Brainerd, Elihu Spencer, Charles M^cKnight, Israel Read, Benjamin Woodruff, Alexander M^cWhertor, James Caldwell Azell Roe, Jeremiah Halsey Enoch Green, William P. Smith, William Livingstone Elias Boudinot, Robert Ogden, William Burnet, Moses Bloomfield and Nathaniel Scudder and their Successors, to be Elected and Chosen, as is herein and Hereby after appointed and directed, be, and by Virtue of these Presents for ever hereafter Shall be, one Body Corporate & Politick, in Deed, fact and Name; by the Name of "The New

“ Jersey Society, for the better Support of the Widows
“ & Education of the Children of deceased Presbyte-
“ rian Ministers in Communion with the Present Es-
“ tablished Church of Scotland”—And that they the
said Body Corporate and Politick by the same Name
shall and may Have Perpetual Succession & shall be
known and distinguished in all Deeds Grants, Bar-
gains, Sales Writings, Evidences, Muniments or other-
wise howsoever and in all Courts For ever hereafter
shall plead and be Impleaded Defend and be Defended
by the said Name of The New Jersey Society &c And
that they the said Body Corporate & Publick, by the
Name aforesaid Shall for ever hereafter, be able, & in
Law Capable, for the Benefit, Advantage & Emolu-
ment of the Widows & Children of Deceased Presby-
terian Clergymen aforesaid to have, Get, Acquire, pur-
chase, Receive, take & possess Lands Tenements and
Hereditaments to them and their Successors in Fee
Simple, or for any other Estate, Term or Interest
whatsoever, within our said Colony of New Jersey, to
the amount of one Thousand Pounds Sterling ꝑ
Annum over & above all Reprises and Expences what-
soever, and to take, have, Hold, receive, Enjoy, and
Dispose of Goods, Chattels & other things of what
nature or Quality soever and also to have Accept &
receive any rents Profits Annuities Gifts, Legacies,
Donations and Bequests of any kind whatsoever, for
the Uses aforesaid So Nevertheless that the Clear
Yearly Value thereof doth not Exceed the Sum of
other One Thousand pounds Sterling Money afores^d
and therewith and otherwise to Support, Assist and
relieve the Widows and Children of deceased Presby-
terian Clergymen who shall or may become Contribu-
tors to the fund of s^d Corporation, and in such Man-
ner rules Proportions & Annuities as shall be Reason-
ably Settled Agreed to & appointed, by the Bye Laws
& Regulations which from time to time shall be made

and Enacted by the s^d Corporation and their Successors, and to Grant bargain Release, Sell, Lett, Sett, or Assign, such Lands Tenem^{ts} Hereditam^{ts} Goods & Chattels aforesaid to any Person or Persons in fee Simple or otherwise howsoever and to Contract & do all other things whatsoever by the Name af^s^d and for the Purposes aforesaid in as full & ample a manner, to all Intents & Purposes whatsoever, as any Person or Persons or other Body Corporate and Politick is able to do by the Laws of that part of our Kingdom of Great Britain Called England, or of our said Colony of New Jersey and of our Further Grace Certain knowledge & Meer motion to the End & *Interest* that our said Corporation & Body Politick, may answer the design of their Election & Constitution, and may have Perpetual Succession and Continue for ever, We do for Us, our Heirs & Successors hereby further will Give and Grant unto the said New Jersey Society &c and to their Successors for ever, That whenever the Majority of the said Corporation or their Successors or any greater Number of them are Convened & Met together for the Service of the said Society, they & the Majority of them so met, Shall have full power & Authority from time to time freely & Lawfully to make & Establish such Ordinances, Orders, Regulations & Laws, as may tend to the better & more Wholesome Government direction & Continuing of the said Society for the Purposes afs^d and Also for the better Managing improving increasing distributing & disposing of the funds & Revenue of said Corporation Provided that the same be in no ways Contrary to the Laws of that part of Great Britain called England, and of the Colony of New Jersey and also that it shall & may be Lawfull for said Corporation & their Successors, or the Major part of any Nine of them or of any Greater Number which shall Convene for the Purpose as afores^d as Often as any One or more of the said Corporation shall happen to

die or by Removal, or Otherwise, shall become unfit or Incapable According to the Judgment of the said Majority to serve the Interests of the said Corporation, as Soon as Conveniently may be after the Death, Removal, or such Unfitness or Incapacity of any of the members of our said Corporation aforesaid to Elect & Appoint Some other fit proper person as to them shall seem meet to Supply the place of him or them so dying or Otherwise becoming unfit or Incapable as aforesaid and Every member so Elected & appointed, Shall by Virtue of these Presents, and of such Election and Appointment be Vested with all the Powers & Privileges, which any of the other Members are hereby invested with, And also we do hereby for us our Heirs & Successors Give & Grant to the said Corporation & their Successors for ever that the said Corporation & their Successors or the Majority of any Nine of them, or of any greater Number which shall Convene, for the Purposes aforesaid Shall & may Elect Nominate & appoint a President Treasurer and Secretary and all or any other inferior Officer & Officers, as they or the Majority of them from time to time shall seem meet—And further of our Especial Grace Certain knowledge and Meer motion we do by these Presents for us, our Heirs & Successors, Give & Grant to the aforesaid Corporation &c to their Successors that they & their Successors Shall have a Common Seal under which they may pass all Deeds Writings, Contracts, Agreements, and all other the Affairs and Business of & Concerning the said Corporation, which shall be Engraven in such form and with Such Inscription as shall be devised by the said Corporation, or by the Major part of them, Convened together as aforesaid and the same at the Will & Pleasure of them and their Successors or the Major part of them as aforesaid to Change alter break & make new, from time to time As they shall think best and further We do hereby

Constitute & Appoint the said William Tennent to be the first President of this our said Corporation and the said William Peartree Smith to be our first Treasurer and the said Alexander M^cWhertor to be the first Secretary, who shall Continue in their Respective Offices until another President, another Treasurer & another Secretary shall be Chosen in their Rooms in manner aforesaid and also we do Appoint the first Meeting of our said Corporation shall be on the third Wednesday in April next at Princeton in the County of Somerset in our said Colony

And Lastly our Express will and Pleasure is, and we do by these Presents for us our Heirs & Successors Give and Grant to our said Corporation & their Successors for ever that these our Letters Patent or the Inrollment thereof in our Secretary's Office for our said Colony of New Jersey shall be Good and Sufficient in the Law, to all intents & purposes Whatsoever, against Us our Heirs & Successors without any Other Licence Grant or Confirmation from us our Heirs or Successors hereafter by the said Corporation or their Successors, to be had, or Obtained, Notwithstanding the not Reciting or mis Recital or not naming or mis naming of the aforesaid Offices Franchises, Priviledges Immunities or other the Premises or of any of them and notwithstanding a Writ of *Ad Quod Damnum* hath not Issued forth to Enquire of the Premises or any of them before the Ensealing hereof any Statute Act Ordinance or Provision or any other matter or things to the Contrary notwithstanding *To Have hold* and Enjoy all & Singular the Priviledges Advantages Liberties Immunities and all other the Premises herein & hereby Granted & Given or which are meant mentioned or Intended to be herein and hereby Given & Granted unto them the said New Jersey Society &c^a and to their Successors for ever *In Testimony* Whereof &c^a

Copy of the Hon^{ble} D^d Ogden's Notes on the proposed Presbyterian Charter—New Jersey—Nov^r 28, 1771—

Notes & Observations on the Draught of a Charter to Support the Widows & Children of deceased Presbyterian Ministers—

I am of Opinion that the end proposed by the Charter is laudable and the Governor can with great Propriety pass a Charter to Answer the good purposes therein intended and do conceive the same may be fully answered by altering the same in the following Instances viz^t In the first page of the recital leave out the words (*Clergy in Communion with the present established Church of Scotland*) and instead thereof insert (*Ministers of the Gospel*) and in page 2nd in the Name or Stile of the Corporation, Omit the Words (in Communion with the present Established Church of Scotland)

The Reasons Inducing me to make the above Alterations are—

1st That it will be improper for his Excellency to recognize by the Charter, the Established Church in Scotland so as to be a Rule or mark of distinction of any order of Men in New Jersey, more Especially to Effect any of his Majesty's Subjects under his Government and make their being in Communion with that Church, a Test of their being Intituled or not to the Charity intended by the Act—

2nd That the Draught of the Charter may have a Tendency to lay a restraint on & Abridge the Liberties of the Presbyterian Ministers, that their Widows & Children cannot be provided for, According to the Charitable design of the Charter, unless they were & continue till Death in Communion with the Established Church of Scotland.

3^d That the giving the Body Politick a Power of Judging and Determining who are in Communion with the Church of Scotland, may be the means of contentions & Disputes among the Presbyterian Ministers who do not all hold the same Principles with that Church.

4. That all the good purposes of the Charter will be fully answered in the above Alterations.

5. I also think that the Widows & Children of such Ministers who have Subscribed to the Support &c^a are only to be supported out of the Fund, is too restrictive of the Charity intended, the Case may happen that a Minister may be so poor as not to be able, to Subscribe any Sum to the Fund, yet his Widow & Children, very proper Objects of Charity; the leaving that to the Discretion of the Body Politick, I conceive most Eligible

DAVID OGDEN

Nov^r 28th 1771.

Minutes of Privy Council New Jersey Feb^{ry} 21,
1772



AT A COUNCIL HELD AT BURLINGTON ON
FRIDAY FEBRUARY 21st 1772.

PRESENT

HIS EXCELLENCY THE GOVERNOR

CHARLES READ Esq ^r	STEPHEN SKINNER Esq ^r
SAMUEL SMITH Esq ^r	DANIEL COXE Esq ^r
RICHARD STOCKTON Esq ^r	JOHN LAWRENCE Esq ^r

His Excellency was pleased to nominate Samuel Blackwood of Deptford and Thomas Clark of Greenwich in the County of Gloucester to be Justices of the Peace in the said County. Henry Freeman of Wood-

bridge to be a Justice of the Peace in the County of Middlesex Joseph Reading of Amwell to be a Justice of the Peace in the County of Hunterdon, and Richard Cochran and Robert Stockton Esquires to be Judges of the Pleas in the County of Somerset, to which several Nominations the Council assented.

It appearing to the Board that George Brown Esquire one of the Justices of the Peace in the County of Middlesex has greatly misbehaved himself, and is unworthy to be continued in the Commission of the Peace, His Excellency, with the Advice of the Council, was pleased to order that a Supersedeas do issue to the said George Brown.

A Complaint being exhibited ag^t. Thomas Walker Esq^r. One of the Justices of the Peace in the County of Middlesex for marrying Persons without Licence or Publication according to Law, His Excellency was pleased to order the Dep^y Secretary to write to the said Thomas Walker, and give him Information of the said Complaint that he may have an Opportunity to answer it. His Excellency was pleased to lay before the Board a Petition from the Overseers of the Poor of the Township of Amwell, and a Representation from the Bench of Justices in the County of Hunterdon, relative to a Noli prosequi lately entered by the Attorney General, by His Excellency's Order, in the Court of Quarter Sessions in the County of Hunterdon, in an Action The King against Thomas Herber. And it appearing to the Board that His Excellency had issued the said Order on the Recommendation of one of His Majesty's Council and the Attorney General and on good Cause being Suggested, the Board was of Opinion that the same was properly issued by His Excellency; and that the said Order cannot now be revoked, the Noli prosequi having been entered in the said Court of Quarter Sessions at the last Term. His Excellency was pleased to lay before

the Board the Report of the Attorney General, relative to the Draught of a Charter referred to him by this Board on the 6th of December last, for incorporating “The New Jersey Society for the better Support and Education of the Widows and Children of deceased Presbyterian Ministers in Communion with the present established Church of Scotland”—which Report is in the Words following—Viz:

“*May it please your Excellency*

“I have with great Attention considered the Draught of the Charter for raising a Fund to support the Widows and Children of Presbyterian Ministers, and humbly report to Your Excellency that several Points have occurred to me, which I conceive are of too much Importance to be decided, but by the highest Authority.

“Not to dwell upon the Objections which may arise from the Extension to this Province of the several Acts of Uniformity passed before this became an English Colony, and the Consideration how far they may militate against the Establishment, aimed at by this Charter, I cannot but remind Your Excellency of the Statute of the 5 Anne Cap. 5. (made preparatory to and declared to be a Fundamental of the Union between the Kingdoms of England and Scotland) entitled *An Act for securing the Church of England as by Law Established*, It is among other Things thereby enacted that the Queens Successors at their Coronation should take an Oath *to maintain and preserve inviolably the said SETTLEMENT of the Church of England and the Doctrine, Discipline and Government thereof* AS BY LAW ESTABLISHED *within the Kingdoms of England and Ireland the Dominion of Wales, the Town of Berwick upon Tweed AND THE TERRITORIES THEREUNTO BELONGING.* This Act is recited at large in the Act of Union, as also an Act of the Scotch

Parliament for the Preservation of the Church of Scotland in that Kingdom only.

“It appears also to me a Matter of no small Concern, how far the Measure may be expedient.—But whether a grant of this Charter is inconsistent with His Majesty’s Coronation Oath as tending towards an Establishment repugnant to the Provisions in the said Act of Queen Anne—or whether in sound Policy the Privileges and Immunities petitioned for ought to be granted by this Government, *should it be legal so to do*, are Questions, which I conceive are improper for me either to determine or pass unnoticed, and the more so because I understand that in a Report lately made to His Majesty by the Lords Committee of Council for Plantation Affairs, founded on a Report of the Lords Commissioners of Trade and Plantations respecting a Petition for an incorporation of the Presbyterian Ministers Elders & Deacons & Trustees in New York referred to the Lords of Trade by His Majesty for their Consideration and Report,¹ it appears that the Question how far that Establishment could be created by His Majesty, consistent with his Coronation Oath, was before the said Lords Commissioners, and that they reported to the Lords of the Committee that they conceived this Question to be of too great Importance for them to decide upon, but that upon the fullest Consideration they were of Opinion, that independent of the Objection arising out of this Question, it was *not expedient* upon Principles of *General Policy* to comply with the Prayer of that Petition, or to grant them any other Privileges than they are *intitled to by the Laws of Toleration* in which Sentiments the Lords of the Committee of Council agreed, and re-

¹ This petition (presented in 1766 and refused in 1767) was for an incorporation “by the name and stile of the Ministers Elders Deacons and Trustees of the Presbyterian Church of the City of New York, according to the Westminster confession of Faith, Catechism, and directory, agreeable to the present established Church of Scotland,” with general corporate powers.—*N. Y. Col. Docs.*, VII., 846-7, 943.

ported to His Majesty that the said Petition ought to be *dismissed*, and His Majesty taking the same into Consideration was pleased with the Advice of His Privy Council to approve thereof and to dismiss the said Petition.

“ Upon the whole as a Report in favour of the proposed Charter, presupposes a Conviction on my Part of the Legality and Propriety of it, and which under all the Circumstances I cannot presume to affirm, I thought it my Duty to offer these Suggestions to Your Excellency’s Consideration, conceiving it needless until I receive Your Excellency’s further Commands to enter into a Discussion of the Draught referred to me, which is liable in itself to many Objections. I am

“ Your Excellency’s most obedient
humble Servant

“ Jan^y 25, 1772.

CORT^d. SKINNER”

The Council having taken the said Report into Consideratⁿ and deliberated thereon, are of Opinion, That if the said Charter shall be so drawn as to be unexceptionable in Point of Form, and shall be confined solely to the Purpose of the Charitable Institution therein mentioned, and the said Corporation made accountable to this Board for the Monies they shall receive and pay by virtue of the said Charter, then and in such Case His Excellency may with Propriety order the Great Seal to be affixed to the said Charter, without referring the same to the Consideration of His Majesty’s Ministers as advised by the Attorney General, it appearing to the Council, that the Reference made to the Board of Trade from the Governor of New York, relative to a Charter for a Presbyterian Congregation in that Province, is by no Means similar to the Case now in Question.¹

¹ Under date of June 2, 1773, the Earl of Dartmouth wrote Governor Franklin that the petition of the Presbyterian Ministers of New Jersey for a charter as above had been fully considered, and the King consented that the Colony seal be affixed

His Excellency was pleased to inform the Board that, at the Close of the late Session of General Assembly, the House of Representatives had requested that they might be dissolved,—and to ask the Advice of the Council whether it would be proper to comply with the said Request or not? The Council, taking the same into Consideration, advised His Excellency to dissolve the present General Assembly. Whereupon His Excellency was pleased to issue a Proclamation in the Words following—Viz:

By His Excellency WILLIAM FRANKLIN Esquire,
Captain General, Governor and Commander
in Chief in and over the Province of New
Jersey and Territories thereon depending
in America Chancellor and Vice Admiral
in the same, &c

A PROCLAMATION.

WHEREAS His Majesty hath been graciously pleased to give His Royal Assent to an Act of the Legislature of this Province, passed at Perth Amboy in the Eighth Year of His Majesty's Reign, intituled "An Act for choosing Representatives in the County of Morris, Cumberland and Sussex, and directing the Morris County Taxes to be paid into the Eastern Treasury of this Colony," whereby the Inhabitants of each of the said Counties of Morris, Cumberland and Sussex are intituled and impowered to choose two Representatives to serve in the General Assembly of this Colony: AND WHEREAS the Election of the Representatives for the said three Counties, pursuant to the said Act, cannot be had until after the Dissolution of the present Gen-

to it.—*N. J. Analytical Index*, 432. The charter was accordingly granted December 22, 1773; it is recorded in Liber AB of Commissions in the Secretary of State's office, Trenton, fol. 134.—[W. N.]

eral Assembly: I HAVE THEREFORE thought fit, by and with the Advice and Consent of His Majesty's Council, to dissolve the present General Assembly of this Province of New Jersey, and the said General Assembly is hereby dissolved: of which all Persons concerned are to take Notice and govern themselves accordingly.

GIVEN under my Hand and Seal at Arms in the City of Burlington the twenty first day of February in the twelfth Year of the Reign of George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c^a Anno Domini 1772.

W^m: FRANKLIN

By His Excellency's Command

CHA. PETTIT D Sec.

GOD SAVE THE KING.

His Excellency was pleased to Sign the following Warrants Ordering the Treasurers, or either of them to pay

N ^o 562.	To His Excellency the Governor or Order for one Quarters Sal- ary due this Day	£300. —. —
563	To the same for one Quarters House Rent	15. —. —
564	To the Hon'ble Charles Read Esq. second Justice of the Supreme Court for one Quarters Salary	18. 15. —
565	To the Hon'ble John Berrien Esq. third Justice of the Supreme Court for one Quarters Salary	12. 10. —
566	To Samuel Smith Esq ^r one of the Treasurers for One Quarters Salary	10. —. —
567	To Stephen Skinner Esq ^r One of the Treasurers for One Quar- ters Salary	10. —. —

568	To Cortland Skinner Esq ^r Attorney General for One Quarters Salary	7. 10. —
569	To Charles Petitt Esq ^r Dep ^y Clerk of the Council for One Quarters Salary	7. 10. 0
570	To Charles Petitt Esq ^r Dep ^y Clerk of the Circuits for One Quarters Salary	5. —. —
571	To John Carty Doorkeeper to the Council for One Quarters Salary	2. 10. 0
572	To Isaac Collins Esq. for printing the Laws & Votes of the last Session of General Assembly and other Services, agreeably to the Certificate of Abraham Hewlings & Henry Paxson Esquires	153. 15. 3
573	To Richard Smith Esq ^r for Copying the Laws & Votes for the last Session for the Printer and for recording the Votes of the House of Assembly in their Journal	18. —. —.
574	To Charles Petitt Esq. for a Copy of the Laws passed at the last Session, to send to England .	6. 6. 8
575	To Thomas Wetherill Sergeant at Arms to the House of Assembly for fourteen Days Attendance in April and May and thirty two Days at the Session in November and December last	6. 18. —

A true Copy

CHA. PETTIT D Clk.

Mr. Skinner (the Attorney General) his 2^d Report on the proposed Charter for incorporating the Presbyterian Ministers in New Jersey.

[Note his first Report is contained in the Minutes of Privy Council Febr^y 21, 1772.]

In Obedience to your Excellency's Commands I have again Considered the Draft of the Charter for incorporating certain Persons and enabling them to raise a fund for supporting the Widows and Educating the Children of Presbyterian Ministers, and propose the following Amendments and additions.—In the the Second Line, instead of *Presbyterian Clergy*, say, *Presbyterian Ministers or Teachers* and so throughout the whole Charter. The King in his Grant can't know, nor with Propriety call, any Men *Clergy* men but those of the Established Church of England, at least in England, Ireland, and these Colonies. In Acts of Parliament the Ministers of Dissenting Congregations are stiled Ministers, or Teachers, never Clergymen, for which I refer to every Statute in which they are named, and if it is possible to produce a Charter to them I dare say they have not the same Stile with the Clergy of the Established Church. How far they are in Communion with the Church of Scotland, I do not know but if the Matter was inquired into I am of Opinion that they are not in full Communion and therefore the words "*in Communion with the present Established Church of Scotland,*" should be omitted.

To prevent the misapplication of the fund I have drawn two Clauses, to be inserted in the Charter, by the

1st I intend to make them render Annual Accounts and subject their Books &c^a to inspection if necessary, and by the

2^d That their Charters shall be void upon such misapplication.

These are necessary in my Opinion, because

1st In Grants of this Kind even to the Professors of the Church by Law Established they are inserted.

2^d Because I am credibly informed, and believe it to be true, that in a Neighbouring Government, a Corporation of the like sort apply part of the Income of their Funds often in paying Salaries to Teachers in several parts of the Continent where New Settlements are made: Which if they can justify from the Powers given in that Charter, yet seems to me to be against the Intention of the Grant, and ought to be Guarded against in this, for from such Practices an Establishment will be formed for their Teachers not intended by Government.

CORT^p SKINNER

Two Clauses proposed by the Attorney General to be added to the Presbyterian Charter *And Lastly*, That the fund nor any part of the Yearly Increase arising therefrom may be applied to any other Use than that hereby intended. We do for us our Heirs & Successors, Ordain Order and Direct that the Accounts and Transactions of the said Corporation legally and properly vouched and Authenticated shall Yearly be laid before his Excellency the Governor and our Council of New Jersey, or the Governor or Commander in Chief and the Council for the time being of our said Province of New Jersey, or such Person and Persons as they may from time to time appoint in our said Province in order that our said Governor or Commander in Chief and Council or such Person and Persons by them appointed as afores^d may ratify and confirm the said Accounts, or subject them to such revisal, Checks, & Confirmation as may be by them thought just and reasonable. And that the Books, Journals, Accounts, and Transactions of the said Corporation shall whenever the same shall be judged necessary be open to the Inspection of our Governor or

Commander in Chief of our said Colony for the time being, or such Person or Persons as shall be from time to time for that purpose appointed. And we do hereby further for us our Heirs and Successors Ordain, Order and Direct that in Case the said fund or any part thereof shall be applied at any time to other use or uses than that hereby meant and intended, that then and in such Case these our Letters Patent and every Article, Clause and thing therein Contained, shall cease, determine, and be void, Anything to the Contrary Notwithstanding.

The Inclosure N. 6. (viz^t Dra^t of Charter &c. was sent to the Plantation Office, & not returned from thence.

Letter from the Earl of Hillsborough to Gov. Franklin, relative to the Dispute with the Assembly, and informing him that the King had granted an adequate salary to the Chief-Justice.

[From P. R. O. America and West Indies, Vol. 176 (194).]

WHITEHALL June 6th 1772

Gov^t Franklin.

Sir,

I have received your letters N^o 37. & 38. and have laid them before the King. Your letter N^o 38 states fresh Controversy with the Assembly concerning their Privileges in matters of Election, and I should have communicated that letter to the Board of Trade for their Opinion upon it had not the ground of Controversy been, as I conceive, removed by the Resolution which you inform me the House came to of admitting the Member elected, in pursuance of your Writ, if the Assembly had not been dissolved in order to a new Election. I have the pleasure to acquaint you that the King has been graciously pleased to give an ade-

quate Salary to the Chief Justice of New Jersey. I hope this Mark of His Majesty's Attention to the Dignity & Independence of that Officer will give great Satisfaction, & as it is His Majesty's Pleasure that he should no longer accept any Allowance from the Assembly, the Province will be relieved from any further Expence on account of that Establishment.¹

I am &c^a

HILLSBOROUGH

Letter from John Carey to Cortlandt Skinner, relative to objections made to his acting as Attorney-General in the Courts of Salem and Cumberland Counties.

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. II, No. 13.]

SALEM June 12, 1772

Dear Sir

I have presented the Deputations and Letters with which you favored me to the Magistrates of Salem and Cumberland, but I found that Mr. Trenchard had such an Interest and was so nearly connected with the members of both Courts that little regard seemed to be paid to your power of appointing a Deputy; and the following Answer has been given me by Each of the different Courts: "Untill the Atty General can convince us that the Law has Impowered him to make a Deputy, We shall continue to consider ourselves as Intitled to the appointment in his Absence, and shall Support the officer who, for some years past, has done the business of the Crown by our direction." Upon which I took the liberty to tell the Court that, Altho' the power of an Atty General of appointing a Deputy should by them be thought controvertible, yet surely

¹ See N. J. Archives, IX., 333, note.

they had no power to deprive him of those Fees to which by Law he was justly Intitled, and that with regard to this matter, you considered yourself as Injured in that Mr. Trenchard, whom the Court had thought proper to continue in his appointment, had not thought fit to account to you for any part of the Fees which were legally your due, nor even to appear to know that there was such a Person in the Province as His Majesty's Attorney General. To this Mr. Trenchard made Answer, that "it was true He had not accounted to the Atty General, nor did he look on himself as under a necessity of doing it, Especially as the Atty General by Issuing Nolle Prosequis indiscriminately was, He was well assured, a much greater gainer, than if the regular Fees had been duly paid him." I told him in Reply and referred him to Coke Lit. 139. b. and Salk. 31, pg. 11, that you was perfectly Justified in doing this; as he must know that the Crown had vested the Atty General alone with that uncontrollable power, for very wise and good purposes, as the only Officer to Execute that part of the Prerogative; and that you was more Especially Justified as you considered him in some measure as an Usurper of your Priviledges. I then requested that a minute might be made of my having presented such Deputation, and of the reasons the Court had thought fit to Assign for not admitting of it. But this both Courts refused, lest, as they said, it should be drawn into a precedent. I have examined the Minutes of both Courts for some time past, and find in some Terms from 8 to 12 Indictments found in this County, and 4 to 8 in that of Cumberland. On an agregate upwards of Forty Indictments a year are found in the two Counties; and from this you may Judge of the advantages Trenchard receives from the Court's appointment. I have done this that you might, if you thought proper, take the necessary steps

to do yourself Justice. I find by the report of the People that Mr. Trenchard has governed himself a little despotically, and which they attribute to his holding all the lucrative offices, and not having had any Competitor. Besides his business as an Attorney He acts as Atty General for the two Counties, Surrogate General for this County, and as a Justice of the Peace. So that in one capacity or the other, He has had it in his power to deal out his several degrees of authority in almost an unlimited manner. He looks on me with a jealous Eye, and indeed, from what I can learn at present from the Complaints of his Neighbours, several of whom have already put their Business in my hands, he is not likely to Increase his business much by my settling in this Town. I find on the whole that my fixing here is not looked on by the People as a disagreeable Event, and if thro' your Influence or that of any of my Friends I should get the prosecution of the Pleas of the Crown, and the Office of Surrogate for this County, I shall have hopes of procuring a decent Subsistence, but without some help of this Kind I fear the practice alone will prove but a very scanty one. The whole Business of the two Courts does not exceed Fifty Seals Each Term and this is Divided between Six Attorneys. I must therefore beg the favor of your Interposition, and that you will assume that I am with the most perfect esteem and sincerity my D^r Sir

Your much obliged and

most obed^t serv^t

JOHN CAREY.

*Report of Richard Jackson, Esq., dated July 2, 1772,
on twenty-five acts passed in the Province of New
Jersey in December, 1771.*

[From P. R. O. B. T., New Jersey, Vol. 10, L. 29.]

To the Right Honourable the Lords Commis-
sioners for Trade and Plantations.

May it please your Lordships,

In humble obedience to your Lordships Commands Signified to me by M^r Pownall I have Perused and Considered Twenty four Acts passed by the Governor Council and Assembly of his Majestys Colony of New Jersey in December 1771, Intituled,

“An Act for the support of Government of his Maj-
estys Colony of New Jersey to commence the first
day of October 1771 and to end the first day of Octo-
ber 1772. And to discharge the Publick Debts and
contingent Charges thereof.”

“An Act to continue and amend an Act, Intitled
“An Act for better Settling and regulating the Militia
of this Colony of New Jersey, for the Repelling Inva-
sions and Suppressing Insurrections and Rebellions.”

“An Act for defraying Incidental Charges.”

“An Act for the speedy Recovering of Debts from
six pounds to ten pounds in the Inferior Courts of
Common Pleas of this Colony for small Fees.”

“An Act to enforce the payment of several old
arrears due to the Treasury of New Jersey.”

“An Act for the Preservation of Deer and other
Game, and to prevent trespassing with Guns.”

“An Act declaring the River Delaware a Common
Highway and for Improving the Navigation in the
said River.”

“An Act to revive and continue two Acts therein mentioned.”

“An Act to grant further allowance to the several Sheriffs of this Colony for the Subsistance of Prisoners confined for Felony and other Crimes.”

“A Supplementary Act to the Act, intituled an Act for preventing the Waste of Timber Pine and Ceder Trees and Poles within the province of New Jersey, And to lay a Duty upon all Pipe and Hogshead Staves exported out of the same to any of the Neighbouring Colonies.”

“An Act to extend the Jurisdiction of the several Counties in this Colony which are divided by Rivers, Creeks and Bays.”

“An Act for the Relief of Insolvent Debtors.”

“An Act to enable and direct the Justices and Freeholders of the County of Hunterden to raise the sum of Fifty pounds, and the Justices and Freeholders of the County of Sussex to raise the like sum of fifty pounds to be applied towards Compleating a Bridge across Musconeteuny¹ Creek near Robert Johnstons Mills.”

“An Act to empower certain persons therein named, to raise a Sum of Money by Subscription or by Taxation, to rebuild and keep in repair the Bridge over Rariton River near Bound Brook, known by the Name of Queens Bridge.”

“An Act to rebuild and hereafter to repair and amend the Bridge over the Stoney Brook near Worth's Mills.”

“An Act for the Regulation of the Rates to be demanded and received at the Ferries, on the North and South Sides of Rariton River within the Corporation of Perth Amboy.”

“An Act to empower the Inhabitants of the town-

¹ Query : Musconetcong.

“ship of Deptford in the County of Gloucester, to repair their Public Highways by Hire and raise Money for that purpose.”

“An Act to enable the Owners and Possessors of the Meadows lying on the Southerly Branch of Newton Creek commonly called the Fork Creek in the County of Gloucester to repair and maintain a Bank, Dam and Water Works heretofore erected and made across the said Southerly Branch of Newton Creek, and to keep the Water Course of the said Creek open and clear.”

“An Act to enable the proprietors and possessors of the Meadows and Swamps lying on Pinch Ditch, Black Brook, and part of Whiponong River in the County of Morris, to clear deepen and dig ditches for the more effectual draining the said Meadows and Swamps and for other purposes therein mentioned.”

“An Act for the more Effectual Maintaining and keeping above the Flow of the Tide, that part of the Road or Causeway between the Toll Bridge over Newton Creek and the Fast Land of Kesiah Tonkin.”

“An Act to enable sundry of the Owners and Possessors of Meadows and Tide Marsh lying on English's Creek in the County of Burlington to erect and maintain a Bank, Dam and other Water Works across the said Creek in Order to prevent the Tide from Overflowing the same.”

“A Supplementary Act to the Act intituled an Act to enable the Owners of the Meadows and Marshes belonging to the town of Salem, to keep out the Tide from Overflowing the same.”

“An Act for the Relief of Thomas Tindal and James Clark the Younger, and for other purposes therein mentioned.”

“An Act for the Relief of John Budd of Salem.”

And I am humbly of Opinion, that the said Acts are proper in Point of Law.

I have also perused and considered an Act passed in New Jersey in the same Year 1771, Intituled,

“An Act to enable Creditors more easily to recover
“their Debts from Joint Partners within the Colony
“of New Jersey.”

This Act appears to me not fit to continue in force, because an absent Person, may under it be unjustly Charged as Partner; together with a Person who truly owes a debt, and makes a fair defence, or perhaps owes nothing, but collusively with the Plaintiff may permit Judgment to go against himself and the absent Person, who is not in truth a Partner with him. It is essential to Justice that no Judicial Determination shall affect any Man who has not an opportunity of making a Defence, it is evident that there is no one in the Case above stated, before the Court, interested to prove that the Partnership does or did not exist so that the absent person made liable by this Act of Assembly may perhaps have an unjust Judgment entered against him, against which he might have made a Successful defence by proving himself no Partner, in case he had had an opportunity so to do; I therefore humbly beg leave to advise Your Lordships to propose that the said Act be repealed, to the End that the Remedy intended by it may be attained without the Mischief that may frequently happen under the Law established by this Act,

Which is humbly Submitted by

My Lords, Your Lordships Most Obedient

most Humble Servant,

R JACKSON

Report of Richard Jackson, Esq., on a claim of the Assembly of New Jersey to order the issuing of a writ for the election of a new member in the room of Mr. Ogden, who had resigned his seat.

[From P. R. O., B. T., New Jersey, Vol. 10, L. 16.]

15 July 1772.

My Lords,

In Obedience to your Lordships Order Signified to me by M^r Pownall in his Letter of the 18th of Dec^r last, inclosing an Extract of a Letter from Governor Franklin to y^e Earl of Hillsborough & also the Minutes of the Assembly of the Province of New Jersey. I have taken the said Letter and Minutes into my Consideration; by which it appears that the Assembly have set up a Claim to order the issuing of a Writ, for the Election of a new Member, to serve in that House for the County of Essex in that Province in the Room of M^r Ogden who had resigned his Seat.

And I am humbly of Opinion, that the said Claim is illegal, unconstitutional, & altogether unwarranted by any approved Usage or Practice in Great Britain or any of her Colonys & I apprehend that notwithstanding the Resignation of M^r Ogden, his seat continues full, & that y^e Order founded upon his Resignation is void because it issued improvidently which is humbly submitted by

My Lords Y^r Lordships most Obed^t

& most hble Serv^t

R JACKSON

Draft of a Clause to be inserted in the instructions to Governors in America, giving them as Chancellors the power to issue commissions for the care and custody of idiots and lunatics.

[From P. R. O. B. T. Plantations General, Vol. 42, p. 426.]

WHITEHALL July 29, 1772

To Lord William Campbell, Governor of Nova
Scotia

My Lord,

The King having been pleased, with the Advice of His Privy Council, to signify to Us His Majesty's Pleasure, that We should, in all future draughts of Commissions for Governors in the Plantations, insert a Clause, giving them, as Chancellors, the necessary Powers to issue Commissions for the Care and Custody of Ideots and Lunaticks, agreeable to the usage and practice in this Kingdom; inclosed We send you the Draught of such a Clause, as We have prepared for that purpose, desiring to be informed, whether there is any, or, if any, what objection (founded on any provisions, which may have been already made by Law for those Purposes,) to the inserting such Clause in any future Commission for the Governor of Nova Scotia,

We are, My Lords, Your Lordship's
most obedient hum: Ser^{ts}

HILLSBOROUGH

ED: ELIOT.

BAMBER GASCOYNE.

Draught of a Clause proposed to be inserted in
the Commissions for Governors of His Ma-
jesty's Plantations in America.

And Whereas it belongeth to Us, in Right of Our Royal Prerogative to have the Custody of Ideots, and their Estates, and to take the Profits thereof to our own use, finding them necessaries; and also to provide for the Custody of Lunaticks, and their Estates, without taking the Profits thereof to Our own use; And Whereas, while such Ideots, and Lunaticks, and their Estates remain under Our immediate Care, great trouble and charges may arise to such, as shall have occasion to resort unto Us for directions respecting such Ideots and Lunaticks, and their Estates; and considering, that Writs of Inquiry of Ideots and Lunaticks are to issue out of Our several Courts of Chancery, as well in Our Provinces in America, as within this Our Kingdom respectively, and the Inquisitions, thereupon taken are returnable in those Courts; We have thought fit to intrust you with the Care and Commitment of the Custody of the said Ideots, and Lunaticks, and their Estates; And We do by these Presents give and grant unto You full Power and Authority, without expecting any further special Warrant from Us, from time to time to give Order and Warrant for the preparing of Grants of the Custodies of such Ideots and Lunaticks, and their Estates, as are, or shall be found by Inquisitions thereof taken, or to be taken and returnable into Our Court of Chancery; and thereupon to make, and pass Grants and Commitments, under Our Great Seal of Our Province of Nova Scotia, of the Custodies of all and every such Ideots and Lunaticks, and their Estates, to such Person or Persons, Suitors in that behalf, as according to the Rules of Law, and the use and practice in those and the like Cases, you shall judge meet for

that Trust, The said Grants and Commitments to be made in such manner and form, or as nearly as may be, as hath been heretofore used and accustomed in making the same under the Great Seal of Great Britain, and to contain such apt and convenient Covenants, Provisions and Agreements on the part of the Committees and Grantees to be performed, and such Security to be by them given, as shall be requisite and needful.

Commission of David Ogden as Supreme Court Justice.

[From Liber AB of Commissions, in Secretary of State's Office, at Trenton, fol. 111.]

GEORGE the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. To our Trusty and welbeloved David Ogden¹ Esq. Greeting We reposing special Trust and Con-

¹ DAVID OGDEN, the oldest son of Col. Josiah Ogden, of Newark (third son of David Ogden, of Elizabethtown—see Newark Bi-Centennial, 148), was born about 1707, was graduated from Yale College in 1728, standing second in a class of twelve (Yale Triennial), studied law in New York, and returning to New Jersey, by his abilities and untiring industry in the course of time stood at the head of the bar of his native State. "Solid, rather than brilliant; more distinguished for accuracy of judgment than fertility of invention, and for clearness of apprehension than for quickness of perception; of deep learning; of long practice; and of unsullied integrity; he seemed to combine every property requisite for a Judge." Upon the beginning of hostilities with Great Britain he left Newark, and took refuge with the British in New York, where he remained during the War, becoming a member of the Board of Refugees, established in 1779. In a letter from his son, Isaac Ogden (also a lawyer, who accompanied his father to New York), of February 6, 1779, to Joseph Galloway, he says: "The State of New Jersey have again taken the lead, in passing a Law declaring all Persons from that Province under the Protection of the King's Troops, Guilty of *High Treason* & their Estates forfeited, in Consequence of this Law my Father and Myself, with many others have had Judgments enter'd against us, & our Estates declared forfeited, & our Real Estates advertized for sale on the first of March. This is no more than I Expected, & is of little Moment or importance, as without the Restoration of Government I could never Expect to Enjoy it."—*Nelson Manuscripts*, After the peace Judge Ogden went to England, where he received compensation for the confiscation of his property. In 1790 he returned to the United States, taking up his residence at Jamaica, Long Island, where his brother, Dr. Jacob Ogden, had long lived (see "Antiquities of Grace Church, Jamaica"). There he died in 1800, at the age of 93. The fullest sketch of his life is to be found in Field's "Provincial Courts of New Jersey;" the biography in Sabine's "Loyalists" is condensed from the same account.—[W. N.]

fidence in your Integrity Learning and Ability have assigned constituted and appointed And We do by these presents assign constitute and appoint you the said David Ogden Esq. to be one of the Justices of our Supreme Court of Judicature for our Province of New Jersey in America: Giving and by these presents Granting unto you full power and Authority to hear, try, and determine all Pleas whatsoever Civil or Criminal & mixed, according to the Laws Statutes and Customs of Great Britain, and the Laws and Usages of our said Province not being repugnant thereunto and Execution of all Judgments of the said Court to award and make such Rules and Orders for the Benefit of the said province as may be found Convenient and usefull and as near as may be agreeable to the Rules & Orders of our Court of Kings Bench, Common Pleas, and Exchequer in Great Britain *To have and to hold* the said Office or Place of one of our Justices of our Supreme Court of our said Province of New Jersey with all and singular the Rights privileges Profits Salaries Fees and Perquisites to the said Place belonging unto you the said David Ogden for and during our Will and pleasure¹

In testimony whereof We have Caused the Great Seal of our said Province of New Jersey to be hereunto Affixed

Witness our Trusty and welbeloved William Franklin Esq. Captain General Governor and Commander in Chief in and over the Province of New Jersey and Territories thereon depending in America, Chancellor and Vice Admiral in the same &c. at Burlington the Eighteenth day of May Anno Domini 1772.

PETTIT.

¹ See N. J. Archives, IX., 323, note.

Letter from the Earl of Hillsborough to Gov. Franklin, relative to the Claim of the Assembly of New Jersey to order the issuing of a writ for the election of a new member for the County of Essex.

[From P. R. O. America and West Indies, Vol. 176 (194).]

WHITEHALL 7th August 1772.

Gov^r of New Jersey.

Sir,

The Lords Commissioners for Trade and Plantations having made their Representation to His Majesty upon the claim of the Commons House of Assembly of the Province of New Jersey to order the issuing a Writ for the Election of a new Member to serve in that House for the County of Essex, in the Room of M^r Ogden who had resigned his Seat; I am commanded by the King to acquaint you, that his Majesty considers the said claim as illegal unconstitutional & altogether unwarranted by any approved Usage or Practice in Great Britain or any of her Colonies; & that notwithstanding the Resignation of M^r Ogden, his Seat continues full, and the order, founded upon his Resignation, is void, because it issued improvidently. It is therefore His Majesty's Pleasure that you do not permit the Seal of the Colony to be affixed to any Writ that shall be issued upon the Ground of such a claim.

I am &c^a

HILLSBOROUGH.

P. S. I have opened my Letter to acquaint you, that I have this Moment rec^d your Dispatches N^s 40 & 41, and shall not fail to lay them before the King.

H.

*Letter from the Earl of Dartmouth to Gov. Franklin,
relative to the plundering and burning of the
Gaspée Schooner in the River of Narraganset.*

[From P. R. O. America and West Indies, Vol. 176 (194).]

WHITEHALL 4th Sept^r 1772

Governor of New Jersey

Sir,

The inclosed papers will fully inform you of the Measures that have been judged necessary to be taken upon the informations that have been received of the daring Insult offered to His Majesty's Commission in the plundering & burning the Gaspée Schooner in the River of Narraganset within the Colony of Rhode Island.

In Consequence of the Commission¹ which has been

¹ This Commission is given in full in the Records of the Colony of Rhode Island, page 103, and is directed to Joseph Wharton, Governor of Rhode Island, Daniel Horsmanden, Chief-Justice of New York, Frederick Smyth, Chief-Justice of New Jersey, Peter Oliver, Chief-Justice of Massachusetts, and Robert Auchmuty, Judge of the Vice-Admiralty Court at Boston, who were charged to enquire into and report a full and true account of all the circumstances relative to the attack and burning of the schooner Gaspee. This vessel was a tender to a sloop of war stationed at Newport, R. I., for the purpose of preventing the clandestine landing of articles subject to the payment of duty, and its Captain, Wm. Dudingston, a Lieutenant of the British Navy, had rendered himself very obnoxious by making it his practice to stop and board all vessels entering or leaving the ports of Rhode Island, or leaving Newport for Providence. On the 9th of June (see Proclamation of Gov. Warton) Captain Dudingston, for the purpose of searching a sloop called the Hannah, which left Newport on that day, gave chase to her and ran on Namquit Point and grounded. Captain Lindsley, of the sloop Hannah, reported this circumstance to Mr. John Brown, a merchant of Providence, who, resolving upon the destruction of the Gaspee, immediately directed one of his trusty shipmasters to collect eight of the largest long boats in the harbor, and to proceed quietly to a wharf opposite the dwelling of one James Sabine. Soon after sunset a man passed along the main street beating a drum, crying out boldly that the Gaspee was aground on Namquit Point, and inviting those who felt a disposition to go and destroy that troublesome vessel to repair in the evening to Mr. James Sabine's house. The assemblage at that place was large. The boats proceeded upon their errand. With scarcely any resistance the crew of the Gaspee became prisoners (the Captain wounded by a musket shot,) and the vessel burned to the water's edge.

The Commission, of which Judge Smyth was a member, met at the State House

issued on that Occasion, I have signified to M^r Smyth His Majesty's Pleasure that he do repair with all convenient Dispatch to Rhode Island in order to the carrying that Commission into Execution & as it will be of great Use to that Gentleman to be informed of the different Measures which have been adopted, as well as of the Nature of the Commission, & the Orders given to the Governor of Rhode Island in consequence thereof, you will do well to communicate to him the inclosed papers; but you are to observe that the Transmission of them to you is only for your private information, & consequently that the Communication of them to the Chief Justice must be considered by him in the same Light.

I am &c.^a

DARTMOUTH.¹

at Newport on the 5th of January, 1773, and closed their labors on the 23d of June following. The result of this long enquiry amounted, however, to nothing, except, perhaps, the condemnation of the conduct of the Captain of the *Gaspee*, of whom the Commissioners in their report to the King said: "There is too much reason to believe that in some instances Lieutenant Dudingston, from an intemperate, if not a reprehensible zeal to aid the revenue service, exceeded the bounds of his duty." The poet of this occasion, after a vivid description of the affair, closes as follows:

"Now, for to find these people out,
King George has offered very stout
One thousand pounds to find out one
That wounded William Dudingston.
One thousand more he says he'll spare,
For those who say they sheriffs were;
One thousand more there doth remain
For to find out the leader's name;
Likewise five hundred pounds per man
For any one of all the clan—
But let him try his utmost skill,
I'm apt to think he never will
Find out any of those hearts of gold,
Though he should offer fifty fold."

¹ The Right Hon. William, Earl of Dartmouth, was appointed. August 14, 1772, to be "one of His Majesty's Principal Secretaries of State," there being committed to his special care the dispatch of all such business as related to the Colonies, in place of Lord Hillsborough.—*Dodsley's Annual Register*, for 1772, 162; *N. Y. Col. Docs.*, VIII., 308. One of the causes generally assigned for the change has a local interest, as relating to Governor Franklin. The Governor had become interested as early as 1766 in a project to found a colony on the Illinois river, Col. George Croghan being one of the originators of the enterprise.—*Franklin's Works*, IV., 233-41. There were at that time insurmountable obstacles in the way of safely settling a region so remote from the frontier, and in 1768, doubtless while negotiating with the Indians at Fort Stanwix for the establishment of a well-defined frontier line, Governor Franklin, Sir William Johnson, Col. Croghan, Samuel Wharton and

Letter from Mr. Pownall to the Chief-Justices of New York, New Jersey, Massachusetts Bay and the Judge of the Vice-Admiralty Court at Boston, relative to the destruction of the Gaspée schooner.

[From P. R. O. America and West Indies, Vol. 276.]

WHITEHALL 5th Sept^r 1772

Dan^l Horsmanden¹ Esq^r. Chief Justice of New Hampshire [York] Frederick Smyth Esq^r. Chief Justice of New Jersey Peter Oliver Esq^r. Chief Justice of Massachusetts Bay Rob^t Auchmuty Esq^r. Judge of the Adm'ty Court at Boston

Sir,

Since the Earl of Dartmouth's Letter to you of yesterday's Date, a dispatch has been received from Rear

others then and there present, arranged to establish their colony south of the Ohio river and west of the Alleghanies. Benjamin Franklin and Thomas Walpole, a London banker, having been enlisted in the project, the tract was called after the latter, the "Walpole Grant," while the company were generally known as the "Ohio Company." Application having been made to the Crown for a grant of the tract in question, Lord Hillsborough strenuously opposed it, and presented an elaborate report against it (April 15, 1772), and with rare foresight gave as one reason that such a colony "must draw and carry out a great number of people from Great Britain; and I apprehend they will soon become a kind of separate and independent people, and who will set up for themselves." To this Dr. Franklin replied in one of the ablest of his public papers, bristling with facts, figures and arguments, which led the Lords of Trade to recommend the granting of the desired patent. However, it was so delayed by the troublous state of the times that the grant was never signed by the King.—*Franklin's Works*, IV., 302-80; *ante*, 112, note. Writing to the Governor, under date of August 17, 1772, Dr. Franklin said: "At length we have got rid of Lord Hillsborough, and Lord Dartmouth takes his place, to the great satisfaction of all the friends of America. You will hear it said among you, I suppose, that the interest of the Ohio planters has ousted him; but the truth is, what I wrote you long since, that all his brother ministers disliked him extremely, and wished for a fair occasion of tripping up his heels; so, seeing that he made a point of defeating our scheme, they made another of supporting it on pur-

¹ DANIEL HORSMANDEN was one of the most famous of the early Recorders of New York city; was for many years a member of the Council, and Chief-Justice of New York from 1763 until his death in 1778, at New York City, in his eighty-fifth year. Quite a full biographical sketch of him is given in N. Y. Col. Docs., VII., 528, note.

Admiral Montagu containing an Account of a discovery of the names of some of the persons stated to have been Ringleaders in the Attack upon, & burning the *Gaspée Schooner*,¹ and I am directed by His Lordship to transmit to you for your Information the inclosed Copy of a paper containing the particulars of that Discovery.

I am &c.

J. POWNALL.

Letter from Governor Franklin to the Earl of Hillsborough, informing him that the Assembly had granted money for the support of the King's troops.

[From P. R. O. America and West Indies, Vol. 176 (194).]

BURLINGTON Oct^r 5th 1772

Right Hon^{ble} the Earl of Hillsborough &c. &c.

My Lord,

I am just returned home from Perth Amboy, where I have been for some Weeks past holding a Session of

pose to mortify him, which they knew his pride could not bear. * * * * The King's dislike made the others more firmly united in the resolution of disgracing Hillsborough, by setting at naught his famous report."—*Works*, VIII., 10. In a letter to Joseph Galloway, of August 22, 1772, Franklin says: "Lord Hillsborough, mortified by the Committee of Council's approbation of our grant, in opposition to his report, has resigned. I believe, when he offered to do so, he had such an opinion of his importance, that he did not think it would be accepted; and that it would be thought prudent rather to set our grant aside than part with him. His colleagues in the ministry were all glad to get rid of him, and perhaps for this reason joined more readily in giving him that mortification."—*Ib.*, 17. If, as Franklin surmises, the King favored this humiliation of Lord Hillsborough, he certainly palliated the effect of it by a more substantial mark of his favor, for among the promotions recorded for the year was this, under date of August 12: "The Right Hon. Wills Hill, Earl of Hillsborough, in Ireland, and Lord Harwich, Baron Harwich, in Essex, and to his issue male, the dignitaries of Viscount and Earl of Great Britain, by the titles of Viscount Fairford, and Earl of Hillsborough, in the county of Gloucester."—*Dodsley's Annual Register*, for 1772, 162. Franklin summed him up thus: "His character is conceit, wrongheadedness, obstinacy and passion."—*Works*, VII., 507. In His first letter, of January 21, 1769, *Junius* holds Lord Hillsborough largely responsible for the disturbed state of affairs in America.—[W. N.]

¹ See note to the foregoing letter.

Assembly. As soon as a Copy of the Proceedings can be made out, I shall do myself the Honour to transmit them to your Lordship.

Your Lordship's Dispatches N^o 37, 38, & 39, are just come to hand, but as the last Post which has any Chance of reaching the Packet that is to sail this Week from New York, is expected to pass by here every Minute, I have only Time to acquaint your Lordship, that I have obtained from the Assembly (notwithstanding all the Resolutions of the late House to the Contrary) a Sum of Money for the Support of the King's Troops which the General has lately ordered to be quartered in the Barracks of this Colony until the Transports shall arrive which are to carry them to the West Indies.

I have the Honour to be, with the greatest Respect,

My Lord, Your Lordship's most obedient,

& most humble Servant

W^m FRANKLIN

Letter from Chief-Justice Smyth to the Earl of Hillsborough, relative to the robbery of the Treasurer of the Province, and to his traveling expenses on the circuit.

[From P. R. O. America and West Indies, Vol. 176 (194).]

AMBOY NEW JERSEY October 5th 1772.

My Lord,

As your Lordship was pleased to express some desire to hear from me on my return to North America, I have the honor to acquaint you that I arrived at New York on the 22^d of last month, and hearing that the General Assembly of this Province was then sitting, I took the first opportunity to come over to New Jersey; The Governor and Assembly on my arrival

were engaged in a violent contest on the subject of the Treasurer of the Province, who about four Years since was robbed of about £6000 of the public money; a former Assembly took great pains to enquire very minutely into all the circumstances relative to the Robbery, and Resolved in effect, that the money was lost through the negligence of the Treasurer, and that he ought to replace the same sum in the Treasury; which however he is not inclined to do, 'till compelled to it.—the present Assembly apply to the Governor to remove him from his office, and appoint another, which the Governor positively refuseth to do, in the course of this altercation very long messages are penned, in the language of some parts of which I must think the dignity of Government much degraded; I am truly sorry for this dispute, as in other respects the Province is in perfect tranquility, but I doubt this extraordinary attachment which the Governor has shewn to the Treasurer, will occasion much discontent, if not worse consequences.

I have taken occasion since my arrival to collect the opinion of people in general on the subject of the new projected Government on the Ohio, and I can with great truth assure your Lordships, that nothing can equal the astonishment that is expressed by everybody that such falsehoods as have been advanced on the subject of the number of people said to be assembled, should meet with any kind of belief, or that such absurdities with respect to an easy intercourse with the other Colonies, and with the mother Country from the intended settlement, should be a moment attended to as the contrary must be obvious to everybody at all acquainted with the course of the Country—the distance, and natural impedim^{ts}—your Lordship's opposition to this measure is highly applauded by everybody I discoursed with at New York on the subject, and by everybody in this province, one indi-

vidual only excepted, whose name I need not mention when I tell your Lordship that he is very industrious to hand about, certain Observations on the Report of the Board of Trade, relative to the petition of the Associates &c.¹ I am under the necessity to mention a matter to your Lordship relative to myself, and shall wait your determination on the subject, before I allow myself to say one word to any person in the province. I well remember that your Lordship has enjoined me to receive no farther Salary from the Assembly of this Colony—the Governor has shown me your Letter to him on the same subject, which he also communicated to the Assembly²—but a doubt has been started by the Governor and Council whether the annual allowance for traveling expences through the Province to hold the Assizes may be received by me. In the annual support Bill there is constantly given a sum to defray the expences of such of the Judges as shall go the Circuits—since my Residence I have constantly every year traveled through the Province to hold the Assizes, and for my expences in this service I have been allowed to receive about £100 *per* ann—the Assembly in the Support Bill of this year tho' framed and passed since the receipt of your Lordship's Letter on the subject of my Salary from the Crown have given the same allowance as usual to defray the Judges expences on the Circuit, but the Gov^t and Council are of opinion that I ought not to receive any part of this allowance. be that as it may I shall certainly go the Circuit and hold the Assizes as usual, but shall not allow myself to demand any allowance for my expences, till I have your Lordships opinion that I ought to receive it—surely this is very different from a Salary for a support—it is rather a fee for cer-

¹ The reference is doubtless to Governor Franklin. The paper entitled "Observations," etc., was Dr. Franklin's reply to Lord Hillsborough's Report on the Ohio Company.

² See June 6, 1772.

tain services or an allowance to defray a certain expence. plentiful & permanent as the Judges Salaries are in England, their traveling expences are defrayed by the Crown on the Circuit, over and above their Salaries.—now as there is an annual sum voted by the Assembly for the purpose, if I am not allowed to receive it, it will sink in the Treasury, and the Assembly will have the appearance, and credit, of contributing to the expence of the administration of Justice, tho' in fact that expence will come out of the pocket of the Chief Justice whenever he goes a Circuit.

I think it will be some satisfaction to your Lordship to know that I am informed on enquiry, the importation and demand for British Goods is very great at present in all the Colonies—and that the projects for establishing manufactories are almost at an end, and hardly mentioned but to be laughed at.

I am my Lord with the utmost Respect and Gratitude

Your Lordship's much obliged

& obed^t Hum^e Serv^t

FREDERICK SMYTH.

Letter from Gov. Franklin to the Lords of Trade, relative to the care and custody of Idiots and Lunatics.

[From P. R. O. B. T. New Jersey, Vol. 10, L. 17.]

BURLINGTON NEW JERSEY Oct^r 12th 1772

The Right Hon^{ble} the Lords Commiss^{rs} for Trade
& Plantations.

My Lords

I am honoured with your Lordship's Dispatch of the 29th of July, respecting a Clause proposed to be inserted in the Commissions for Governors of His Majesty's Plantations in America, giving them, as Chan-

cellors, the necessary Powers to issue Commissions for the Care and Custody of Ideots and Lunatics.—At present I cannot see that there is any well founded Objection to be made to such a Clause, and I think it may be of Advantage to the King's Subjects in the Colonies. The Laws of this Province have made no Provision that I can find respecting either Ideots or Lunatics, and I believe there have been Instances where the Governors, as Chancellors, have undertaken to act in the Manner which it is intended by the proposed Clause they shall be authorized to do for the future. I shall, however, in a few Weeks have an Opportunity of consulting the Attorney General, and some of the Gentlemen of the Council, upon the Subject; when, if any Objection should occur, I shall not fail to acquaint your Lordships therewith by the first Opportunity.

I have the Honour to be, with the greatest Respect,
 My Lords, Your Lordships most obedient
 & most humble Servant
 W^m FRANKLIN

Memorial of Attorney-General Skinner to the Earl of Dartmouth, praying that he may obtain an adequate salary from the Crown for his services.

[From P. R. O. America and West Indies, Vol. 177 (195).]

PERTH AMBOY 30th October 1772

To the Right Honorable The Earl of Dartmouth
 His Majesty's Principal Secretary of State
 for the Colonies in America &c^a

The Memorial of Courtland Skinner Attorney
 Generall of the Colonie of New Jersey

Humbly Sheweth

That your Memorialist hath held the Office of Attor-

ney General of New Jersey for upwards of Eighteen Years—

That the Salary allowed your Memorialist by the Colonie, so far from being an Adequate compensation for his Services, is not equal to twenty Guineas Per Annum—

That in consequence of Laws of the Colonie, which from time to time have received the Royal assent, and by the particular Usage and Custom of the Colonies the fees of Office, and other perquisites due to the Attorney Generall, as Prosecutor for the Crown, have been curtailed, or established at rates, not only infinitely lower than in England, but also much below the fees Allowed for Criminal Prosecutions in the Neighbouring Colonies, insomuch that it may with truth be averred, that the necessary Attendance of the Attorney Generall at the several Courts of the Province, to prosecute the Pleas of the Crown, is in many Instances not only extremely burthensome, but absolutely expensive to him, for in Criminal Prosecutions Notwithstanding all his Trouble in taking the Necessary Steps to bring Offenders to Justice: no fees whatever are to be taken by him, unless the Accused is Convicted, and Even upon Convictions, the Defendants are often so poor that Nothing can be had, or if any thing, seldom without an Abatement of that Little which by Law is due.

That your Memorialist Notwithstanding these disadvantages and altho' his Services for as many years have been so Poorly Requited hath never failed to make the furtherance of the Public Justice of the Colonie his fixed object, and upon occasions of difficulty and even danger, from the Licenciousness of particular times, hath discharged the duties of his Office, as an Active and resolute Servant of the Crown for which he begs Leave to appeal to the present as well as former Representations of the Governor of this Colonie.

Your Memorialist further begs Leave to Represent to your Lordship, That as the Governor's Application to the Assembly for an encrease of the Salaries to the Officers of Government, has been without effect, so your Memorialist humbly hopes, as his Majesty has been Graciously pleased to Allow Salaries to the Officers holding like commissions with your Memorialist in Other Colonies (where the emoluments to the Office are greater from the Grants of the Lands, belonging to the Crown, and other Circumstances unknown in this Colonie) That Your Lordship will consider him as a proper Subject for Royal favor, and that thro' your Patronage he may obtain such a Salary from the Crown, as may be thought adequate to his Services and the Importance and Usefullness of his Office in this Colonie.

And Your Memorialist as in Duty bound shall ever pray—

COURTLAND SKINNER

Letter from Governor Franklin to the Earl of Dartmouth, transmitting Minutes of Council and Assembly, with his observations on the Boundary Act, the act enabling all subjects of his Majesty to inherit real estate, and the Lottery Act.

[From P. R. O. America and West Indies, Vol. 347 (422).]

BURLINGTON 28th Nov^r 1772

My Lord,

I have the Honour to transmit to Your Lordship by this opportunity Copies of the Journals of the Privy and Legislative Council, the Votes of the Assembly and the Laws passed at the last Session held at Perth Amboy Of these, three are passed with Clauses sus-

pending their taking effect until His Majesty's Pleasure shall be signified thereupon viz^t

1st "An Act for establishing the Boundary or partition Line between the Colonies of New York & Nova Cæsarea or New Jersey, and for confirming the Titles & possessions." This Act is made exactly conformable to one lately passed in the Colony of New York for the same purpose. It enacts that the partition Line decreed by the Commiss^{rs} appointed by His Majesty shall for ever hereafter be the Boundary between this Colony & the Colony of New York. Should these Laws receive His Majesty's Confirmation, an End will be put to a Controversy which has been frequently attended with very disagreeable Consequences to both Colonies.

2^d "An Act to enable all Persons who are His Majesty's Liege Subjects, either by Birth or Naturalization, to inherit and hold real Estates, notwithstanding any defects of Purchases made before Naturalization within this Colony." A Law of somewhat a Similar nature to this (passed at the Session in October 1770) was disallowed by His Majesty; but as the present one is no way different in Substance, & as nearly as possible in the very words; of one passed in the same manner in New York, and lately approved of by His Majesty, I could not refuse it my Assent, especially as I can look upon it in no other light than as a petition to the King, the prayer of which is just and equitable. Should Your Lordship, however, be of Opinion. that such Laws which may any ways concern the Royal prerogative, ought not to be passed, even with a Suspending Clause, unless a previous permission has been obtained from the Crown, and will please to point out to me the manner in which such permission is to be applied for, I shall not fail to conform thereto for the future. My Reason for mentioning this is, because it seemed to be the sense of the Board of Trade, in their

Report on the former Law, tho' it had the like suspending Clause, that a Matter of that kind, "ought "not to have been the *Object* of a Law in this Colony "without His Majesty's permission first obtained." As I have before, in a Letter to Lord Hillsborough, N^o. 39, made some Observations on this head, it is needless to trouble Your Lordship with a Repetition of them here.¹

3^d "An Act to enable certain persons to erect and draw a Lottery for raising the Sum of One Thousand & fifty pounds, to be applied for the purposes therein mentioned." The principal purpose of this Lottery is to defray the Expences of making a Road that will be highly beneficial to the Inhabitants settled in the North Eastern parts of this province, and to the City of New York, which must otherwise fall upon a public spirited Gentleman who has already expended considerable Sums on that account.² This Law being of immediate Necessity, it would be extremely agreeable to the Inhabitants of that part of the Colony to have His Majesty's Confirmation of it as soon as possible, and I cannot but earnestly recommend it to Your Lordship for that purpose.

The other Laws sent herewith have, I believe, nothing in them extraordinary, and therefore need not to be particularly mentioned.

I am &c

W^m FRANKLIN.

¹ The act was confirmed by the King in Council Sept. 1, 1773.—*N. J. Analytical Index*, 433.

² The road had been constructed some years before by Col. John Schuyler, at his own expense, for three miles through the cedars and the meadows, from his copper mine at Second River to the main road leading from Newark to New York. The law did not receive the royal assent until April 13, 1774.—*Allison's Laws*, 385; *Josiah Hornblower, etc.*, 29-30, note.—[W. N.]

Letter from the Earl of Dartmouth to Gov. Franklin, expressing his satisfaction with the conduct of the Assembly.

[From P. R. O. America and West Indies, Vol. 194, No. 68.]

WHITEHALL 9th Dec^r 1772.

Governor Franklin.

Sir,

I have received and laid before the King your letter to Lord Hillsborough of the 5th October N^o 42. and also one addressed to me of the 19th of the same Month.

As I have no Commands from His Majesty to signify to you upon either of these letters, I have only to add that it is a great Satisfaction to me to find that the Resolutions of the late Assembly had no Influence upon the Conduct of the present, & that they have given so proper a testimony of their Zeal for the King's Service, & respect for the supreme Authority of Parliament, in making the requisite Provision for the Support of the King's Troops.

I am &c^a

DARTMOUTH.

Letter from Gov. Franklin to the Earl of Dartmouth relative to papers transmitted to Chief-Justice Smyth.

[From P. R. O. America and West Indies, Vol. 177 (195).]

BURLINGTON Jan^{ry} 4th 1773.

Right Hon^{ble} the Earl of Dartmouth &c. &c. &c.

My Lord,

Immediately on the Receipt of your Lordship's Dis-

patch of the 4th of September (which did not come to hand till the 22^d of last Month) I transmitted the enclosed Letter and Papers to M^r Chief Justice Smyth at Amboy, who in a few Days after set out for Rhode Island, in order to assist in carrying into Execution the Commission issued by His Majesty for enquiring into the Circumstances relative to the Destroying of the Gaspee Schooner.

I have the Honour to be, with the greatest Respect,
 My Lord, Your Lordship's most obedient
 and most humble Servant
 W^m FRANKLIN

Letter from Gov. Franklin to the Earl of Dartmouth, transmitting a memorial from Attorney-General Skinner, with observations on the fees of the Governor and other officers.

[From P. R. O. America and West Indies, Vol. 177 (195).]

BURLINGTON Jan^y 5th 1773.

My Lord,

I have the Honour to transmit to your Lordship a Memorial from M^r Skinner,¹ His Majesty's Attorney General for this Province, representing the Insufficiency of his Salary, and requesting the Favour of your Lordship to lay his Case before His Majesty, in such manner that he may obtain a more adequate Compensation for his Services. The Facts are, to my Knowledge, truly Set forth in his Memorial; and as M^r Skinner has besides, as Speaker of the Assembly, frequently exerted himself in promoting His Majesty's Interest in the House, I cannot but think that a Compliance with his Request will be consistent with good Policy, as well as Strict Justice.

¹ See page 383.

At the last Session I endeavoured (as your Lordship will see by my Speech) to prevail on the Assembly to grant an additional Allowance to the Officers of Government; whose Salaries were too low even at the Time when they were first established, but are now greatly disproportionate to the encreased Expences of Living, and also to the encreased Abilities of the Province. In their Answer to my Application they Say, "When we consider that almost every Officer here is *"dependant on the Will and Pleasure of the Crown,*" we cannot agree that the Salaries of the Officers of this Government are greatly inadequate to the Purposes for which they were given. Some we imagine equal to the Dignity of the Station, and others proportionate to the Interest we have in them." I told them in my Reply, that "this Colony is by no means so much inferior to the adjacent Provinces, either in Extent or Opulence, as is the Support allowed to the publick Officers of Government, and they hold their Commissions by the same or the like Tenor in this Province as they do in the others." And, I added, "it is a notorious Fact that none of the Salaries are proportioned to the Ability of the Province, and that most of them are so extremely low, that they would be thought a Disgrace to any other Colony on the Continent."

I likewise had it intimated to them, that unless they made a more adequate Provision for this Purpose, His Majesty would probably be induced to take the Payment of his principal Officers here into his own Hands, and cause them to be paid out of his Revenue, as had been done for some Time past in most of the King's other Colonies, and lately in the Case of the Chief Justice of this Province. On which I was given to understand, that whether the Crown paid the Officers or not was a Point they were very indifferent about; that tho' Some People in the Massachusetts

Bay, in order to keep their Party alive and to give themselves Consequence, had made a great Clamour against the Payment of Salaries by the Crown to the Officers of Government in America,¹ yet the Assembly of New York had made no Opposition to it, nor had that Colony experienced any of the pretended Inconveniences from such Regulation; that it was Time enough to complain when any Injury was Sustained; that, besides, they could not see with what Propriety any Governor, or Officer of Justice, in America, can call upon an Assembly to encrease his Salary, when the People of the Colonies are obliged by Acts of Parliament to pay Duties expressly appropriated for “making a *more certain* and *adequate* Provision for “the Charge of Administration of Justice, and the “Support of the Civil Government in Such of the Colonies and Plantations where it shall be found necessary.”

What may, perhaps, have contributed to make the Assemblies and People of New Jersey and New York the more easy about the Payment of the Officers of the Colony by the Crown, is that in Queen Anne's Reign, the Governor of both Colonies was paid in that Manner, which continued for many Years, and the Assemblies of that Time were so far from objecting to the Measure, when the Governor informed them of her Majesty's Orders in that respect, that the Assembly of New York (to use their own Words) “with “*Hearts full of Gratitude* acknowledge Her Majesty's “*great Bounty and Justice*,” and the Assembly of New-Jersey expressed an equal satisfaction and Acquiescence with Her Majesty's Pleasure on the Occasion. Enclosed is a Copy of the Queen's Instruction, and an Extract from the Governor's Speech & the Assembly of New York's Address upon this Subject When the mode of paying the Governor of the two Colonies by

¹ See works of John Adams, II., 299, 316, 328.

the Crown ceased I know not, nor what was the Cause of a Matter of such Consequence being afterwards left to the Pleasure of the Assemblies. Certain it is, that they have often taken an undue Advantage of this Power, and in a manner compelled Governors to give their Assents to Laws destructive of His Majesty's just Prerogatives; Instances of which if necessary, I could readily point out.

In Colonies where the Governor has the granting of the Lands belonging to the Crown, both he and the Attorney General have Emoluments which may compensate for any Deficiency of Salary, and render them independent of the Caprice of an Assembly. But the Lands in this Province are the property of private Proprietors, and are granted by them of course without any Concurrence of or Advantage to the King's Governor or Attorney General. The Fees and Perquisites of the latter have, as he sets forth in his Memorial, been from Time to Time considerably lessened by Acts of Assembly; and I can with Truth assure your Lordship, that all the Fees and Emoluments of every kind, received by a Governor of New Jersey do not amount with the Salary included, to One thousand Pounds Sterling £ Annum. A Sum which your Lordship must be sensible cannot be deemed sufficient to Support properly the Dignity of his Station, much more enable him to lay up anything against Old Age or Accidents. For a Governor here has not only a much less Income than any other of the King's Governors in America, but is put to much greater Expences than most of them, owing to his being obliged to do the publick Business at two different Seats of Government, and to this Colony being the great Thoroughfare between the two Cities of New York and Philadelphia, which Subjects him to the Entertainment of Numbers of Officers and Gentlemen who call upon him in their Way from one to the other.

I have now had the Honour to Serve His Majesty above Ten Years in this Province, and am, I believe, the oldest in Commission of any of his Governors in America. But it has so happened, that whilst others in my Station have made handsome Fortunes, been promoted, or received considerable Honours and Rewards, my own private Fortune has been really lessening, and I have as yet only the Satisfaction of having Served His Majesty faithfully & to the best of my Ability. It would not become me to boast of my Services; I shall only mention that my Conduct has been such as has, on many Occasions, met with the Approbation of His Majesty and his Ministers, and that had it been otherwise I should not have had the Confidence to beg, as I now do, that your Lordship would do me the Honour to make known my Situation to His Majesty; from whose Goodness and Justice I have not the least Doubt I shall then either receive an Encrease of my Salary, or a Promotion to a better Government.¹

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordships most obedient
& most humble Servant

W^m FRANKLIN.

Governor Tryon to the Earl of Dartmouth.

[From New York Colonial Documents, Vol. VIII., p. 349.]

NEW YORK, 7 Feb^y 1773.

My Lord,

I received last evening, from M^r Elliot His Maj^{ty}s Commission under the Seal of great Brittain, and proceedings had thereon, relative to the partition line be-

¹ Benjamin Franklin wrote, April 6, 1773, to the Governor: "I saw Lord Dartmouth about two weeks since. He mentioned nothing to me of your application for additional salary, nor did I to him, for I do not like it. I fear it will embroil you with your people."—*Works*, VIII., 41.

tween the Govern^{ts} of New York and New Jersey, requesting, I would transmit the same to His Maj.^{ty} M^r Jay, clerk to the Commiss^{rs} refusing to deliver up the Commission and papers unless authorized by an express order of the Crown under the great Seal, or act of the Legislature, I yesterday passed a Bill of that tenor, a copy of which is herewith transmitted, with the Commission and papers, also Gov^r Franklyn's letter to me inclosing an Act of the Assembly of New Jersey, which was obtained in consequence of the conference I had at Amboy last September with the Gov^r & other parties concerned in the premises—Should these proceedings meet with his Maj^{ty's} approbation, we may, I hope, soon receive the Royal confirmation to the territorial Jurisdiction between the two Govern^{ts}.

Your Lord^p will observe the Great Seal is entirely defaced and reduced to a small Lump of wax, which is the case of almost all the great seals sent from Great Brittain, occasioned by its being chiefly composed of Rosin which is reduced to powder by the friction of the voyage. Were the seals to be formed of a proper mixture of Bees wax and Turpentine without any Rosin, they would arrive uninjured; a circumstance not without its weight as the validity of those instruments have been doubted to which the Great seal has been affixed and defaced, like the one to this Commission.

I am with all possible respect and Esteem,

My Lord, Your Lord^{ps} most obedient Servant

W^m TRYON.

Letter from Chief-Justice Smyth to the Earl of Dartmouth, relative to the destruction of the Schooner Gaspée.

[From P. R. O. America & West Indies, Vol. 177 (195).]

NEW YORK Feb^y 8th 1773.

My Lord,

I had the honour to receive your Lordships Letter dated 4th of September last, imparting his Majestys commands to me to repair to Rhode Island to assist in carrying into execution his Majesty's Commission for enquiring into the circumstances relative [to] the plundering and burning the Schooner Gaspee.¹ Your Lordships Letter was delivered to me on the 23^d of December last, and on the 31st I arrived at Rhode Island. on the 5th of January all the Commissioners being met, and the Commission produced to us, the same was opened and published.

A Review of the atrocious offence perpetrated in Rhode Island, must excite indignation in the mind of every lover of Justice, and real friend to the Authority and dignity of Government; and I should have been happy to acquaint your Lordship, that success in the execution of the Commission had been equal to my wishes, that the ends of public Justice might thereby be effectually attained, but from what I have hitherto observed, in the progress of our enquiry, and from such intelligence as I have obtained, I cannot help expressing my fears that that intention of Governm^t will be defeated, and the offenders screened from the hand of Justice.

I must forbear giving your Lordships a particular

¹ See page 375.

detail of our proceedings upon the Commission, as that more properly ought to be reserved to the general report from the Commissioners, to his Majesty; but I cannot restrain myself from imparting to your Lordship some remarks and observations, which I think you ought to be possessed of tho' in this particular I happen to differ from the other Gentlemen named with me in the Commission, who in their Letter to your Lordship have contented themselves with informing you of an adjournment, and their reasons for so doing;¹ but I am willing to go a little farther, and hope I shall be excused for taking up your Lordships time and attention.

Your Lordships Letter to the Governor of Rhode Island ought most certainly to have been kept secret from the people of that Country—how great then was my surprise to find most part of it in the public prints before I arrived at Rhode Island, so far from keeping it any secret, the utmost industry seems to have been used to publish the contents of it; the Governor immediately imparted it to his neighbors and friends, in a few days he laid it before the general Assembly of the Colony—in less than a week it was printed at Boston, and on the Sunday following a Sedicious preacher harangued his congregation on the Subject of it, by this means the allarm was effectually given, and the utmost horror excited in the minds of the people against the measures intended to be taken by Government in the cause of public Justice. I need not make any remarks on this instance of the imprudent conduct of the Governor of Rhode Island—I have expostulated with him on this subject, but however reprehensible such conduct w^d certainly be in a Commander in chief of a Royal Government—constituted as the Governm^t of Rhode Island now is by their popular

¹ For Chief-Justice Horsmanden's report see N. Y. Col. Docs., VIII., 350, 390, 709.

Charter, the Governor thinks he sh^d have been remiss in his *duty to the people* if he had not taken this course—this principle my Lord I must think is the real source of all the mischief, disorder, and irregularity, which from time to time have disgraced the Government of Rhode Island, and no effectual controul being interposed, mischief and irregularities have increased, defiance to Laws, and an unbounded licenciousness has at length grown to Treason itself—as almost the whole power of the Crown is delegated to the people of Rhode-Island—that power which in proper hands duly exerted w^d produce the good effects of good government, is now prostituted to the purposes of private interest,—abject submission to popular factions—blind obedience to the wishes, passions, and inclinations of the people however repugnant to the honor of Government, the Duty of Subjects, or the Laws of the Land.

That illicit Trading had been growing for many years to an egregious excess in Rhode Island was obvious to every one, and called for the interposition of some other power than was to be found in this Colony to put some stop to it; the vigilance and activity of so good an Officer as Cap^t Duddingston naturally excited the indignation of the people—opprobrious insults and illeberal reflections were plentifully thrown out to stimulate revenge against him, which at length was effected; and tho' perpetrated at a place, and in such manner, as without all doubt the actors must be known to hundreds of the inhabitants of the Colony, is hitherto kept so secret that all our enquiry has been ineffectual to fix with certainty upon any particular person concerned in the outrage—and to keep this matter secret is now become a common cause—I am not without hopes however that the noble reward offer^d by his Majesty's proclamation may bring forth proof direct and indisputable.

Tho' it may be improper as I observed before for me singly to impart to your Lordship any particulars of the Evidence which have been hitherto produced to us, yet as your Lordship was pleased to transmit to me the Examination of the Negro Aaron; and by the language of M^r Pownals Letter seemed to be considered as a discovery of consequence; I think it may be proper to acquaint your Lordship, the credibility of his testimony is exceedingly questionable in every article, and upon the whole I cannot help thinking that our enquiry is rather disgraced than aided by his information—he appears to be an Indented Servant or apprentice to a reputable Planter, from whom he ran away and came on board a Man of War to enlist as a Seamen—upon the Captains obtaining intelligence that he was a runaway Servant, he determined to have him punished and discharged from the Ship, and whilst they were preparing to punish him, a Sailor declared he remember^d him on board one of the Boats with the people who burnt the Schooner, which being told to the Captain he ordered the fellow to be released from punishment, and to declare what he knew of that transaction, who then, and not before gave the narrative which Admiral Montague sent to your Lordship, and which he has repeated before the Commissioners, but intermixed with so many mistakes, contradictions, and improbabilities, that it was hardly worth attending to, and after all his Master and his two fellow servants if called upon are ready to swear positively that he was in Bed and asleep on the night the Schooner was burnt.¹

There are only three or four of the Sailors who formerly belonged to the Gaspee now in America and their Evidence amount to little more than the attack and destruction of the Schooner. Capt. Duddingston certainly w^d be the most material Evidence to estab-

¹ See also N. Y. Col. Docs., VIII., 390.

lish some facts, and by his Letters to the Admiral he seems to think he sh^d be able to fix upon some of the Villains.

The behavior of the people during our stay at Newport was perfectly quiet and orderly; several of the Magistrates voluntarily offer^d their service to aid us in the execution of the Commission, but from the accounts whc I picked up of their Conduct, and speeches, I considered their offers no better than a disguise to come at the knowledge of such persons as might be accused, and then to aid their escape. so far from the Magistrates of the Colony being desirous to bring to light and punish the offenders, it is a fact that a Court of Oyer and Terminer has been holden in the County in which the Schooner was burnt, and no sort of notice was taken of it, either by the Court or Judge. I observed before as secrecy is now become a common cause, the Magistrate, or Officer, who sh^d show himself active in any prosecution against the offenders; w^d surely find himself out of place at the next election, and to have a share in the Government of this Noble Colony, is a most desirable object, and eagerly sought for. in short I must tell your Lordship in plain terms, that I am really of opinion no Magistrate or Officer of Rhode Island w^d ever lend a hand to commit any person tho' ever so fully charged with the crime we have in view, to the Custody of Admiral Montague to be sent to England, there seems to be an universal abhorrence of such a proceeding not only in Rhode Island but in all the neighbouring Colonies. in truth I am persuaded that nothing but an armed force w^d effect it.

I ought to appologize for the length of my Letter and the hast in which it is written—I arrived at this place from Rhode Island yesterday in my way to New-Jersey, and finding that a Packet will sail to morrow, I was willing to take this opportunity for writing to

your Lordship, rather than wait for another packet—I hope I shall not be thought to have been improperly officious in what I have written, I conceived it w^d be some satisfaction to your Lordship to be informed of some particulars of the progress of a Commission, wch tho' extraordinary in its nature, seems properly adapted to vindicate the authority of the Crown, and secure that obedience to Law and Government, by which alone distant Colonies can be held in Subjection.

I am my Lord with the utmost respect

Your Lordships most obedient

and most Hum^{le} Serv^t

FREDERICK SMYTH.

*Letter from Gov. Franklin to the Earl of Dartmouth
relative to the petition from the Presbyterian
Clergy.*

[From P. R. O., America and West Indies, Vol. 177 (195).]

BURLINGTON, Feb^{ry} 27th 1773

The Right Hon^{ble} the Earl of Dartmouth

My Lord,

I am honoured with your Lordship's Dispatches of the 8th and 9th of December, enclosing His Majesty's most gracious Speech to both Houses of Parliament, together with Copies of their Addresses.¹ The Unanimity with which the Addresses passed the respective Houses must afford a Pleasure to all His Majesty's faithful Subjects that can only be heighten'd by a

¹ At the opening of Parliament, November 26, 1772. The Speech, and consequently the Addresses, contained no allusions to American affairs. They are given in full in Dodsley's Annual Register for 1773, pp. 222-4.

Termination of the Session as happy as the Commencement.

As Several Applications have been made to me, in order to know His Majesty's Determination with respect to the Petition from the Presbyterian Ministers for a Charter, (which I transmitted to Lord Hillsborough in my Dispatch N^o 40, and which his Lordship promised should be laid before His Majesty) I should be glad to be enabled to give the Petitioners an Answer.

I have the Honour to be, with the greatest Respect, & Regard, My Lord, Your Lordship's

most obedient & most humble Servant

W^m FRANKLIN.

Letter from the Earl of Dartmouth to Gov. Franklin, relative to the salaries of the officers of the Crown.

[From P. R. O., America and West Indies, No. 195.]

WHITEHALL March 3^d 1773.

Governor Franklin.

Sir,

I have received your letters of the 4th & 5th of Jan^y N^s 3 & 4. and have laid them before the King.

I concur with you in opinion as to the Justice and Policy of allowing M^r Skinner a Salary more adequate to his Merit and Services; but I must not confine that Opinion to his Case alone; The same Attention is due to the case of every other Officer of the Crown in the Colony, and I should do Injustice to my own Sentiments of your Conduct, if I did not make your situation the first object of my Attention in any Consideration of the Merit of those Officers.

You must be sensible, however, Sir, that this is a matter which depends upon the Judgment and Opin-

ion of Other Departments of the King's Government; but I will not fail to give every Weight in my power to your proper representation of the Hardship sustained by the Servants of the Crown in the Colony, & to recommend a more adequate Establishment for them.

I am &c^a

DARTMOUTH.

Order in Council directing the Lords of Trade to report respecting alterations in the instructions to Governors, touching the grant of lands.

[From P. R. O., B. T., Plantations General, No. 27, U 49.]

* {
L. S.
* }

AT THE COURT AT ST JAMES'S THE 7TH
DAY OF APRIL 1773.

PRESENT

The King's most Excellent Majesty.

LORD PRESIDENT EARL OF ROCHFORD
EARL OF SUFFOLK EARL OF DARTMOUTH
EARL OF SANDWICH LORD MANSFIELD

Whereas it has been Represented to His Majesty, that the State and Condition of His Majesty's Colonies and Plantations in America, do both in Justice and Expediency, require that the Authority for Granting Lands contained in the Commissions and Instructions given to His Majesty's Governors in the Plantations, should be further regulated and restrained, and that the Grantees of such Lands should be subjected to other Conditions than those at present prescribed in the said Instructions;—His Majesty having taken the same into His Royal Consideration, is pleased with the Advice of His Privy Council, to Order, and it is hereby

Ordered, that the Lords Commissioners for Trade and Plantations, do take into their immediate Consideration, the Powers and Authorities for granting Lands contained in the Commissions and Instructions to His Majesty's Governors in the Plantations, and that the said Lords Commissioners, do Represent to His Majesty at this Board, such Alterations as they shall think fit and necessary, to be made therein—And His Majesty is hereby further pleased to Order, that in the mean time, and until His Majesty's further pleasure be signified, all and every His Majesty's Governors, Lieutenant Governors, or other Persons in Command in His Majesty's Colonies in North America, who are Entrusted with the Disposal of His Majesty's Lands in the said Colonies, do forbear upon Pain of His Majesty's highest Displeasure, and of being immediately removed from their Offices, to issue any Warrant of Survey, or to pass any Patents for Lands in the said Colonies or to grant any Licence for the purchase, by private persons of any Lands from the Indians, without especial Direction from His Majesty for that purpose, under His Majesty's Signet or Sign Manual, or by Order of His Majesty in His Privy Council, excepting only in the Case of such Commission, and Non-Commissioned Officers and Soldiers, who are Intitled to Grants of Land in Virtue of His Majesty's Royal Proclamation of the 7th October 1763, to whom such Grants are to be made and passed, in the proportion, and under the Conditions prescribed in His Majesty's said Proclamation.

STEPH: COTTRELL

*Letter from the Earl of Dartmouth to Gov. Franklin,
relative to the application made by the Presbyterian
ministers.*

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL 10th April 1773.

Gov^r. Franklin,

Sir,

I have rec^d and laid before the King your Letter of the 27th of Feby N^o 5, and will not fail, in consequence thereof, to give the fullest Consideration to the Application made by the Presbyterian Ministers, stated in your Letter to Lord Hillsborough N^o 40.

At present I can only say in the general View of it, & of the benevolent purpose for which it is designed, that it does not appear to me to be unreasonable; and therefore it will be a Satisfaction to me to find, upon a further Consideration, it is in all respects of such a nature that I can recommend it to the King for his Majesty's Approbation.

I am &c^a

DARTMOUTH.

*Letter from the Earl of Dartmouth to Chief-Justice
Smyth.*

[From P. R. O. America & West Indies, Entry No. 440.]

WHITEHALL 10th April 1773

M^r Chief Justice Smyth.

Sir,

I am very much obliged to you for the favor of your Letter of the 8th of Feby last, and for the very sensible Remarks it contains, which may, at some future time, be of great Use to Sir &c^a

DARTMOUTH

*Letter from Gov. Franklin to the Earl of Dartmouth,
relative to the more adequate establishment of the
Servants of the Crown in New Jersey.*

[From P. R. O. America and West Indies, Vol. 195.]

BURLINGTON May 31st 1773.

The Right Hon^{ble} the Earl of Dartmouth, &c. &c.

My Lord

I am honoured with your Lordship's Letter of the 3^d of March N. 4.

Your Lordship's favourable Sentiments of my Conduct, and your kind Promise to give Weight to my Application for a more adequate Establishment for the Servants of the Crown in this Colony, do me so much Honour, that I shall ever reflect on them with Pleasure, and hold myself greatly obliged to your Lordship, whatever may be the Event of your Endeavours on the Occasion.

The Reason why I did not particularly mention the Case of the other Officers of the Crown, as well as that of the Governor and Attorney General, was because there was none of them in Such immediate Necessity of an Augmentation of their Salaries.

The Chief Justice had but just before had a handsome Allowance Settled on him by His Majesty; and the Assembly had, at their last Session, encreased the Salaries of the two Puisne Judges (or Assistant Justices of the Supream Court as they are called) to double the Sum which had been formerly allowed to those Officers: with which they (who are Men of Fortune in the Country) seemed well satisfied, at least they have never given me the least Intimation to the contrary. I think, however, that the Allowance is

still far from being adequate to the Dignity and Importance of the Station, and that were it augmented it would be attended with good Consequences to the Publick, particularly by inducing Gentlemen of Character, and Knowledge in the Laws, to accept of the Office.

The present Secretary has the valuable Offices of *Register of the Prerogative Office* and *Clerk of the Supream Court*, included in his Patent, which was never the Case before his Time, though those two Offices were generally by the Indulgence of the Governors for the Time being executed by that Officer, owing, I suppose, to their not being of much Value separately in the Infancy of the Colony, and to the publick Allowance for a Secretary & Clerk of the Council having always been, as it still is, greatly disproportionate to the Services. Should it therefore be thought more advisable hereafter to separate those Offices, and to appoint distinct Officers for the Execution of them (as I think would be best on many Accounts, particularly as it would give Government an Opportunity of obliging more People of Consequence in the Colony) it would then be necessary to encrease the Allowance to the Secretary and Clerk of the Council. At present he is in a more eligible Situation than any other officer of the Colony.

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient
& most humble Servant

W^m FRANKLIN

*Letter from the Earl of Dartmouth, relative to the
petition of the Presbyterian Ministers.*

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL 2^d June 1773.

Governor Franklin

Sir,

Since my Letter to you of the 10th of April last the Petition of the Presbyterian Ministers for a Charter has been fully considered; and I have the Satisfaction to acquaint you that His Majesty is graciously pleased to permit you to affix the Colony Seal to a Charter for the purposes expressed in the said Petition, provided it be made conformable to the last Report of the Attorney General and to the Sentiments of the Council contained in their Minutes transmitted in your Dispatch to the Earl of Hillsborough N^o 40.—

I am &c^a

DARTMOUTH

Letter from Governor Franklin to the Earl of Dartmouth, relative to the Boundary Line between New York and New Jersey.

[From P. R. O. America and West Indies, Vol. 195.]

BURLINGTON July 5th 1773.

Right Hon^{ble} the Earl of Dartmouth

My Lord,

Having been just informed, that the Act passed in this Province at the last Session, for establishing the Boundary or Partition Line between the Colonies of

New York & New Jersey, was, by some Mistake or other, transmitted without being exemplified under the Province Seal, and that it would have been immediately confirmed had it not been for that Omission, I have, though I scarce know how to credit the Information, ordered another Copy to be made out, which I send herewith. I transmitted the former copy with my Letter of Nov^r 28, 1772 (N2.) together with the other Laws passed at the same Session.

I have the Honour to be, with the greatest Respect & Regard,

My Lord, Your Lordship's most obedient
& most humble Servant
W^m FRANKLIN

*Letter from the Earl of Dartmouth to Gov. Franklin,
relative to the support of the King's Government
in New Jersey.*

[From P. R. O. America and West Indies, Vol. 195.]

WHITEHALL 4th August 1773

Gov^r Franklin

Sir,

I have received your Letter of the 31st of May N^o 6. and have laid it before the King.

The deficiency of the Fund appropriated by Parliament for supporting the Civil Establishments in America, has for the present thrown difficulties in the way of my wish to see a more adequate and proper provision made for the support of the King's Government in New Jersey, but I beg you will be assured that I will not discontinue my Solicitation on that Head, and shall be glad of any opportunity of testifying the Regard with which &c.^a

DARTMOUTH.

*Letter from Gov. Franklin to the Earl of Dartmouth,
expressing the satisfaction of the Presbyterian
Clergy, etc.*

[From P. R. O. America and West Indies, Vol. 177 (195).]

BURLINGTON Oct^r 18th 1773

The Right Hon^{bl} the Earl of Dartmouth, &c

My Lord,

Having been much indisposed at the Time of the Sailing of the last Packet, it was not in my Power sooner to acknowledge the Receipt of your Lordship's Dispatches N^s 5, & 6, and the Circular Letter dated the 5th of July.

The Presbyterian Ministers are much pleased with the Permission His Majesty has given me to pass the Charter they had requested; which will be done at the next Meeting of the Council.

I am collecting Materials to enable me to give a full and particular Answer to the several Heads of Enquiry contained in your Lordship's Circular Letter, and shall lose no time in obeying His Majesty's Orders in that respect.

I should be glad to be informed Whether His Majesty has approved, or is likely to confirm the Three Acts particularly mentioned in my Letter of the 28th of November 1772.

I am, with the greatest Regard and Respect,

My Lord, Your Lordship's most obedient

& most humble Servant

W^m FRANKLIN

*Representation from the Lords of Trade to the King,
with draft of instructions to the Governors in
America relative to the naturalization of aliens,
divorces, and titles to lands.*

[From P. R. O. B. T. Plantations General, Vol. 42, p. 463.]

WHITEHALL Octo^r 28, 1773

To the Kings most Excell^t. Majesty.

May it please Your Majesty,

In obedience to Your Majesty's Orders in Council, dated the 1st of last Month, we have prepared and herewith humbly beg leave to lay before Your Majesty draughts of additional Instructions to the Governors or Commanders in Chief of all Your Majesty's Colonies and Plantations in America, conformable to the Directions contained in Your Majesty's said Orders.

Which is most humbly submitted.

DARTMOUTH.

ROBERT SPENCER.

BAMBER GASCOYNE.

W. JOLIFFE.

Additional Instruction to Our Trusty and Well-beloved Francis Legge Esq^r. Our Captain General and Governor in Chief in, and over Our Province of Nova Scotia and the Islands and Territories thereunto belonging in America; or to the Commander in Chief of the said Province for the time being. Given at Our Court at St. James's the — day of — in the — year of Our Reign.

Whereas We have thought fit by Our Orders in Our Privy Council to disallow certain Laws passed in some

of Our Colonies and Plantations in America, for conferring the Privileges of Naturalization on Persons, being aliens, & for Divorcing Persons, who have been legally joined together in holy Marriage; and whereas Acts have been passed in other parts of Our said Colonies to enable Persons, who are Our Liege Subjects by Birth or Naturalization, to hold and inherit Lands, Tenements, and real Estates, although such Lands, Tenements and real Estates had been originally granted to, or purchased by Aliens, antecedent to Naturalization; It is Our Will and Pleasure, that you do not upon any Pretence whatsoever, give your Assent to any Bill or Bills, that *may have been*, or shall hereafter be passed by the Council and Assembly of the Province under your Government, for the Naturalization of Aliens; nor for the divorce of Persons joined together in holy Marriage, nor for establishing a Title, in any Persons, to Lands, Tenements, and real Estates in Our said Province originally granted to, or purchased by Aliens, antecedent to Naturalization.

*Instructions to the Governors in North America
against passing Acts of Naturalization and Di-
vorce.*

[From New York Colonial Documents, Vol. VIII, p. 402.]

GEORGE R

[L. s.] Additional Instructions Dated 24 Nov
1773

Whereas We have thought fit by our Orders in our Privy Council to disallow certain Laws passed in some of our Colonies & Plantations in America for conferring the Priviledges of Naturalization on persons being aliens, and for divorcing persons who have been

legally joined together in Holy Marriage: And whereas Acts have been passed in other of our said Colonies to enable Persons who are our Liege Subjects by Birth or Naturalization to hold and inherit Lands Tenements and real Estates [which] had been originally granted to or purchased by Aliens antecedent to Naturalization; It is our expressed will and Pleasure that you do not upon any pretence whatsoever give your assent to any Bill or Bills that may have been or shall hereafter be passed by the Council and Assembly of the Province under your Government for the naturalization of Aliens, nor for the divorce of persons joined together in Holy marriage, nor for establishing a Title in any Person to Lands, Tenements & real estates in our said Province originally granted to, or purchased by Aliens antecedent to Naturalization.

G. R.

Extract from a letter from Cortland Skinner to Philip Kearny, relative to the proceedings of the Assembly in regard to the Treasurer.

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. 2, No. 30.]

D^r Sir

* * * * How our politics will turn, I can't say. Our politicians look sharp for a favorable Something, which is not yet found out to attack the Gov^r I inclose you his speech, the words, "Confessions of some of them, corroborated by several *striking* circumstances," have been pitched upon and largely spoken to, & tho' the Gov^r laid all his papers before us on which he founded his sentiments, yet we have wisely sent him a message requesting he will point out the striking circumstances &c. The Gov^r has not returned any answer to this message delivered last night. I look upon this as an Essay, and when the Gov^r tells

us on what he founds his opinion, if possible, it will be made the Subject of Debate. I find that three leading members are determined not to pay any regard to Confessions however supported by the most striking circumstances, nay, I believe that some would rather that the robbery was never discovered than the favorite scheme disappointed, the removal of the Treasurer and the favorite Controversy it w^d open; the nomination of the Treasurer by the House and removal only by them is the darling object to which every other Consideration would be sacrificed. The week will open the Budget when we go upon the Gov^{rs} speech.

Rewards of 300£ each for Ford & Richardson and fifty pounds for King have been voted by the House, but they w^d not join the Gov^r and Pennsylv^{ia} in sending men to apprehend them¹ * * *.

I am &c Your Affect^e & Dutiful

CORT^D SKINNER.

¹ Affidavits having been made before David Ogden, one of the Judges of the Supreme Court of New Jersey, that Ford and Richardson had been counterfeiting Pennsylvania bills of credit, Judge Ogden sent the affidavits with sundry letters to the Supreme Court Judges of Pennsylvania, who laid them before the General Assembly of that body, which thereupon (September 23, 1773) requested the Governor to offer a reward of £300 each for the arrest of Joseph Richardson and Samuel Ford and their delivery to the Sheriff of Philadelphia at the county jail.—*Penn. Archives*, IV., 466. The Governor issued a proclamation accordingly.—*Penn. Col. Records*, X., 99. It does not appear that either of the men was arrested at this time. One, Samuel Ford, was appointed July 9, 1777, by the State Navy Board of Pennsylvania to be Second Lieutenant of the Effingham armed boat.—*Second Penn. Archives*, I., 183. During the attack on Fort Mifflin (November 1, 1777?) Ford deserted, for which he was executed in September, 1778.—*Ib.*, 236; *Penn. Col. Records*, XI., 565-6. Probably this was not the New Jersey counterfeiter, however, for the Rev. Dr. J. F. Tuttle says the latter settled in Virginia, taking the name of Baldwin, and lived there many years after the war.—*Annals of Morris County*, 98. His accomplice, Richardson, was arrested in Pennsylvania in February, 1777, and committed to the Lancaster jail for counterfeiting, and, doubtless, on suspicion of being disaffected to the American cause.—*Penn. Archives*, V., 239, 248-9, 254, 372; *Penn. Col. Records*, XI., 216. In March 1780, he was committed to the Philadelphia jail for the same offences, but was discharged on May 6 on condition that he would leave Pennsylvania and go to "some other part of America not in possession of the enemy."—*Penn. Col. Records*, XII., 270, 239. Perhaps he rejoined Ford in Virginia. John King, Deputy-Sheriff of Morris county, was suspected of complicity with Ford and Richardson in their counterfeiting operations in that county, and possibly in their alleged robbery of the Treasury in 1768. He accused Sheriff Thomas Kinney of conniving at the escape of Ford.—*Minutes of Council*, Feb. 14, 1774, post; *Annals of Morris County*, 96; *Proc. N. J. Hist. Soc.*, September, 1850, 56.—[W. N.]

*Letter from Cortland Skinner to Philip Kearny—
proceedings of the Assembly in reference to the
Treasurer.*

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. II., No. 31.]

5 Dec^r 1773

Dear Sir

I rec^d yours by the Stage and Delayed an immediate Answer (as I had an opportunity) in Expectation that I should be able to give you a full account of our politics.

The Governor some time ago, agreeably to the request of the house, sent a detail of the confessions, and the circumstances attending them, that induced him to think the treasury was robbed by Ford. The language of this message was certainly unexceptionable, and needed no answer; it was only the governor's opinion on facts, of which they could judge, and difference in opinion was naturally to be expected; however, a committee was appointed to inspect the papers, &c., referred to by the Governor, of which Mr. Kinsey, of course was one. Every [day] since, he has been buried in his office writing for his life, for what end I know not, unless he means to show the treasury was not robbed, which I think he will not be hardy enough to do. He gives out that if lightning had blasted the treasury, Skinner is liable, and I fear he has rancor enough, if that had been the case, and he had it in his power, to compel him to pay it. All public business is at a stand, the Governor's speech not yet read in the house, but kept back with support, &c. &c., until the Governor, I suppose, shall be induced to submit to their demands. * * * *

Affec^{ly} &c.

CORT^d SKINNER

Letter from Cortland Skinner to Philip Kearny, detailing the proceedings of the Legislature, in relation to the Treasurer.

[From the Skinner Papers among Manuscripts of W. A. Whitehead, Vol. II, No. 32.]

BURLING^N, 19th Dec^r, 1773.

D^r. Sir

For these three days past, we have had under consideration the tremendous report of the committee, which has been preparing since the 30th of last month. It consists of 75 pages in Mr. K's hand writing. It is now before the Governor and Council. The committee thought it an artful measure to make it only a report to the house, and not a message to the Governor; not considering that their daily minutes were laid before him. He has now got it, and it is a vindication of Saml. Ford against the aspersions cast on him by the Governor;—an argument in answer to the Governor, that the treasury was robbed;—reflections upon the conduct of the Gov. and Council, touching the examinations of the convicts:—a censure upon the officers of government at Morris Court:—and yet a salvo for their mistaken zeal:—a declaration that Ford did not rob the treasury:—insinuates that it was not robbed: and yet that it was robbed; with at least a dozen barefaced lies, that the journals of the House, will show with many more contradictions and absurdities than I have time at present to enumerate. To contend was in vain: an absurdity pointed out was reconciled by the question, and the report carried by a great majority. I have never had more occasion for temper, and I think I have had a share of Job's on this trying occasion. * * * * During these debates, the treasurer presented two memorials praying and entreating to be tried; all are disregarded as yet, and

by this report the Gov. is to turn him out for his misfortune, while the assembly descend to plead the cause of Sam Ford, who they confess to be an arch villian.

To-morrow the House will determine on these memorials. How, you will easily guess, from the account I have given of their report. In short, right or wrong, the opinion of the House is to be followed, and dance as we will the people are to pay the fidler. * * *

The report was certainly framed to prevent any favorable impression on the people, with regard to the treasurer, from the Governor's message. Its length and falsehood will take time to confute. * * *

I am, dear Sir Your affect°

CORT^o SKINNER.

Letter from the Earl of Dartmouth to Governor Franklin, informing him that the Boundary Line between New York and New Jersey had been approved by the King, and that the Lottery Act was under consideration.

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL 8th January 1774.

Governor Franklin.

Sir,

I have received and laid before The King your Letter of the 18th October.

You have already been acquainted that one of the Three Acts transmitted in your Dispatch of the 28th of November 1772, which you are anxious to know the fate of, has received His Majesty's Royal Allowance & Approbation, and I have now the satisfaction to inform you that the Act for establishing a Boundary between New York and New Jersey has likewise been

approved of by His Majesty in Council; But as I understand it is considered at the Council Office as a business upon which Fees are to be paid the Order of Confirmation will not be issued until the Agent for the Affairs of the Province makes application for that purpose.

With respect to the Lottery Act, I am informed it remains for Consideration at the Board of Trade, & I will not fail to apprise their Lordships of what you say in favor of it.

I am &c^a
DARTMOUTH.

Draft of instructions to the Representatives in Assembly from Burlington County, relative to the discharge of the Eastern Treasurer from his liabilities.

[From New Jersey Historical Society Manuscripts, W. J., No. 17.]

To T. B & R. B.¹ Representatives in Assembly
for the County of B[urlington]

Gentlemen

Wee y^e Board of Justices and Freeholders of the s^d County think it Incumbant on us to signify to you the aprobaton of the Good people of this county and the Greatfull sence they Entertain of the Justice & Integrity of a Majority of the House of Assembly at the last Sessions at Amboy, In Relation to the Eastern Treasurer, and to Return you our Most Sincere thanks for the part you acted on that ocasion.

It is so uncommon for Men to possess a sufficient Share of Integrity and Firmness to suport them In a

¹ So in the MS. The representative for Burlington county in the twenty-second and last Provincial Assembly, elected in 1771, was Henry Paxson and Anthony Sykes.

Faithfull Discharge of Duty, in oposition to the Vices and Interest of their superiors in stations of Government, that when any do thus Distinguish themselves, they are Justly Intitled to the warmest Returns of Love and Esteme, and to be regarded Friends and Fathers of the People.

We also think it Expediant at this Time to Give you our Instructions with regard to your Future Conduct, on that and some other ocasions, Which, so Far as you adhere to, shall wee Consider you Regardfull of our property and Interest.

1st That you do not by any Law, Resolution, or vote whatsoever, Discharge the Eastern Treasurer from the money s^d to be stolen out of the Treasury untill such Robbery is Positively and Clearly Proved.

2^d That you Continue to Insist on the Treasurer being Displaced, and untill that is Done you Raise no money on any ocasion to be put Into his hands, Let the Consequences be what they may.

3^d That you Give no Money to Carry on a Tryal, Except to a Comity of your own appointment, as wee think those who are the Most Interested in the Event, the Properest to conduct it.

4th That you no ways Countenance any Tryal wilst the s^d Treasurer is in posision of the publick money to Defend himself with, unless the Nessesity of the Case Require it, and that if he is not Displaced you Discontinue his Salary.

5th That you Streaniously oppose passing any Ex-cise Laws in this Province.

6th That you opose passing a Money Bill on any other Footing, than as our Money hath Heretofore Issued, nor even then unless you are Convinced that Circulating Cash is wanting, and that a Greater stock would be of Publick utility.

By order of the Board

J. S. Clrk.

Minutes of Council referring to the representations against Thomas Kinney, High Sheriff of Morris County, for allowing Samuel Ford to escape from jail.

[From Skinner Papers among Manuscripts of W. A. Whitehead. Vol. 2, No. 35.]

At a Council held at Burlington on the 14th Day
of February 1774

PRESENT

HIS EXCELLENCY THE GOVERNOR.

MR. STEVENS

MR. STOCKTON

MR. S. SMITH

MR. COXE

MR. PARKER

MR. LAWRENCE

His Excellency was pleased to acquaint the Board that he had some Time ago received from John King late the Under Sheriff of Morris County a Representation in writing containing sundry Charges against Thomas Kinney Esq, High Sheriff of the said County relative to the Escape of Samuel Ford who was committed to the Goal of the said County in July last on Suspicion of having Counterfeited the Bills of Credit of this Province—That His Excellency had caused a Copy of the said Representation to be delivered to the said Tho^s Kinney Esqr in order that he might have an Opportunity of answering the said Charges—That His Excellency had lately received from the said Thomas Kinney an answer in writing to the said Charges together with sundry Affidavits in support of the s^d Answer, which Papers His Excellency was pleased to lay before the Board and to ask the Advice of the Council thereon.

The Council having taken the same into Consideration were of opinion that the Charges contained in

the said Representation are not supported. But it appearing to the Board that the said Thomas Kinney may nevertheless be blameable for Negligence in his Office respecting the Escape of the said Samuel Ford, the Attorney General was called in and examined touching that Matter, who informed the Board that a Bill of Indictment was found against the said Sheriff by the Grand Inquest of the said County of Morris for Misbehaviour respecting the said Escape whereupon the Council advised His Excellency to order the Attorney to prosecute the said Indictment at the next Court.

CHA^s PETTIT

Message of Gov. Franklin to the Assembly, transmitting the resignation of the Treasurer, Stephen Skinner.

[From New Jersey Historical Manuscripts, E. J., No. 20.]

February 24, 1774

Gentlemen,

Having Communicated your Message of yesterday to M^r Skinner that he might see the objections you have to his being Intrusted with the Money proposed to be granted to his Majesty at this Sessions, he has therefore presented me with a Memorial requesting Leave to Resign his office, In hopes that his Resignation may be the Means of entirely removing those Difficulties which have of late embarrassed and impeded the publick Business. I have given my consent to it, and have with the unanimous advice of the Council appointed John Smyth,¹ Esq. Treasurer for the Eastern

¹ JOHN SMYTH was of the well-known Perth Amboy family of that name, probably a son of Lawrence Smyth, and brother of Andrew Smyth. He was admitted to the Bar at the August Term, 1745.—*Vroom's Sup. Ct. Rules*, 58. In 1754 the Legislature named him as one of the signers of Bills of credit.—*N. J. Archives*, VIII., 2d, 200. He was a Vestryman of St. Peter's Church, Perth Amboy, 1749-62, and a Warden 1763-74. In 1758 he was appointed by the Legislature as one of the Com-

Division, and I hope his appointment will prove agreeable to your House. It would not be doing justice to Mr. Skinner if I did not subjoin a copy of his Memorial that you may see from what truly public spirited motives he has been induced to comply with your Inclination on this Occasion

W^m FRANKLIN

Memorial of Stephen Skinner

To his Excellency William Franklin Esq, Captain General & Governor in Chief &c.

May it please Your Excellency,

The Misfortune which befell me in the year 1768 of being robbed of a large sum of the public money Committed to my custody as Treasurer of the Eastern Di-

missioners to erect and furnish barracks for the soldiers quartered in the province. In 1760 he was named as one of the Commissioners to erect an office in Perth Amboy for the East Jersey records, and in 1766 was one of the Commissioners to erect a court house and jail at Perth Amboy.—*Whitehead's Perth Amboy*, 239-51-7-9. In 1762 he was appointed one of the Surrogates for East Jersey, and in that year also Governor Hardy recommended him for a seat in the Council, as a gentleman of ability.—*N. J. Archives*, IX., 360, 366. The controversy between Governor Franklin and the Assembly with reference to the robbery of the treasury of East Jersey, while Stephen Skinner was Treasurer, having forced Mr. Skinner's resignation on February 23, 1774, the next day the Assembly, which had long been seeking the right to name that officer, took the liberty of nominating John Smyth for the succession, the vote being unanimous, and sent up a message to that effect to the Governor before he had time to convene his Council. As the Council thought this might tend to heal the existing differences between the Governor and the Assembly they recommended the appointment of Smyth, and the Governor commissioned him accordingly.—*N. J. Hist. Proc.*, September, 1850, 59-62. The House passed an act at the same session, March 11, 1774, requiring the Treasurer of each division of the Province to give £10,000 security, and also another act on the same day directing Treasurer Smyth to bring suit against his predecessor for £6,570 9s. 4d., being the amount alleged by Skinner to have been stolen from the treasury while it was in his custody, in order to "bring the Merits of this Controversy" "to a fair and legal Decision."—*Allison's Laws*, 447-9. Smyth's loyalty was evidently suspected at the breaking out of open hostilities with England, and this suspicion was intensified when he declined to accept from Col. Samuel Ford, Collector of Morris county, Continental or Connecticut money, in payment of the county's taxes; this he explained, however, when called upon by the House in February, 1776, by stating that he was doubtful if the Provincial Congress would allow such moneys in the settlement of his accounts; if they would, he would be perfectly willing to take such money, and would be pleased to continue in office, under the Provincial Congress. Being at the time disabled by disease from moving about with ease, he proposed

vision of this province has been greatly increased by the obscurity in which the perpetrators of that atrocious Villainy have been concealed, and although my most zealous endeavours have not been wanting to have them discovered, and such circumstances have at length been brought to light as serve to point them out with a great degree of probability, yet by an unfortunate concurrence of other circumstances the public has hitherto not received that full evidence of their guilt which seems necessary to carry conviction into every mind, hence there remains with some people a Doubt that has been the source of the severest part of my Calamity. A doubtful mind is open to any plausible suggestion, and a man in publick station is seldom without some enemies who are ready to rejoice in his misfortune, and put the worst construction it

that the treasury chest should be placed in charge of John Stevens, one of his sureties, and as Mr. Stevens' loyalty was as undoubted as his financial responsibility, this was agreed to by the Provincial Congress, and Robert Drummond removed the chest to New Brunswick. However, the Congress was still dissatisfied, and on February 23, 1776, appointed John Dennis, of Middlesex, Treasurer, to succeed Mr. Smyth, for the Eastern Division.—*Minutes Council of Safety*, etc., for 1775-6, 340, 389-90, 396-8, 444; *N. J. Revolutionary Correspondence*, 1-2-3. On July 6, 1776, Major Duyckink, of the Middlesex militia, arrested Smyth, with several other suspected persons, but Mr. Smyth was released on his parole.—*Whitehead's Perth Amboy*, 330. On July 10 the Provincial Congress ordered Gen. Livingston to arrest him again, and remove him with any moneys and effects of the state still in his possession to Trenton, there to remain under guard. This appears to have been done, but Mr. Smyth was found to be deficient in his accounts to the amount of £930, 6s, 6d.—*Minutes Council of Safety*, etc., 499, 526. Nothing appears to have been done about this, and Mr. Smyth was still highly regarded on account of his integrity. Early in 1777 he removed to New York, where he was still living in 1785. His name does not appear in the New York Directory for 1783, however. In New York he was Treasurer of the "City Funds" and was also Secretary to Sir Henry Clinton.—*Jones's New York*, II., 164, 458. As early as 1754 he was prominently identified with the Board of East Jersey Proprietors.—*N. J. Archives*, VIII., 1st, 200. He succeeded Lawrence Smyth as Register of the Board, and when he removed to New York he took with him the records, which were not returned until 1785. Nevertheless, John Rutherford, who went to New York to get the books and papers, was satisfied that "Mr. Smyth seemed to be actuated entirely by a rectitude of intention."—*N. Y. Gen. and Biog. Record*, October, 1884, 148; *Minutes of East Jersey Proprietors*, quoted in *Early Days and Early Surveys of East New Jersey*, by William Roome, Morristown, 1883, 49-52. Mr. Smyth married Margaret, daughter of Andrew Johnston, a Perth Amboy merchant.—*Whitehead*, ut supra, 73. It was perhaps after removing to New York that he married 2d, Susannah, daughter of John Moore, of that city.—*N. Y. Gen. and Biog. Record*, October, 1884, 148, note. —[W. N.]

will possibly bear on every part of his conduct; An uncharitable suspicion against my moral character on this occasion has taken place in the minds of some persons in divers parts of the province, who have not had an opportunity of being duly informed of the truth, even so far as it has been discovered; this to a heart conscious of its own integrity, and looking forward to the hopes of a rising family, and the honour of worthy Connections, must afford the Keenest Anguish, and although the loss of so much money as that of which the Treasury has been robbed, should it fall upon me, must be attended with great distress, and perhaps ruin to my family, it is a loss I would much rather sustain, were I driven to the unhappy alternative, than suffer so odious a stigma to descend with my character to posterity.

This, Sir, has been the chief motive that has induced me to solicit that my Conduct may be enquired into by a fair and impartial tryal, and the approbation that a removal from my office might have the appearance of my being supposed by your Excellency to be in some measure guilty has induced me to request that I might be continued in office until such tryal should be had you have been pleased Sir so far as it lay with you to grant me this request, and to declare that you think it Just and reasonable, but to my great mortification the House of Assembly hath adopted a different opinion and seem disposed to support it with much perseverance; this difference of opinion has already given great interruption to that Harmony among the several Branches of the Legislature which has hitherto been one of the happy effects of your Excellency's Administration. Dissentions and uneasiness have taken place among the people, and the necessary measures of Government are threatened with obstructions which may be highly pernicious to the public peace & welfare of the province. I sincerely thank you, sir,

for the assurance you have been pleased to give me that you will not remove me from my office before a Tryal, but as I agree with your Excellency in the position mentioned in your message to the Assembly that the interest of an individual ought not to be put in Competition with the public good, and as I am induced to hope that my Voluntary resignation of the office of Treasurer will be so far acceptable to the Honourable House of Assembly as to put an end to the unhappy dispute now subsisting between your Excellency and them, and thereby restore peace to the province, I am willing to make the sacrifice in full Confidence that I shall receive from the Candour of that Honorable House and the Public such consideration as is due to the heavy misfortune in which I am through accident involved; but whatever may be the event to myself, I will not be the cause of continuing a public contention which may, with its consequences, be abundantly more injurious to the people than the loss of the money of which I have been robbed. I therefore request your Excellency's leave to resign the office of Treasurer of the Eastern Division of New Jersey, and ardently hope it will have the salutary effect I have mentioned.

I am with great respect Your Excellency's

Most obednt humble Srvt

STEPHEN SKINNER

Letter from Governor Franklin to the Earl of Dartmouth, relative to the dispute concerning Treasurer Skinner, and the removal of Charles Read to St. Croix, making a vacancy in the Council, to which Francis Hopkinson is recommended.

[From P. R. O. America and West Indies, Vol. 177 (195).]

BURLINGTON Feb^y 28, 1774.

The Rt. Hon^{ble} the Earl of Dartmouth

My Lord

The Assembly being Sitting, and I at present much engaged with the Publick Business, it is scarcely in my Power to do more (as the Mail is to be sent away To-morrow Morning) than to acknowledge the Receipt of Your Lordship's Dispatch N^o 7—two from M^r Pownal dated 1st Sept^r and 1st Decem^r—and one from M^r Knox of the 6th of Octo^r—the Contents of which I shall not fail to pay proper Attention to.

The Assembly have been sitting ever since the 10th of Nov^r except a Recess of a few Weeks during the Holidays. Great Part of the Time has been taken up in a Dispute about the Removal of the Treasurer of the Eastern Division of this Province; the true State of which will appear by the enclosed printed Copy of my last Message to them on the Subject. This Affair, which had occasioned a good deal of Disturbance in the Province, the People being much divided in their Sentiments respecting it before the Publication of the Message, has now taken another Turn, & the People very generally blame the conduct of the Assembly. However, as the House persevered in their Refusal to grant the Supplies for the King's Troops, &c unless M^r Skinner was previously removed, he, to put an End to the Dispute, has resigned his Office, and Harmony is likely to be restored between me & the Assembly.

Charles Read Esq^r,¹ one of His Majesty's Council, for this Province, having removed to St Croix, where he intends to Settle, I beg leave to recommend Francis Hopkinson Esq^r a Gentleman of Character and Fortune, and a Relation of the Bishop of Worcester's, to supply M^r Read's place in the Council. He resides, as M^r Read did, in the Western Division of this Province, and I do not know any person in that Division who is better, if so well qualified to Serve His Majesty in that Station.²

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient &
most hum. Servant

W^m: FRANKLIN

¹ A notice of Charles Read is given in New Jersey Archives, IX., 151. Some further mention of him may be proper. He was doubtless a descendant of Charles Read, who came from England and settled at Burlington about 1678. Following the fortunes of George Keith he separated from the Quakers and identified himself with the Church of England in Philadelphia, where he was a merchant many years, and where he died in 1705, leaving a son, Charles Read, then a minor. The second Charles Read was also a merchant of Philadelphia, was a member of the Common Council 1717, an Alderman 1722-6, Mayor 1726-7, and Alderman again 1727-36, dying in the last named year. He was also Sheriff 1729-31, and was Clerk of the Orphans' Court for several years before his death. He was a Vestryman of Christ Church 1717-26, and perhaps longer.—*Penn. Mag. of Hist. and Biog.*, October, 1885, 339-43; *Dorr's Hist. Christ Church*, 294; *Hills's Church in Burlington*, 156, 209; *Penn. Col. Records*, IV., 151. Charles Read, probably a son of the latter, was a member for Burlington city of the New Jersey Assembly, elected in 1751, and of the next Assembly, elected in 1754.—*N. J. Hist. Soc. Proc.*, May, 1850, 31. He continued in the House until called up to a seat in the Council in 1758.—*Archives*, IX., 127, 151. He was Deputy Secretary for the Province, was one of the Surrogates for both East and West Jersey, Commissioner for New Jersey at the Easton Conference with the Indians in 1758 (when he signed his name, "Charles Read, Jr."), and was entrusted with a variety of other positions of honor and profit.—*Ib.*, 151, 283, 359; *Penn. Col. Records*, VIII., 175. He was commissioned a Justice of the Supreme Court, August 17, 1753, and the same day was licensed as an attorney and counsellor, but whether he had ever studied law, or where, does not appear. He was appointed Chief Justice February 20, 1764, and Frederick Smyth having been appointed Chief Justice in the following October, Read was again commissioned Associate Justice November 6, 1764, and held the office until his removal from New Jersey, as above.—*Vroom's Sup. Ct. Rules*, 47, 45, 58. The marriage of Charles Read to Sarah Harwood, October 17, 1733, is recorded in the books of Christ Church, Philadelphia.—*2d Penn. Archives*, VIII., 211. Is this the same person?—[W. N.]

² FRANCIS HOPKINSON, afterwards one of the signers of the Declaration of Independence, was a son of Thomas Hopkinson, an Englishman of brilliant accomplishments, who married, in 1736, Mary Johnson, a niece of the Bishop of Worcester. Thomas was Deputy Clerk of the Orphans' Court of Philadelphia for several years

Commission of Richard Stockton as Associate Justice of the Supreme Court.

[From Book C 3 of Commissions, Secretary of State's Office, Trenton, fol. 144.]

GEORGE the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. To Richard Stockton Esq.¹ Greeting We

under Charles Read, and on the death of the latter, in 1736, was appointed to fill the vacancy. It was a singular coincidence that thirty-six years later his son, Francis, should have been named to succeed in an important station his own former patron's son, Charles Read, the younger. Francis was baptized in Christ Church, Philadelphia, November 12, 1737, being at the time seven weeks old.—*Hist. Burlington and Mercer Counties*, 468. He was liberally educated, and so far departed from the ordinary curriculum of the time as to familiarize himself with the Dutch language, utilizing his knowledge in making a translation of the Psalms, etc., for the Dutch Church at New York, in 1765, for which he received £145; with the money thus earned he sailed for England in 1766, remaining abroad more than a year, being the guest of his relative, the Bishop of Worcester. On September 1, 1768, he became identified with New Jersey thus in the eloquent language of a Bordentown correspondent of the *Pennsylvania Chronicle* of the day:

“On Thursday last Francis Hopkinson, Esq., of Philadelphia, was joined in the Velvet Bands of HYMEN, to Miss Nancy Borden, of this place, a lady amiable both for her internal as well as external Accomplishments, and in the words of a celebrated poet:

“Without all shining, and within all white,
Pure to the sense, and pleasing to the sight.”

Ann Borden was a daughter of Judge Joseph Borden, the son of the founder of Bordentown. Probably about the time of his marriage Mr. Hopkinson took up his residence at Bordentown, where he remained for several years.—*Hist. Burlington and Mercer Counties*, 468-9. He still retained his connection with Pennsylvania, however, being a Vestryman and acting as organist at times for Christ Church, Philadelphia.—*Dorr's Hist. Christ Church*, 298. May 1, 1772, he was appointed Col-

¹ RICHARD STOCKTON was descended from an English family, of Stockton in Durham, on the river Tees, England. The first of the family to immigrate to America, Richard Stockton, settled at Flushing, L. I., whence he removed to Burlington county, N. J., where he bought 2,300 acres, March 10, 1692. He died 1707, leaving children Richard, John, Job, Abigail (Ridgeway), Sarah (Jones), Mary, Hannah and Elizabeth. His son Richard removed from Flushing to Piscataway, and thence (in 1696) to Princeton, buying 400 acres, and in 1701 bought of William Penn 4,450 acres more, in and about the present Princeton. He died 1709, leaving six sons—Richard, Samuel, Joseph, Robert, John, Thomas. His estate being divided soon after, the homestead, now known as “Morven,” fell to John, who became an influential man in the community. He was a judge of the Somerset Common Pleas, and was a warm friend of Princeton College.—*Princeton and its Institutions*, by John F. Hageman, I., 33-9. Richard Stockton, son of John, was born at Princeton October 1, 1730, was one of the first class graduates from the College of New Jersey, in 1748, studied law under David Ogden, was licensed in 1754 as an attorney, in 1758 as a counsellor, and in 1764 as sergeant, his practice meantime becoming co-extensive

reposing special Trust and Confidence in your Integrity Learning and Ability have assigned Constituted and appointed And We do by these presents assign constitute & appoint you the said Richard Stockton Esq. to be one of the Justices of our Supreme Court of Judicature for our Province of New Jersey in America Giving and by these Presents Granting unto you full Power and Authority to hear try & Determine all

lector of Customs at New Castle, on the Delaware.—*Penn. Archives*, IV., 451. He was licensed as an attorney and counsellor of New Jersey May 8, 1775.—*Vroom's Sup. Ct. Rules*, 60, 94. On June 22, 1776, he was appointed by the Provincial Congress as one of the delegates from New Jersey to the Continental Congress.—*Minutes Provincial Congress*, etc., 473. The journals of the latter body show that Mr. Hopkinson presented the instructions under which he and his colleagues were to act. He signed the Declaration. The Legislature in joint meeting on September 4, 1776, appointed him one of the Associate Justices of the Supreme Court, but he declined the office.—*Vroom's Sup. Ct. Rules*, 47. The Continental Congress appointed him, November 6, 1776, one of three persons to constitute the Continental Navy Board.—*Journals of Congress*; *Penn. Col. Records*, XI., 260. Some account of a quarrel he had at Bordentown in this capacity in 1778 will be found in the *Hist. Mag.*, III., 202-3. The Pennsylvania Legislature appointed him, July 16, 1779, Judge of Admiralty, which office he held by successive appointments until the court was superseded in 1789 by the Federal Courts.—*Penn. Col. Records*, XII., 49, 307, 567-73-84; XV., 191; XVI., 99. Mr. Hopkinson's connection with New Jersey, slight as it had been, appears to have ceased from 1779, and he became identified exclusively with his native State. Shortly after the accession of Washington to the Presidency he appointed Mr. Hopkinson Judge of the United States District Court for Pennsylvania; he continued in that office until his death, May 9, 1791. Mr. Hopkinson was more famous as a clever, ingenious and witty political writer, essayist and poet, than as a statesman or judge. He was something of an artist and musician as well. One of the fullest sketches of his life and varied accomplishments is to be found in the *History of Burlington and Mercer counties*, 468-9. Duychinck's *Cyclopedia of American Literature* (I., 209) dwells more upon the literary side of his character.—[W. N.]

with the Province, and even reaching beyond its limits.—*Ib.*, 78; *Provincial Courts of New Jersey*, by Richard S. Field, 192; *Life of Gov. Robert F. Stockton*, 9-10; *Sketch of Life of Richard Stockton*, by Wm. A. Whitehead, N. J. Hist. Soc. Proc., January, 1877; *Rules of Supreme Court*, N. J., 1885, Appendix (by G. D. W. Vroom) 54, 59.

In 1764, writing to his former law-student, Joseph Reed, he suggested as the readiest solution of the troubles between England and her Colonies, the election of some bright Americans to Parliament (*Reed's Reed*, I., 30), but a year later, during the controversy over the Stamp Act, he took the positive ground that Parliament had no authority over the American Colonists; so rapidly did public sentiment develop in those times.—*N. J. Hist. Proc.*, 149. In 1766 he went to England, where he spent a year, mingling in the highest circles, and had much to do with persuading Dr. Witherspoon to accept the Presidency of Princeton College.—*Hist. of College of N. J.*, by John MacLean, I., 297, 385; *Provincial Courts*, 192-6. Appointed to the Council in 1768 (see *ante*, page 59), on the recommendation of Governor

Pleas whatsoever Civil, Criminal and mixed, according to the Laws Statutes & Customs of Great Britain and the Laws and usages of our said Province not being repugnant thereunto and Execution of all Judgments of the said Court to award and make such Rules and Orders for the Benefit of the said Province as may be agreeable to the Rules and Orders of our Court of Kings Bench Common Pleas and Exchequer

Franklin, he stood so well with the Governor that six years later he was commissioned one of the Justices of the Supreme Court, as above, to succeed Judge Reed, removed to the West Indies. The affairs of his country were evidently on his heart and mind during these troublesome times, and under date of December 12, 1774, he drafted and sent to Lord Dartmouth "An Expedient for the Settlement of the American Disputes, humbly submitted to the consideration of his Majesty's Ministers," in which he suggested substantially a plan of self-government for America, independent of Parliament, without renouncing allegiance to the Crown.—*Historical Magazine*, November, 1868, p. 228. He retained his position in the Council until the end of royal government in New Jersey, and attended the meetings of that body as late as November 24, 1775.—*Minutes Provincial Congress*, etc., 323. He was elected to the Continental Congress, June 22, 1776.—*Ib.*, 473. Six days later the New Jersey delegates took their seats in Congress, in time to hear the closing debate on the Declaration of Independence, and Mr. Stockton is said to have made a "short but energetic speech" in favor of the measure.—*Works of John Adams*, III., 53-8; *Provincial Courts*, 197. While he was still attending to his duties in Congress a large number of his friends and admirers at home favored him for Governor, and on the first ballot in the Legislature (August 30, 1776) the votes were equally divided between him and William Livingston, who was chosen the next day.—*Minutes Joint Meeting*, passim; *Sedgwick's Livingston*, 205-6. Gordon alleges this whimsical reason for the preference: "Mr. Stockton having just at the moment (of the ballot), refused to furnish his team of horses for the service of the public, and the Legislature coming to the knowledge of it, the choice of Mr. Livingston took place immediately."—*History of Revolution*, ed. 1789, II., 103. The true reason doubtless was that it was thought best to have a man of some military instincts in the Governor's chair, and Livingston was then in camp. Be that as it may, the Legislature the same day (August 31), elected Mr. Stockton to be the first Chief-Justice of the new State, but he declined, preferring just then the more active career of a Congressman.—*Minutes Joint Meeting*, passim; *Sedgwick's Livingston*, 206. On September 25, 1776, Congress appointed him on a committee of two to visit the Northern army, and he set out immediately. He was greatly affected at the unfortunate condition of the patriot soldiers. Writing from Saratogo, October 28, to Abraham Clark, he says the New Jersey soldiers were "marching with cheerfulness, but great part of the men barefooted and barelegged. My heart melts with compassion for my brave countrymen who are thus venturing their lives in the public service, and yet are so distressed. There is not a single shoe or stocking to be had in this part of the world, or I would ride a hundred miles through the woods and purchase them with my own money."—*American Archives*, 5th series, II., 561, 1256, 1274. He left Albany on his homeward journey, November 21. Two days later he was appointed by Congress on a committee "with full power to devise and execute measures for effectually re-enforcing Gen. Washington, and obstructing the progress of Gen. Howe's army."—*Ib.*, III., 784, 828. During the ensuing week he was appointed on other committees, but it is doubtful if he ever resumed his seat in Congress after

in Great Britain *to have and to hold* the said Office or Place of one of our Justices of our Supreme Court of our Province of New Jersey with all & singular the Rights priviledges Profits Salaries Fees and Perquisites to the said Place belonging unto you the said Richard Stockton for and during our Will and Pleasure *In Testimony* whereof We have Caused the Great Seal of our said Province of New Jersey to be hereunto affixed *Witness* our Trusty and welbeloved William Franklin Esq. Captain General Governor and Commander in Chief in and over the Province of New Jersey and Territories thereon depending in America Chancellor and Vice Admiral in the same &c. at Burlington the 28th of February 1774.

PETTIT.

setting out from Albany, for by the time he could reach Princeton the British were marching triumphantly through New Jersey, and he was compelled to seek shelter for his family with a friend, John Covenhoven, in Monmouth county. There he was surprised and captured by a party of Tories, who shamefully treated him, and dragged him by night to Perth Amboy, where he was temporarily confined in the jail in bitterly cold weather, until he could be removed safely to New York, where he was locked up in a foul prison, and treated with such indignity that Congress was impelled (January 3, 1777) to formally remonstrate against his treatment, and took measures to secure his exchange. When released his health was hopelessly shattered, and he was an invalid until relieved by death, February 28, 1781, at Princeton. The date of his arrest is generally given as November 30, 1776, being the very day on which the New Jersey Legislature re-elected him to Congress for another year. He resigned February 10, 1777.—*Hageman*, ut supra, I., 86; *Provincial Courts*, 198-9; *Lossing's Field-book of the Revolution*, II., 242; *Gordon's American Revolution*, ed., 1780, II., 175; *Raum's Hist. N. J.*, I., 423; *Whitehead*, ut supra; *Whitehead's Perth Amboy*, 254; *Gordon's N. J.*, 324. Mr. Stockton married Annis Boudinot, daughter of Elias Boudinot, of Elizabethtown, and sister of Elias Boudinot, LL.D., President of Congress, 1782-3, and first President of the American Bible Society. Dr. Boudinot married (1762) Mr. Stockton's sister.—*Hatfield's Elizabethtown*, 588-9; *Helen Boudinot Stryker*, in *Penn. Hist. Mag.*, III., 191. Mrs. Stockton frequently wrote verses for the periodicals of the day, and one of her compositions, addressed to Washington, on the surrender of Cornwallis, elicited from him a most gallant and courtly acknowledgement.—*Mag. American Hist.*, V., 118; VII., 66. Mr. Stockton left children: Richard (the "Duke"), Lucius Horatio, Julia (married Dr. Benjamin Rush), Susan (married Alexander Cuthbert), Mary (married the Rev. Dr. Andrew Hunter), Abby (married Robert Field).—*Provincial Courts*, 199. The fullest and most accurate sketch of the family, and especially of the Signer, is given by John F. Hageman, Esq., in his admirable and deeply interesting history of "Princeton and its Institutions," I., 86-88.—[W. N.]

Circular Letter from Mr. Pownall to the Governors in America, inclosing Copies of the King's Message to Parliament, relative to the disturbances in the Colonies, together with resolutions of that body.

[From P. R. O. America and West Indies, Vol. 278.]

WHITEHALL March 10th 1774.

His Majesty having thought fit to lay before the Two Houses of Parliament the Advices which have been received relative to the late Disturbances in some of the Colonies, Inclosed I send you by the Earl of Dartmouth's directions Copies of His Majesty's Message accompanying those Papers, and of the Resolutions of Both Houses which followed thereupon—

I am &c^a

J POWNALL

Copy of His Majesty's Message, To Both Houses of Parliament Delivered 7th March 1774

GEORGE R

His Majesty, upon Information of the unwarrantable Practices which have been lately concerted and carried on in North America, and particularly of the violent and outrageous Proceedings at the Town and port of Boston, in the Province of Massachusetts Bay, with a View to obstructing the Commerce of this Kingdom, and upon Grounds and Pretences immediately subversive of the Constitution thereof, has thought fit to lay the whole Matter before His Two Houses of Parliament; fully confiding as well in their Zeal for the Maintenance of His Majesty's Authority, as in their Attachment to the common Interest and Welfare of all His Dominions, that they will not only

enable His Majesty effectually to take such Measures as may be most likely to put an immediate Stop to the present Disorders, but will also take into their most serious Consideration what further Regulations and permanent provisions may be necessary to be established for better securing the Execution of the Laws, and the just Dependance of the Colonies upon the Crown and Parliament of Great Britain.

G. R.

Resolution of House of Lords for Address in
Answer to His Majesty's Message 7th Mar.
1774.

HOUSE OF LORDS 7th March 1774

Ordered, That an humble Address be presented to His Majesty, to return His Majesty the thanks of this House, for His Majesty's Gracious Message and for the Communication His Majesty hath been Graciously pleased to make to this House of several Papers relative to the present State of some of His Majesty's Colonies in North America.

To assure His Majesty that this House truly sensible that the Peace and good Government of the Colonies and the preventing any obstructions there to the Commerce of this Kingdom are objects of their most serious Attention, will enter upon the Consideration of these Papers with an earnest desire to make such Provisions as upon mature Deliberation shall appear necessary and expedient for securing the just Dependance of the said Colonies upon the Crown and Parliament of Great Britain, and for enforcing a due Obedience to the Laws of this Kingdom, throughout all His Majesty's Dominions.

Resolution of the House of Commons for Address in Answer to His Majesty's Message
7th March 1774.

Resolved

That an humble Address be presented to His Majesty, to return His Majesty the Thanks of this House, for His Majesty's Gracious Message; and for the Communication His Majesty hath been Graciously pleased, to make to this House, of several Papers relative to the present State of some of His Majesty's Colonies in North America.

To assure His Majesty, that this House will, without Delay, proceed to take into their most serious Consideration His Majesty's said most Gracious Message, together with the Papers accompanying the same; and will not fail to exert every Means in their Power, of effectually providing for Objects so important to the general Welfare, as maintaining the due Execution of the Laws, and securing the just Dependance of His Majesty's Colonies upon the Crown and Parliament of Great Britain.

Letter from Gov. Franklin to the Earl of Dartmouth, transmitting answers to inquiries relative to the present state and condition of His Majesty's Province of New Jersey.

[From P. R. O. America and West Indies, Vol. 177 (195).]

BURLINGTON March 28th 1774

Right Hon^{ble} the Earl of Dartmouth

My Lord,

The Assembly having sat from the 10th of November to the 11th Instant; during which Time (as I have no private Secretary to assist me in my Business) I had it not in my Power before to answer the Queries or

Heads of Enquiry transmitted to me in your Lordship's Circular Dispatch of the 5th of July last. I have, however, Since their Prorogation lost no Time in answering them, and I now Send my Answer by this Opportunity. Had I not been disappointed in getting some Materials which had been promised me by Some of the Gentlemen of the Council¹ it would have been fuller, but I am in hopes that, as it is, it will prove Satisfactory, as I think I have omitted no material Point. I shall however endeavour to have an exact Map made of the Colony & to collect all the Materials which may be necessary to enable me to give a perfect Account of its Present State. A History of it was published in 1765 by M^r Smith, one of His Majesty's Council, which if His Majesty has not before Seen may Serve to afford, with the Observations Sent herewith, a better Idea of the Nature of the Government, People &c. than can other wise be obtained. I have therefore Sent one of them herewith.

The Laws and Proceedings of the last Session are copying; when finished I shall transmit them to your Lordship.—I have obtained from the Assembly a Supply for the Kings Troops Stationed in this Colony.

I have the Honour to be, with the greatest Regard, & Respect

My Lord, Your Lordships most obedient
& most humble Servant
W^m FRANKLIN.

Heads of Enquiry relative to the present State
& Condition of His Majesty's Province of
New Jersey in America and the Governor's
Answers thereto.

1. What is the Situation of the Province under your Government, the Nature of the Country, Soil and Cli-

¹ See Duer's Life of Lord Stirling, 111.

mate, the Latitudes & Longitudes of the most considerable places in it, Have those Latitudes and Longitudes been Settled by good Observations, or only by common Computations? and from whence are the Longitudes computed?

Answer. New Jersey is Situated between New York & Pennsylvania, and lies about 75° West Longitude from England, and between Latitude 39° and Latitude $41^{\circ} 21' 37''$ —There are Several Chains or Ridges of Hills in this Province, but of no great Consideration; many of them are capable of Cultivation to near the Summit.—The Soil of at least one fourth Part of the Province is said to be poor and barren Sand, in respect to Tillage, which Part, however, abounds with Pines and Cedars, and some few Tracts of Swamp capable of being made Meadow. The Upland is of various Kinds, some parts a Stiff Clay, others a Gravel, but in general tolerable good Wheat Land, tho' seldom equal to the Soil in many Parts of England; the greatest of that which is sandy produces good Rye and Indian Corn.—The Climate is very variable, often in the extreme. I have known the Weather change 19° Degrees in one Hour by Farenheit's Thermometer. Within the same Year the Thermometer in the shade has been at 97° and at several Degrees below 0.—Amboy the Capital of East Jersey, is in about $70^{\circ}, 30'$ West Longitude from London, and one Degree East Longitude from Philadelphia, and nearly in Lat. $40^{\circ}, 30'$.—Burlington, the Capital of West Jersey, is in about $74^{\circ} 40'$ West Longitude from London; and in about $40^{\circ}, 10'$ North Latitude.—These are the Common Computations, and I believe that neither the Latitude nor Longitude of those Places have ever been taken by actual Observation.

2. What are the reputed Boundaries, and are any Parts thereof disputed, what Parts and by whom?

Answer, New Jersey is bounded on the West & South

West by Delaware River and Bay; on the South East & East by the Atlantic Ocean, the Sound which separates Staten Island from the Continent and Hudson's River; on the North by the Colony of New York, according to a Line lately Settled by Commissioners appointed by the Crown, beginning at a Rock on the West side of Hudson's River, marked by the Surveyors in 1769 as found to be in Lat. 41° , and running North Westerly to the Mouth of Mahacmack found by the same Surveyors to be in Lat. $41^{\circ} 21', 37''$.—Since the late Settlement of the Northern Boundary by Commissioners, there are no Parts disputed with any other Colony, except Staten Island, which is in the Possession of the Government of New York, but seems to be clearly within the Grant from the Duke of York to the New Jersey Proprietors. But the Proprietors having lately incurred a great Expence in getting their Northern Boundary settled, and by which they were deprived of a considerable Tract of Country that they had always before thought themselves justly entitled to, are discouraged at present from prosecuting their Claim to Staten Island. The Generality of the People, however, who are settled on it, are, I am told, so conscious of the Justness of the New Jersey Claim, that they take Care to obtain a Proprietary Right to their Lands, as well as a Grant from the Government of New York. It's Situation is much nearer to New Jersey than to New York, and it would be every Way more convenient for the Inhabitants were they annexed to N. Jersey.—As the Commissioners have fixed the Northern Boundary of this Province on the Delaware in Lat: $41^{\circ}, 21' 37''$ (instead of Lat. $41^{\circ} 40'$ mentioned in the D. of York's Grant) a Dispute is likely to arise between the Proprietors of the Eastern and the Proprietors of the Western Division concerning their Partition Line. This Line was formerly run from Little Egg Harbour on the Ocean to Cushietunk

or Station Point in Lat. 41° , $40'$, as that was then supposed to be the Northern Boundary of the Province on the Delaware side, but since the Commissioners have settled it lower down the River, at Mahacamack in Lat. 41° , $21'$, 37 , the West Jersey Proprietors contend that the Line ought now to be run to that Place from Little Egg Harbour; by which, if they succeed, they will gain from the Eastern Proprietors a Gore of Land amounting, it is thought, to upwards of 200,000 Acres.

3. What is the Size and Extent of the Province, the Number of Acres, Supposed to be contained therein, what Part thereof is cultivated and improved, & under what Titles do the Inhabitants hold their possession?

Answer, The greatest Length of New Jersey from North to South, that is from Cape May in the Lat. 39° to the North Station point on Delaware is about 184 Miles. Its greatest Breadth is about 60 Miles: but supposing it on an Average about 150 in length and 50 in Breadth, the whole Province must then contain 4,800,000 Acres.—How much Land is actually in Cultivation it is difficult to guess. It is supposed that West Jersey contains the greatest Quantity of Acres, and in Return took the most barren Land. The East Jersey Proprietors were, in the year 1765, supposed to have located nearly 468,000 Acres of good Land, and 96,000 Acres of Pine Land. The Proprietors of West Jersey soon after their Arrival, divided among them, 500,000 Acres, which they called 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 $\frac{1}{2}$ % Cent. for 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.—The Inhabitants derive their Titles under the orig-

inal Proprietors, who derived their Title under the Duke of York, who had a Grant of the Country from his Brother King Charles the Second.

4. What Rivers are there, and of what Extent, and Convenience in Point of Commerce? 5. What are the principal Harbours, how situated, of what Extent, and what is the Depth of Water and Nature of Anchorage in each?

Answer, The principal Rivers in, or communicating with the Province of New Jersey, are the North or Hudson's River, Delaware River, and Raritan River; There are some smaller Rivers, such as Passaic, & Hackinsack, which empty themselves into Arthur Cull Bay adjoining the North Side of Staten Island, and Maurice & Ancocus Rivers which run into the Delaware. Hudson's River is navigable for large Sea Vessels of 4 or 500 Tons, above the North Boundary of New Jersey, as is the Delaware, for some Miles above the City of Burlington. To Amboy, which is Situated at the Mouth of Raritan, Vessels of the greatest Burthen may come. There is good anchoring in the Harbour, which is one of the finest and safest in the World, capable of receiving the whole Navy of England. The Raritan is navigable for small Sea Vessels up to Brunswick, which is 12 Miles from Amboy, and nearly as high as the Tide flows. Great Quantities of Country Produce are brought from the Northern and Inland Parts of the Province by means of the Delaware,* Raritan, Passaic, Hackensack, Maurice and Ancocus Rivers, and by Rahway and Bounds Creeks in East Jersey, and by Croswicks, Salem, & Cohanzy Creeks in West Jersey, besides by severall small Rivers & Creeks on the Sea Coast. The Extent, Depth

* The Tide in this River goes no higher than Trenton in N. Jersey, which is about 30 Miles above Philadelphia, where there is a Rift or Falls, passable, however, with flat bottom'd Boats which carry 5 or 600 Bushels of Wheat. By these Boats, of which there are now a great Number, the Produce of both Sides the River for upwards of 100 Miles above Trenton are brought to Philadelphia.

of Water, and Nature of Anchorage in each, it is expected, will be soon exactly ascertained by Capt. Holland, who, I am told, is to begin his Survey of New Jersey this Summer.

6. What is the Constitution of the Government?

Answer. The original Constitution of New Jersey consisted of Several Setts of Concessions from the Proprietors, but since their Surrender of the Government to the Crown in 1702, it is supposed that only Such of those Concessions as were renewed and specified in the Commission and Instructions given to the first Governor, Lord Cornbury, can be considered as the Fundamentals of the present Constitution.—The several Concessions from the Proprietors—their Surrender of the Government—the Crown's Acceptance thereof—and the Royal Commission & Instructions to Lord Cornbury, are to be found at large in Smith's History of New Jersey sent herewith.

The Legislature at present consists of a Governor, Council, and Assembly or House of Representatives.—The Governor is appointed by the Crown, and he holds his Commission, which is under the Great Seal of England, during the King's Pleasure. The Council are appointed by Mandamus from the Crown, and hold their Seats during Pleasure. They are 12 in Number, and act as a distinct Branch of the Legislature, but I do not find that they were ever regularly constituted as such.—The Assembly consists of two Members from each of the 13 Counties, & two for each of the Cities of Perth Amboy & Burlington, making in all 30 Members, who are chosen by such of the Freeholders and Inhabitants as are legally qualified for that purpose. The Governor, with the Advice of the Council can call, adjourn, prorogue or dissolve them, and there is no Septennial or other Act which limits their Duration.¹

¹ "An Act for the septennial Election of Representatives to serve in the General Assembly of the Colony of New Jersey," was passed by the Assembly May 10, 1768, but never received the Royal assent.—*Allinson's Laws*, 306

Each Branch of the Legislature has a Negative on all Bills, which sometimes originate in the Council, but generally in the Assembly.—The Legislature meets alternately at Amboy and Burlington, which is attended with great Inconvenience & Expence to the Governor, and is besides disadvantageous to the Public, as it keeps up an idle Distinction between the two Parts of the same Province, and occasions the Records to be kept at two different Places when one would Suffice and be more convenient for the People in general, as well as the Officers of Government. This ought to be rectified, and Amboy established as the sole seat of Government, it being every way more proper than any other other Place, and is not above 12 Miles from the centre of the Province, which is greatly nearer than the Capital of any other Colony is to the Centre of it.—The enacting Stile is, “Be it Enacted by the Governor, Council, and General Assembly.” There seems to be an Impropriety in the House of Representatives being Stiled the *General Assembly*. That Appellation more properly belongs to the Governor, Council, and House of Representatives when met in their legislative Capacity, as the Word Parliament includes King, Lords, & Commons. It is to be wish’d therefore that the Stile was altered to “Governor, Council & Assembly, which is likewise agreeably to the Royal Instruction to Lord Cornbury the first Governor, and how the other Stile came to be adopted I know not, but it has been constantly used for many Years past.—All the Acts passed by the Legislature of New Jersey may be disallowed by His Majesty; but, unless they have Suspending Clauses inserted in them, they are in force till His Majesty’s Pleasure is known,—The House of Representatives is no Court of Judicature, but claim the Privilege of enquiring into the Mal Administration of the Courts of Justice, and Officers of Government, and to originate all Money Bills.

The Courts of Judicature are, 1st The Chancery, in which the Governor alone presides. 2^d The Court of Errors and Appeals, the Judges of which are the Governor & Council, but the Gov^r has only one Vote. Appeals lie to this Court from any of the Courts of Common Law, in Causes where the Sum or Value appealed for exceed the sum of 300£ Sterling, and from thence if it exceed 500£ Sterl^s, the Parties may appeal unto His Majesty in his privy Council.

3^d The Prerogative Court in which the Governor presides as Ordinary. It has Conusance of all Matters relative to the Probate of Wills, and granting Letters of Administration.

4th The Supreme Court, in which presides the Chief Justice, and two assistant or puisne Justices, stiled the second & third Justices. This Court is held four Times a Year, at Amboy & Burlington alternately, and generally once a Year in each County, or oftener if there should be Occasion. It takes Conusance of all Matters which can be regularly tried in the Courts of Kings Bench, Common Pleas, and Exchequer in England.

5th The County Courts of Common Pleas & Quarter Sessions.

6th The Justices Courts for Trial of Causes of Six Pounds and under, in a Summary Way.. All the Courts (except this last) are established by Virtue of the Royal Commission.—Courts of Vice Admiralty have been sometimes held in this Province, chiefly in Time of War, but the Judges reside in the neighbouring Colonies, viz^t the principal Judge Jared Ingersol, Esq^r at Philadelphia, and the other Judge Richard Morris, Esq^r at New York.

7. What is the Trade of the Province, the Number of Shipping belonging thereto, their Tonnage, & the Number of Sea faring Men, with the respective Increase or diminution within ten Years past ?

Answer, There is some little Trade carried on from several of the Ports in New Jersey to the West India Islands, chiefly with Provisions & Lumber, and there is one or two Vessels in the Madeira Trade. An Account of what was exported for two Years from the District of Amboy, (which is very extensive and includes several Ports) from the 5th of Jan^{ry} 1770 to the 5th of Jan^{ry} 1772, I have obtained from the Collector of Amboy; a Copy whereof is sent herewith. I have applied to him, and to the Collector of Burlington and Salem to make out such Accounts from that Time to the 5th of January 1774, which when obtained, shall be forwarded immediately.—But as the Chief Part of the Produce is sent to N. York & Philadelphia (without being entered at the Custom Houses here) from whence it is exported to other Countries, our Custom House Acc^t of Exports, can be of very little Use in forming an Idea of the Quantity of our produce sent to foreign Markets. New York & Philadelphia are in Reality the Commercial Capitals of East & West Jersey; and almost all the Articles we import for Home Consumption are from one or other of those Cities, of which no Entries are or can well be made at our Custom Houses, consequently we have no Way of coming at an exact Account of them.

8. What Quantity & Sorts of British Manufactures do the Inhabitants annually take from hence; what Goods & Commodities are exported from thence to G. Britain, and what is the Annual Amount at an Average?

Answer, For the Reason given in the Answer to the foregoing Question, it is impossible to ascertain the Quantity of British Manufactures consumed in the Colony. But the Sorts are in every respect the same as is exported into & consumed by the inhabitants of N. York & Pennsylvania.—There are no Commodities exported directly from N. Jersey to G. Britain, but in

general all such Articles as are exported from New York & Philadelphia to Great Britain are in Part Supplied by New Jersey

9. What Trade has the Province under your Government with any foreign Plantations, or any Part of Europe besides G. Britain; how is that Trade carried on; what Commodities do the People under your Government send to or receive from foreign Plantations, and what is the annual Amount thereof at an Average.

Answer, Lumber, Houses ready framed, and Provisions, are the chief if not the only Commodities exported from hence to any of the foreign Plantations. This Trade is carried on by New England Sloops or Schooners, and by some Vessels of that Kind belonging to the People of this Colony, but principally by the former. The Returns are partly in Cash, and partly in Rum or Melasses. The annual Amount thereof I know not, nor any way of coming at it, as the New England Vessels carry their Returns to the Colonies they belong to, and the N. Jersey Vessels often land their West India Cargoes at New York or Philad^a—No Trade is carried on from hence to any Part of Europe.—

10. What Methods are there used to prevent illegal Trade, and are the same effectual?

Answer, There are no other Methods taken to prevent smuggling but such as are taken by the Custom House Officers, in pursuance of the Authority given them by Acts of Parliament, and the Directions given them from Time to Time by the Commissioners of the Customs. There is no Doubt, however, but that notwithstanding all their Endeavours to prevent it, some smuggling is carried on in this Colony, as well as in every other Part of the British Dominions. On so extensive a Coast, in which there are many Harbours and Inlets, it is next to impossible to Stop it effectually. The Chief Smuggling here, I suspect is the

Produce of the foreign West India Islands. Some Cargoes from thence have been seized at different Times which has proved some Check to that Branch of illicit Trade.

11. What is the natural produce of the Country, Staple Commodities & Manufactures, and what Value thereof in Sterling Money may you annually export ?

Answer, The principal Produce of the Country and Staple Commodities are, Wheat, Indian Corn & other Grain, Flour, Bread, Beef, Pork, Hemp, Butter, Hams, Flaxseed, Copper, Pig & Bar Iron, Pot Ash, Leather, Cider, Bees Wax, Masts & Ship Timber.—There are no Alterations in the Manufactures of this Colony that I know of since my Letter to Lord Hillsborough, of the 14th of June 1768 (N^o 2.) to which I beg leave to refer, except that it is suspected that during the Non-importation Agreement, a new Slitting Mill was erected in Morris County, in order to carry on a Manufacture of Nails; which I have heard, is contrived so as to be an Appendage to a Grist Mill, and in such a Manner as to evade the Act of Parliament. However, of this I can get no certain Information, as the Works are fenced in so that none are admitted to see it but such as the Owners can confide in; and the Governor is not authorized by Law to cause it to be abated unless he receives Information thereof on the Oaths of two credible Persons, which there is no Probability of his receiving in these Times, as the Informer would become so extremely unpopular. As Nails are now imported again from England very cheap, I imagine there can be but little, if any, Profit made by it. If there was much, it is probable that more would have been erected before this Time. Nor can I learn for certain whether this one is worked at present.—We have no other Manufacture carried on here (without the Coarse kind of Glass made at an old Glass-House near Salem may be reckoned such)

that can at all interfere with those established at G. Britain. For though some of our Farmers make more coarse Woollen and Linen Cloth in their Families than formerly, yet I believe it is a certain Fact throughout British America, that the Quantity manufactured, however much increased, bears no Proportion to the increased Demand, arising from the great Increase in the Number of Inhabitants.—The Value of the Produce, &c, exported cannot be known, as we have no Way of ascertaining the Quantity, for the Reasons before mentioned.

12. What Mines are there ?

Answer, There are no Mines but Iron, and one or two of Copper; but the principal Copper Mine has not been worked to Advantage for several Year's past.

13. What is the Number of Inhabitants, Whites and Blacks ?

Answer, I endeavoured in the Year 1772 to get the exact Number of Inhabitants, together with an Account of the Births, Burials, &c. for which Purpose I had printed Blanks (of the Form sent herewith) sent to the several County Assessors, but as it would occasion them some additional Trouble, for which there was no Allowance, and as it was no Part of the Duty enjoined them by Law, many of them refused.¹ A general Account of the Returns which were made is sent herewith, and the Assembly, upon my Application at the last Session, have promised to provide for the Expence of having the Lists taken at the next Assessment, which, when completed, shall be immediately transmitted to His Majesty. At present the Number of Inhabitants of all Sorts is, from the best

¹ The Governor had evidently written to his father on this subject. Under date of April 6, 1773, Benjamin Franklin wrote him: "Your accounts of the numbers of people, births, burials, etc., in your province will be very agreeable to me, and particularly so to Dr. Price. Compared with former accounts, they will show the increase of your people, but not perfectly, as I think a great many have gone from New Jersey to the more southern colonies."—*Works*, VIII., 41.

Calculation which can be made, thought to be about 120,000.

14. Are the Inhabitants decreased or increased within the last Ten Years; how much, and for what Reasons?

Answer, The Inhabitants I suppose to have increased upwards of 20,000 in the last ten Years, though great Numbers have quit the Colony, & have migrated to Virginia, North Carolina, the Ohio, Missisipi, &c.—The principal Reason of their Increase is, there being plenty of Land to be had at a moderate Price, by which they can easily procure a Subsistence for a Family, and consequently are encouraged to marry early in Life.

15. What is the Number of the Militia, and under what Regulations is it constituted.

Answer, The Number of Men capable of bearing Arms in the Militia are reckoned at about 20,000; but there are not above half that Number who are regularly mustered and trained according to Law. The Militia Officers are appointed by the Governor, and they are authorized by Law to list all Persons between the age of 16 and 50 Years (except the Gentlemen of His Majesty's Council, the Representatives of the Assembly, Ministers of the Gospel, Physicians, & some others) who are to appear in the Field armed and accoutred twice a Year, in order to be taught the Use of Arms, and at such other Times as the Gov^r or Commander in Chief Shall call them together by an Order in Writing.—The great Number of Quakers in the Western Division are the principal Cause of the Militia Law not being properly executed there, for, as they will not appear on Training Days, they become subject to a Fine, which, as they will not pay unless they are distrain'd upon, there are few Gentlemen who live among them that incline to take Commissions in the Militia. their Duty requiring them to take Care that such Fines are duly levied, which often must occasion

them to disoblige & live upon bad Terms with their Quaker Neighbours.

16. What Forts and Places of Defence are there within your Government, and in what Condition?

Answer. There are no Forts or Places of Defence within the Colony. In the late War there were a few Stockado'd Forts erected on the Frontiers to guard against the Incursions of the Indians, but there are no Remains of them to be found at this Time.

17. What Number of Indians have you, & how are they inclin'd? 18. What is the Strength of the neighbouring Indians?

Answer. There are a few Families of Indians, making in all about 50 or 60 persons, settled on a Tract of upwards of 3,000 Acres, called Brotherton, in Burlington County, purchased for their Use by the Province, and entailed on them & their Successors for ever. These are all the Indians settled in or near this Province, and they are a quiet inoffensive People.

19. What is the Revenue arising within your Government & how is it appropriated & applied?

Answer. There is no regular established Revenue in this Province of any kind. There is no Provincial Duty or Excise laid on any Commodity whatever, at east none which produces a Farthing to the public Treasury. An Act was passed at the last Session for Striking 100,000£ in Paper Bills, to be emitted on Loan at 5 $\frac{1}{2}$ Cent. This Act, if confirmed by the Crown, will produce a Revenue of about 5,000£ a Year, which is (according to a Clause in the Act) to be afterwards appropriated by particular Acts of Assembly for the Support and other Exigencies of Government, as the Money shall from time to time be wanted, and as the several Branches of the Legislature can from time to time agree; for there are no permanent established Salaries paid by the Colony.—The annual Allowances made to the Officers of Gov-

ernment are raised by annual Taxes on the real & personal Estates of the Inhabitants, as are all the contingent Charges of Government.—There is, besides, an annual Tax of 15,000£ a Year, to continue until the Year 1782, in order to discharge the Debt incurred by this Province during the last War. The Quota which each County is to pay of this Tax, as Settled in the Year 1769, is as follows, viz:

Bergen	£996: 12: 0
Essex	1114: 7: 0
Middlesex	1308: 10: 0
Monmouth	1603: 14: 0
Somerset	1356: 3: 0
Morris	1085: 2: 0
Sussex	889: 18: 0
Hunterdon	2045: 15: 0
Burlington	1607: 10: 0
Gloucester	1144: 14: 0
Salem	1019: 8: 0
Cumberland	578: 0: 0
Cape May	250: 7: 0
<hr/>	
	£15,000: 0: 0

20. What are the ordinary and extraordinary Expences of your Government?

Answer, The ordinary Expences of Government are the Salaries of Officers—the Wages of the Members of the Council & Assembly—Printing Laws and Minutes of Assembly, and the like, which do not altogether communibus annis, amount to above 15,00£ or 16,00£ Sterling.—The Wages of the Members of Council & Assembly are 6s. Currency or 3s. 9d. Sterling each for every Day they attend, or are on their Journey to & from the Meetings of the General Assembly. The Clerk of the Assembly has 10s. Currency or about 6s. 3d. Sterling *per Diem* during the Session, besides an Allowance for Pens, Ink & Paper, and for copying

the Laws and Minutes. The two Sergeants at Arms (one to each House) are allowed 3s. Currency p^r Diem during the Session, equal to about 1s. 10^d Sterling. The Doorkeeper to the Assembly is allowed 3s. 6d. Currency, or 2s. Sterl^s a Day. The Clerk of the Assembly, Sergeant at Arms, and the Doorkeepers are appointed by the Governor, generally on the Recommendation of their respective Houses they belong to.—Besides the foregoing there is allowed to the Governor 60£ Currency, or £37.10.0 Sterling for House Rent, and to the Chief Justice, or other Justice of the Supreme Court, 10£ Currency, or £6:5:0 Sterl^s for holding each Circuit Court of Oyer & Terminer when there shall be a real Occasion for holding the same.—Sometimes there is likewise an Account for contingent Expences incurred by the Agent in soliciting the Affairs of the Province at the public Offices in England, which Seldom amounts to 30£ Sterling p^r Annum.

The following is an Account of the Salaries granted to the Officers of Government by the last annual Support Act, in Currency and Sterling, with a List of the Names of the Officers, in which is likewise mentioned the Authority by which they are respectively appointed, and the Tenure of their Commissions, viz—

Name of Officers.	Offices	How appointed and the Tenure of their Com- missions.	Salary in Curren- cy.	Salary in Sterling at 60 pr. Cent. the Common Medium of Ex- change.
William Franklin	Governor.	By the Crown, by Commission under the Great Seal of England during Pleasure	£1200. 0. 0	£750. 0: 0
David Ogden	Second Justice of the Su- preme Court	By the Governor The Commission in the King's Name, under the public Seal of the Colony during Pleasure	150. 0. 0 150. 0. 0 40. 0. 0	93. 15. 0 93. 15. 0 25. 0. 0
Richard Stockton	Third Justice	Ditto—	40. 0. 0	25. 0. 0
Cortlandt Skinner	Att'y General	—Ditto—	40. 0. 0	25. 0. 0
John Smyth	Treas'r. of the Eastern Di- vision	Ditto	40. 0. 0	25. 0. 0
Samuel Smith	Treasurer of the Western Division	—Ditto—during good behaviour.	40. 0. 0	25. 0. 0
Charles Pettit	Dep'y Clerk of the Council	By the principal Clerk (Mr. Morgan) who is appointed by the Crown, and resides in Eng- land. During Pleasure	30. 0. 0 100. 0. 0 20. 0. 0 10. 0. 0	18. 15. 0 62. 10. 0 12. 10. 0 6. 5. 0
Benjamin Franklin	Agent	By Gov. Col & Ass'y during Pleasure		
Joseph Worral	Clerk of the Circuits	By the Governor during good behaviour.		
John Carty	Doorkeeper of the Council	By the Governor, During Pleasure		
			\$1780. 0. 0	£1112. 10: 0

Besides the above Officers there is a Chief Justice appointed by Mandamus from the Crown, & commissioned by the Governor, and three Collectors of His Majesty's Customs appointed by the Lords of the Treasury, all of whom receive no Salary from the Colony.—The Chief Justice is paid out of the King's Revenue in New York £400.0:0 What the Salaries of the Collectors are I know not.—

N. B. The above Salaries are reckoned in Sterling Money at 60  Cent, but as Exchange is now, and has been for some Time, at 69 or 70  Cent. consequently the Salaries are 9 or 10  Cent worse than they are here estimated at, i. e. it will require 169 or 170£ Currency to purchase a Bill for 100£ Sterling instead of 160£ the Medium of Exchange.

The extraordinary Expences of Government are chiefly for the Repair of the Barracks, and for the Supply of the King's Troops which happen occasionally to be Stationed in this Colony.—These extra Expences seldom exceed Six or Seven hundred Pounds Sterling a Year.—There is no military Establishment Supported by the Colony.

W^m FRANKLIN

BURLINGTON March 28, 1774

ACCOUNT of the Dwelling Houses and Inhabitants of F
riages, Births and Burials in the said Province for one Y

[illegible]

Persons moved the Prov- within said Year		Families moved into the Prov- ince within the said Year		Negroes in the Province										Births and Burials of Negroes within the said Year.									
Consisting of		Consisting of				Males			Females			Total of both Sexes	Births.			Burials							
Females	Total Persons	Families	Males	Females	Total Persons	under 16	16 & upwards	Total Male	under 16	16 & upwards	Total Females		Males	Females	Total	under 16	16 & upwards	under 16	16 & upwards	Total Burials			
87	200	21	42	41	83	60	94	154	62	69	131	285	7	6	13	2	2	1	6	6			
49	89	8	17	21	38	253	335	586	251	248	509	1095	25	14	39	5	4	1	4	14			
33	81	2	29	14	43	176	235	411	149	171	320	731	12	9	21	1	2	3	3	9			
29	58	4	8	12	20	78	100	178	56	82	138	316	6	7	13	2	2	1	1	6			
5	18	7	24	13	37	77	92	169	60	69	129	298	4	4	8	2	2	-	-	4			
11	15	5	5	1	6	31	35	66	19	25	44	110	2	2	4	-	-	-	-	-			
1	2	-	-	-	-	21	38	59	18	34	52	111	2	2	4	-	-	-	-	-			
18	35	3	15	13	28	89	132	211	67	89	156	367	8	9	17	6	3	1	3	13			

An Account of the Exports from the Port of Perth Amboy between the 5th of January 1770 and the 5th of January 1772

3898. Barrels Flour	1000. Ropes Onions
1352. Barrels Bread	198. Bush ^{ls} Rye
203. W ^t ditto	9. Firkins Butter
8906. Bush ^l Ind ⁿ Corn	1. Barrel & 20 Bush ^l Nuts
115.420. Staves & Heading	1000. Hoops
2300. Boards	30. Empty Hhd ^s
10000. Shingles	1. Parcel of Earthen Ware
7½. Tons Iron	1. Barrel Bitters
33. Tons Madeira Wine	
& 53 Gall ^s	50. Bush ^l Buckwheat
18. Barrels Beer	25. Bush ^l Turnip
201. Pair Shoes	10. Barrels Bees Wax
600. Gall ^s West India Rum	10. Tons Sasafras Roots
50. Bush ^l Potatoes	4. Boxes Candles
200. Bush ^l Salt	80. Barrels & 60 Quintals
	Cod Fish
32. Sides of Leather	21. Casks & 55 Bar ^{ls} Apples
350. Bush ^{ls} Bran	9. Hogsheads Melasses
1. Firkin of Starch	600. Gall ^s N. E. Rum
2. Tons of Cyder	1. Ton Log & Red Wood
17. Barrels of Beef & Pork	8. Boxes Chocolate

Representation from the Lords of Trade to the King, recommending Francis Hopkinson to be appointed of the Council in place of Charles Read, who had left the Province.

[From P. R. O., B. T., New Jersey, Vol. 17, p. 262.]

WHITEHALL April 21st 1774

To the King's most Excellent Majesty.

May it please Your Majesty,

Charles Read Esquire, one of Your Majesty's Council in the Province of New Jersey having departed from the said Province, with an intention to settle in the Island of S^t Croix in the West Indies, and Francis Hopkinson having been recommended to us as a person well qualified to serve Your Majesty in that station; We beg leave humbly to propose to Your Majesty that the said Francis Hopkinson Esquire may be appointed of Your Majesty's Council in the said Province, in the room of the said Charles Read Esquire.

Which is most humbly submitted.

DARTMOUTH. BAMBER GASCOYNE.

SOAME JENYNS. W^m JOLLIFFE.¹

WHITS. KEENE.

¹ Whitshed Keene was appointed one of His Majestys Commissioners for trade and plantations, Jan. 25, 1774. Messrs, Jenyns, Gascoyne and Jolliffe were reappointed at the same time,—*Dodsley's Annual Register* for 1774, 183.

*Letter from the Earl of Dartmouth to Gov. Franklin,
relative to the removal of the Treasurer of East
Jersey, etc.*

[From P. R. O. America and West Indies, Vol. 195.]

WHITEHALL 4th May 1774

Governor Franklin.

Sir,

I have received your Letter of the 28th of Febry, and have laid it before the King.

It is a great Satisfaction to me to find that an end has been put to the Dispute respecting the removal of the Treasurer of the Eastern Division, and that Harmony is likely to be restored between you and your Assembly; but I cannot but lament at the same time, that the House should have been so void of Candour in their Proceedings. as to have made that Dispute a Pretence for refusing to grant the Supplies for the King's Troops.

In consequence of your Recommendation of M^r Hopkinson the Board of Trade have proposed his being appointed of the Council in the Room of M^r Reed.

Inclosed I send you by the King's Command His Majesty's Order in Council on the 13th of April, approving an Act passed in New Jersey in September 1772, which you will not fail to make public in the manner usual upon such Occasions.¹

I am &c^a

DARTMOUTH.

¹ See p. 387, *ante*

Letter from Gov. Franklin to the Earl of Dartmouth, relative to the Boston Port Act; a Congress of Members of the several Houses of Assembly; the removal of the seat of government from Burlington to Perth Amboy, etc.

[From P. R. O. America and West Indies, Vol. 177 (195).]

BURLINGTON May 31st 1774

The Right Hon^{ble} the Earl of Dartmouth

My Lord,

Since my last I have received two Circular Dispatches from M^r Pownall, dated March 10 and April 6, inclosing Copies of His Majesty's Message to both Houses of Parliament relative to the late Disturbances in America, their Resolutions thereupon, and the Act of Parliament respecting the Port of Boston. The latter has been published in the usual Manner, tho' the People of this Colony are not concerned in carrying on any Commerce with the Province of Massachusetts's Bay.

It is difficult as yet to foresee what will be the Consequences of the Boston Port Act. It seems as if the Merchants of Philadelphia and New York at their late Meetings were inclined to assist or co-operate with those of Boston in some Degree, but not to carry Matters so far as to enter into a general Non-Importation and Exportation Agreement, as was proposed to them by the Town of Boston.—However, I believe it may be depended upon that many of the Merchants, on a Supposition that a Non-Importation Agreement (so far as it respects Goods from Great Britain) will be certainly entered into by next Autumn, have ordered a

much greater Quantity of Goods than common to be sent out by the next Fall Ships from England.

—A Congress of Members of the several Houses of Assembly has been proposed, in order to agree upon some Measures on the present Occasion, but whether this Expedient will take place is as yet uncertain. The Virginia Assembly some Time ago appointed a Committee of Correspondence to correspond with all the other Assemblies on the Continent, which Example has been followed by every other House of Representatives. I was in hopes that the Assembly of this Province would not have gone into the Measure, and I took some Pains with several of the principal Members for that purpose, which I had Reason to think would have been attended with Success: For tho' they met on the 10th of November, yet they avoided taking the Matter into Consideration (tho' frequently urged by some of the Members) until the 8th of February, and then I believe they would not have gone into it, but that the Assembly of New York had just before resolved to appoint such a Committee, and they did not chooseto appear singular.¹ The Measure is, however, as I told them, very absurd, if not unconstitutional, and cannot even answer their Purpose, for as the Sitzings of the Assemblies, and their Continuance, in many of the Provinces, depend on the Pleasure of the respective Governors, it is not to be doubted but that the Governors will prorogue or dissolve them, whenever they see they are attempting anything improper; and, whenever an Assembly is dissolved, the power of its Committee is of course annihilated.

His Majesty may be assured that I shall omit nothing in my Power to keep this Province quiet, and

¹ The House voted, February 8, 1774, *nem. con.*, to appoint a Standing Committee of Correspondence and Inquiry: James Kinsey, Stephen Crane, Hendrick Fisher, Samuel Tucker, John Wetherill, Robert Friend Price, John Hinchman, John Mehelm and Edward Taylor.—*Minutes Provincial Congress*, etc., of 1775, 1.

that, let the Event be what it may, no Attachments or Connexions shall ever make me swerve from the Duty of my Station.—As the Times are likely to become more and more difficult, and will consequently require more frequent Meetings of the Council, I have (tho' it will occasion me a considerable additional Expence) resolved on removing to Amboy, where I can with greater Ease assemble them than at Burlington my present Residence. It is, indeed, in every respect, a Place better adapted for the Seat of Government than any other in the Province.

I send herewith the Minutes of the last Session of Assembly, and was in hopes to have likewise Sent by this Opportunity, a Copy of the Minutes & Journals of the Council, and of the Laws which passed, but the Secretary has just informed me that he has not been able to get them quite compleated, they being so very bulky.

They will, however, certainly be sent by the next Packet.

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient
and most humble Servant
W^M FRANKLIN

Letter from the Committee of the people of Essex County to the inhabitants of Monmouth County, commenting on the events at Boston and recommending a general meeting at New Brunswick.

[From New Jersey Historical Society Manuscripts.]

ELIZABETH TOWN, June 13th, 1774.

To Messrs. Edward Taylor, Richard Lawrence, Elisha Lawrence, John Taylor and Henry Waddle, and others, Inhabitants of the

County of Monmouth, Friends to the Liberties and Privileges of the American Colonies.

Gentlemen,

The alarming Measures which have been lately taken to deprive the Inhabitants of the American Colonies of their constitutional Rights and Privileges, together with the late violent Attacks made upon the Rights and Liberties of the Inhabitants of the Colony of the Massachusetts Bay (for asserting and endeavouring to maintain their Rights) manifestly intended to crush them without Mercy and thereby disunite and weaken the Colonies, and at the same time dare them to assert or own their Constitutional Rights, Liberties or Properties, under the Penalty of the like, and if possible, worse Treatment; and as the Assembly of New Jersey are not like to meet in Time, to answer the Design proposed, and the neighboring Colonies are devising and expecting the immediate Union of this Colony with them—Sundry of the Inhabitants of the County of Essex by Advertisements convened a general Meeting of said County at Newark, on Saturday last, when the said Inhabitants unanimously entered into certain Resolves and Declarations upon that Occasion, a Copy of which You have inclosed.¹ We, the Committee appointed by the said Meeting, do earnestly request that You will immediately by Advertisement or otherwise, call a general Meeting of your County for the Purposes aforesaid as soon as possible, as we have Intelligence that it is most probable the general Congress of the Colonies will be held the latter End of July next. We think New Brunswick the most Suitable Place for the Committees to

¹ The call for the meeting, and the resolutions adopted, are published in American Archives, Fourth Series, I., 403, and in Minutes of the Provincial Congress, etc., of 1775, 6-8.

meet, and with Submission to them desire they will meet us at New Brunswick on Thursday the Twenty-first Day of July next, at Ten o'clock in the Morning, unless Some other Time and Place more Suitable shall in the mean Time be agreed upon.

We earnestly request your answer as Soon as possible.

Letters of this Tenor and Date we now dispatch to the other Counties of this Colony.

We are, Gentlemen,

Your most ob't Serv'ts

by order,

STEPHEN CRANE, Ch'n.

Letter from Gov. Franklin to the Earl of Dartmouth, transmitting a number of Acts of the New Jersey Assembly.

[From P. R. O. America and West Indies, Vol. 177 (195).]

BURLINGTON June 13th 1774

Right Hon^{ble} the Earl of Dartmouth.

My Lord,

I have the Honour to transmit to your Lordship by this Opportunity thirty-three Acts which passed at the last Session of General Assembly, together with a printed Copy of the same, also Copies of the Journals of the Council during that Session; and the Minutes of Privy Council from the 22^d of February 1773 to the 31st of March 1774.

Two of the Acts have Clauses suspending their Execution until His Majesty's Pleasure shall be known, which the Agent will be directed to solicit the Confirmation of. The first of them is an Act for Striking One hundred Thousand Pounds in Paper Bills of

Credit and emitting the same upon Loan. This Act will, if confirmed by His Majesty, be an useful Act, as such a Medium of Commerce begins to be wanted, on Account of great Quantities of Paper Money, which had been struck & circulated during and since the late War, being now called in, and sunk agreeably to the Acts of Assembly for that Purpose. It will besides enable the People to part with their Gold and Silver for Remittances to England, and the Assembly to make a more adequate Allowance to the Officers of Government out of the Interest, which will amount to Five Thousand Pounds a Year. Both the Council and I tried to get the Assembly to appropriate in the Bill a certain Part of the Interest towards paying the Salaries of Officers during the Continuance of the Act, and for building Houses for the Residence of the Governor and the Meetings of the Legislature, of which there is a shameful Want in this Province; but they would not consent to any other Appropriation than what is contained in the Bill, i, e, making the Interest Money Subject to the Disposition of future Acts of the whole Legislature. Some of them however in their private Capacities, declared that in case the Bill should be confirmed, they would be very willing to augment the Salaries, and to provide for the building of such Houses, out of that Fund. Most of the Gentlemen of the Council are notwithstanding of Opinion that if this Act was disallowed on Account of its not containing such special Appropriations, and some Intimations given that it would have been confirmed had it been different in that respect, the Assembly, rather [than] not obtain so beneficial a Law, would consent to pass a Bill conformable to the proposed Alterations. But it did not appear altogether proper for me to refuse the Bill on this Account, as it was tendered with a Suspending Clause, and as the two adjoining Provinces, New York & Pennsylvania, have each of them lately obtained Acts of a similar Nature.

The other Act which has a Suspending Clause, is an Act for the Relief of Abner Hetfield an Insolvent Debtor, the Reasons for Passing of which are truly set forth in the Preamble, and are such as it is hoped will induce His Majesty to confirm it.

There are only two other Acts which need any particular Notice. One of them is to oblige the Treasurers of the Colony to give Security for the due Execution of their Offices, and the other is to authorize the present Treasurer of the Eastern Division to bring an Action against the late Treasurer of the said Division for the sum he alledges to have been stolen from the Treasury. The first of these was necessary, as there was no Law before for the Purpose; but the second seemed to me to be entirely needless, as I look'd upon the Attorney General to be fully authorized by his Office to file an Information for the Recovery of the Money, and that that was the proper and legal Method to be taken in this Case. However, as the Attorney General happened to be the Brother of the late Treasurer, and as a Majority of the Council as well as of the Assembly were of Opinion that there were some peculiar Circumstances in the Case, which made such a Law proper, and there being several Precedents of Laws of the like Nature being passed on similar Occasions, in this and the neighbouring Colonies, I gave it my Assent on being assured by the late Treasurer that neither he nor his Council learned in the Law had any Objection to it. The Particulars of what passed in the Privy Council respecting these two Laws may be seen in the Minutes of the 9th & 10th of March last, to which I beg leave to refer your Lordship.

I have the Honor to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient

& most humble Servant

W^m. FRANKLIN

Letter from Governor Franklin to the Earl of Dartmouth, transmitting certain resolutions adopted at a meeting of the freeholders and inhabitants of Essex County, aiming to bring about a Congress of deputies from all the Colonies.

[From P. R. O. America and West Indies, Vol. 177 (195).]

BURLINGTON June 28th 1774

Rt. Hon^{ble} the Earl of Dartmouth

My Lord

I have just received a Copy of some Resolves entered into at a Meeting of a Number of Freeholders and Inhabitants of the County of Essex, in this Province, on Saturday last, which I think it my Duty to transmit to your Lordship. The Meeting was occasioned, it seems, by an Advertisement requesting the Attendance of the Inhabitants on that Day, and published in one of the New York papers, and signed by two Gentlemen of the Law who reside in that County. I have likewise had an Application made to me, by some of the Members of the House of Representatives, to call a Meeting of the General Assembly in August next, with which I have not nor shall not comply, as there is no public Business of the Province which can make such a Meeting necessary. It seems now determined by several of the leading Men in most if not all of the Counties in this province to endeavour to follow the Example of the Freeholders in Essex. Meetings of this Nature there are no Means of preventing, where the chief Part of the Inhabitants incline to attend them. I as yet doubt, however, whether they will agree to the general Non-Importation from Great Britain which has been recommended. Their principal

Aim seems to be to bring about a Congress of Deputies from all the Colonies, as proposed by Virginia, and that that Congress should not only apply to His Majesty for the Repeal of the Boston Port Act, but endeavour to fall upon Measures for accommodating the present Differences between the two Countries, and preventing the like in future. It is indeed thought by many of the Friends of Government here, that a Congress if properly authorized by His Majesty, and consisting of the several Governors, & some Members of the Council and Assembly in each Province, would be productive of the most beneficial Consequences to the British Empire in general, more especially if they were assisted by some Gentlemen of Abilities, Moderation and Candour from Great Britain commissioned by His Majesty for that Purpose. There has been, indeed, an Instance of Commissioners being sent over to settle Matters of far less Importance to the British Interest, than those now agitated, which are, perhaps, worthy of more Attention and Consideration than any Thing that has ever before concerned Great Britain. At present there is no foreseeing the Consequences which may result from such a Congress as is now intended in America, chosen by the Assemblies, or by Committees from all the several Counties, in each of the Provinces.

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient
and most humble Servant

W^m. FRANKLIN

Copy of the Resolves of the Freeholders of the
County of Essex in New Jersey June 11th
1774

At a meeting of the Freeholders & Inhabitants

of the County of Essex, in the Province of New Jersey, at Newark in the said County, on Saturday the 11th June 1774

This meeting taking into Serious consideration some late alarming measures adopted by the British Parliament, for depriving his Majesty's American Subjects of their undoubted and constitutional rights and privileges, & particularly, the act for blockading the Port of Boston, which appears to them, pregnant with the most dangerous consequences to all his Majesty's dominions in America: do unanimously resolve and agree,

I. That under the enjoyment of our constitutional privileges and immunities, we will ever cheerfully render all due obedience to the crown of Great Britain, as well as full faith and allegiance to his most gracious Majesty, King George the third: and do esteem a firm dependance on the mother country, essential to our political security and happiness.

II. That the late act of Parliament relative to Boston, which so absolutely destroys every idea of safety and confidence, appears to us, big with the most dangerous and alarming consequences; especially, as subversive of that very dependance, which we would earnestly wish to continue, as our best Safe-guard and protection: and that we conceive, every well-wisher to Great Britain and her Colonies, is now loudly called upon to exert his utmost abilities, in promoting every loyal and prudential measure, towards obtaining a repeal of the said Act of parliament and all others subversive of the undoubted rights and Liberties of his Majesty's American Subjects.

III. That it is our unanimous opinion, that it would conduce to the restoration of the liberties of America, should the Colonies enter into a joint agreement not to purchase or use any articles of British Manufactory;

and especially any commodities imported from the East-Indies, under such restrictions as may be agreed upon by a General congress of the said Colonies hereafter to be appointed.

IV. That this county will most readily & Cheerfully join their Brethren of the other counties in this Province, in promoting such congress of Deputies, to be sent from each of the Colonies, in order to form a General plan of union, so that the measures [to] be pursued for the important ends in View, may be uniform and firm: to which plan when concluded upon, we do agree faithfully to adhere. And do now declare ourselves ready to send a Committee to meet with those from the other Counties, at such time & place, as by them may be agreed upon, in order to elect proper persons to represent this Province in the said general congress.

V. That the freeholders and Inhabitants of the other Counties in this Province, be requested speedily to convene themselves together, to consider the present distressing state of our Public affairs: & to correspond, and consult with such other Committees, as may be appointed as well as with our committee, who are hereby directed to correspond and consult with such other committees, as also with those of any other Province: and particularly, to meet with the said county Committees, in Order to nominate and appoint deputies to represent this Province in General congress.

VI. We do hereby unanimously request the following Gentlemen to accept of that trust: and accordingly do appoint them our Committee for the purposes aforesaid, Viz. Stephen Crane, Henry Garritse, Joseph Riggs, William Livingston, William P. Smith, John DeHart, John Chetwood, Isaac Ogden, and Elias Boudinot Esq^{rs}

Letter from the Earl of Dartmouth to Gov. Franklin, relative to the Committee of Correspondence, and the removal of the seat of government from Burlington to Perth Amboy.

[From P. R. O. America & West Indies, Vol. 177 (195).]

WHITEHALL 6 July 1774

Governor Franklyn

Sir

Since my last Letter to you I have received yours of the 2. & 31. May numbers. 11. & 12. and have laid them before the King.

The measure of appointing Committees of Correspondence was too generally adopted to encourage a hope that the Assembly of New Jersey would not concur in it; You did well however to use your endeavours to dissuade them from it and to point out to them its inutility & general impropriety, And I should do injustice to my own Sentiments of your Character and Conduct in supposing you could be induced by any consideration whatever to swerve from the Duty you owe the King.

The little encouragement that has been given in most of the Colonies to the requisition made by the Assembly of the Massachusetts Bay wears a favorable aspect, but we cannot be too much upon our Guard, and the reasons you have assigned for fixing your residence at Amboy are approved by the King.

I am &c^a

DARTMOUTH.

Convention to Nominate Delegates to the Continental Congress, etc.

[From Minutes of Provincial Congress and Council of Safety, p. 25.]

At a general meeting of the Committees of the several Counties in the Province of New Jersey, at New Brunswick, on Thursday, the 21st July, and continued to the Saturday following. Present, seventy-two Members.

Stephen Crane, Esquire, in the Chair.

The Committees taking into their serious consideration the dangerous and destructive nature of sundry Acts of the British Parliament, with respect to the fundamental liberties of the American Colonies, conceive it their indispensable duty to bear their open testimony against them, and to concur with the other Colonies in prosecuting all legal and necessary measures, for obtaining their speedy repeal. Therefore, we unanimously agree in the following sentiments and Resolutions:

1st. We think it necessary to declare, that the inhabitants of this Province, (and we are confident the people of America in general) are, and ever have been, firm and unshaken in their loyalty to his Majesty King George the Third; fast friends to the Revolution Settlement; and that they detest all thoughts of an independence on the Crown of Great Britain; Accordingly we do, in the most sincere and solemn manner, recognize and acknowledge his Majesty King George the Third to be our lawful and rightful Sovereign, to whom under his royal protection in our fundamental rights and privileges, we owe, and will render all due faith and allegiance.

2d. We think ourselves warranted from the princi-

ples of our excellent Constitution, to affirm that the claim of the British Parliament, (in which we neither are, nor can be represented) to make laws, which shall be binding on the King's American subjects, "in all cases whatsoever," and particularly for imposing taxes for the purpose of raising a revenue in America is unconstitutional and oppressive, and which we think ourselves bound in duty to ourselves and our posterity, by all constitutional means in our power, to oppose.

3d. We think the several late Acts of Parliament for shutting up the port of Boston, invading the Charter rights of the Province of the Massachusetts Bay, and subjecting supposed offenders to be sent for trial to other Colonies, or to Great Britain; the sending over an armed force to carry the same into effect, and thereby reducing many thousands of innocent and loyal inhabitants to poverty and distress; are not only subversive of the undoubted rights of his Majesty's American subjects, but also repugnant to the common principles of humanity and justice. These proceedings, so violent in themselves, and so truly alarming to the other Colonies, (many of which are equally exposed to Ministerial vengeance,) render it the indispensable duty of all, heartily to unite in the most proper measures, to procure redress for their oppressed countrymen, now suffering in the common cause; and for the re-establishment of the constitutional rights of America on a solid and permanent foundation.

4th. To effect this important purpose, we conceive the most eligible method is, to appoint a General Congress of Commissioners of the respective Colonies; who shall be empowered mutually to pledge, each to the rest, the publick honour and faith of their constituent Colonies, firmly and inviolably to adhere to the determinations of the said Congress.

5th. *Resolved*, That we do earnestly recommend a general non-importation and a non-consumption agreement to be entered into at such time, and regulated in such manner, as to the Congress shall appear most advisable.

6th. *Resolved*. That it appears to us, to be a duty incumbent on the good people of this Province, to afford some immediate relief to the many suffering inhabitants of the town of Boston.

Therefore, the several County Committees do now engage to set on foot, and promote collections, without delay, either by subscriptions or otherwise, throughout their respective counties; and that they will remit the moneys arising from the said subscriptions, or any other benefactions, that may be voluntarily made by the inhabitants, either to Boston, or into the hands of James Neilson, John Dennis, William Ouke, Abraham Hunt, Samuel Tucker, Dr. Isaac Smith, Grant Gibbon, Thomas Sinnicks, and John Carey, whom we do hereby appoint a Committee for forwarding the same to Boston, in such way and manner as they shall be advised will best answer the benevolent purpose designed.

7th. *Resolved*. That the grateful acknowledgements of this body are due to the noble and worthy patrons of constitutional liberty, in the British Senate, for their laudable efforts to avert the storm they behold impending over a much injured Colony, and in support of the just rights of the King's subjects in America.

8th. *Resolved*. That James Kinsey, William Livingston, John Dehart, Stephen Crane, and Richard Smith, Esquires, or such of them as shall attend, be the Delegates to represent this Province in the General Continental Congress, to be held at the City of Philadelphia, on or about the first of September next, to meet, consult, and advise with the Deputies from the other Colonies; and to determine upon all such prudent and lawful measures as may be judged most ex-

pedient for the Colonies immediately and unitedly to adopt, in order to obtain relief for an oppressed people, and the redress of our general grievances.

Signed by order.

JONATHAN D. SERGEANT

Clerk.

Letter from the Standing Committee of Correspondence and Enquiry, of the New Jersey Assembly, to Benjamin Franklin, inquiring as to the proceedings of the Parliament of Great Britain.

[From Works of Benjamin Franklin, edited by Sparks, VIII., 126.]

BURLINGTON, 26 July, 1774

Sir,

At the last session of Assembly we were appointed a committee, to obtain amongst other things the most early and authentic intelligence of all acts and resolutions of the Parliament of Great Britain, or the proceedings of administration, that may have relation to, or any ways affect, the liberties and privileges of America.

We know of no person so proper to make application to, on this occasion, as to you, our Agent: and we should be glad if you would favor us with any, that should come to your knowledge, or that you would point out any more proper mode to enable us more effectually to answer the purpose for which we are appointed.

We are sensible of the difficulties, which an attention to your trust has already laid you under; and it will give us great pleasure to find you rise superior to all the late attempts to do you prejudice. Perhaps the request we make may be attended with an impropriety, which escaped our attention. If it does, be pleased to

favor us with your sentiments; they will be received with great respect on this, or any other occasion; for, with great truth we can assure you, that we should be glad of all opportunities to show the high esteem we entertain of your integrity, as well as of your abilities.

We are your most humble servants and friends,

SAMUEL TUCKER
JOHN MEHELM,
ROBERT F. PRICE,
HENRY PAXSON.¹

*Letter from Gov. Franklin to the Earl of Dartmouth,
relative to the first Congress in Philadelphia, and
containing "secret intelligence."*

[From P. R. O. America and West Indies, Vol. 177 (195).]

BURLINGTON Sept: 6th 1774

The Right Honourable the Earl of Dartmouth

My Lord,

I duely received your Lordship's Dispatches N^o 9, 10, and 11, with the several Papers referred to therein.

Since my last nothing of a public Nature worth communicating has occurred in this Province, except that there has been a general Meeting of the Committees of the Several Counties at New Brunswick, when they came to Resolutions Similar to those of the other Colonies, a Copy of which is contained in the enclosed printed Paper.

The Delegates from the Several Provinces met Yesterday for the first Time in Philadelphia.—As I think

¹ Messrs. Tucker and Mehelm were from Hunterdon county; Price was from Gloucester, and Paxson was from Burlington.

it my Duty to inform His Majesty of every Matter which may come to my Knowledge that may eventually affect his Interest or the public Welfare, and as the Proceedings of the present American Congress are indisputably of that Nature, I have sent your Lordship, enclosed, Extracts of two Letters from a Gentleman who is one of the Delegates, which not only contains an Account of their first Day's Transactions, but will serve to give an Idea of the Dispositions of some of the principal Members of that Body, and what may be expected from them.—The Gentleman who wrote these Letters is a very prudent and moderate Man, extremely averse to the violent and rash measures proposed by the Virginians and Bostonians, and was in hopes to have formed a Party among the Delegates sufficient to have prevented a Non-importation agreement for the present; but he seems now to despair of Success, as a Majority of the Southern and Northern Delegates are so much for that Measure, that those of New-York, New-Jersey and Pennsylvania who are of different Sentiments, begin to think it will answer no good End to make any Opposition.—It was likewise his Purpose to propose a Plan for a *political Union* between the two Countries; and, in order to prepare the Minds of the People for it, and to put them, as he says, in a proper Train of Thinking on the Subject, he has wrote the enclosed Pamphlet intituled *Arguments on Both Sides, &c.* But whether, now he finds the Sentiments of a great Majority of the Delegates so very different from his own, he will venture to publish his Pamphlet, tho' the whole is printed off, is uncertain. The principal Part of his Plan is, as I am told, the making an Application for Leave to send *Representatives from each Colony in America to the Parliament in Great Britain*; a Measure which, notwithstanding the many Difficulties and Objections made thereto, on both Sides the Water, he thinks will

be the only effectual Remedy for the present Evils, and prove a lasting and beneficial Cement to all the Parts of the British Empire.

These Communications are made to me by a Gentleman of Character, in Confidence that they will be kept entirely Secret; and your Lordship must be fully convinced of the Impropriety of their being made known to any but His Majesty and his most confidential Servants; for should they be once publicly known in England they will be certainly known here, and of course a Stop will be put to my obtaining any farther Intelligence from that Quarter.

I have the Honour to be, with the greatest Respect and Regard.

My Lord, Your Lordship's most obedient

& most humble Servant,

W^m FRANKLIN

[SECRET AND CONFIDENTIAL]

Extract of a Letter from one of the Delegates
for the Congress at Philadelphia—Dated
Saturday Sept^r 3^d 1774

—“I am just returned from Philadelphia, where I have been to wait on, and endeavour to find out the Temper of the Delegates. Near two Thirds of them are arrived, and I conclude all will be ready to proceed on Business on *Monday*. I have not had any great Opportunity of sounding them. But so far as I have, I think they will behave with Temper and Moderation. The Boston Commissioners are warm, and I believe wish for a Non-importation Agreement, and hope that the Colonies will advise and justify them in a Refusal to pay for the Tea until their Aggrievances are redressed—They are in their Behaviour and Conversation very modest, and yet they are not so much so as

not to throw out Hints, which, like Straws and Feathers, tell us from which Point of the Compass the Wind comes. I dined with them on Thursday."

"I have had two Opportunities, one with the elder Rutledge of Carolina, whose Sentiments and mine differ in no one Particular so far as I explained myself—and I was reserved in no Point save that of a *Representation in Parliament*—He is a Gentleman of an amiable Character—has look'd into the Arguments on both Sides more fully than any I have met with, and seems to be aware of all the Consequences which may attend rash and imprudent Measures—His younger Brother is rather warm.—My other Opportunity was with the two New-Hampshire Gentlemen—I found Col. Folsom very cool & moderate—Major Sullivan rather more warm, but very candid and has thought solidly on the Subject—I think neither of them intends to attach himself more to the particular Cause of Boston than will be for the general Good—They requested Opportunities of exchanging Sentiments with me often on the Occasion—and all my Observations seemed to have full Weight with them.—The Marylanders are not arrived, and but Three of the Virginians, Peyton, Bland, and Lee are arrived."

"I have intimated to several of the Delegates the Necessity of sending Commissioners over, fully authorized, to the British Court, as a Mode pursued by the Roman, Grecian & Macedonian Colonies on every Occasion of the like Nature—That thro' them we may be enabled, in case our first Plan for accommodating our unhappy Differences should not be acceptable, to know the better what to propose next—that having these Gentlemen at the Scene of Action we shall be no longer misled by News paper Accounts and private Letters, but shall proceed on solid Information and Principles of Safety—That without this, any Petitions or Plans, not having any Persons to explain and Sup-

port them, will have very little Effect—That in all Probability the Measures of the present Congress will be deemed illegal & unconstitutional, and that upon this Point only the Necessity of Sending Persons Home to insist upon the Right in the Colonies of being heard, and to prove that the Illegality of the Congress arises from the Measures of Power in not suffering the Assemblies to meet;—and if, after all, those Reasons should not procure due Attention to the Propositions of the Congress, to pray that the Governors may have Orders to permit such Meetings, and to give Assurances that their Conduct will be decent respectful & dutiful to the Mother State.—That a conduct of this kind cannot fail to give Strength to our Cause, and, if not immediately, in the End bring the Government to attend to Reason and redress our Aggrievances. These Intimations seemed to have their Weight, and, as far as I could observe, met with Approbation.—You may depend on my communicating to you from Time to Time the Transactions, &c of the Congress.”

Extract of another Letter from the same Gentleman, dated Philadelphia, Monday Sept^r 5, 1774.

—“The Congress this Day met at *Carpenter's Hall*, notwithstanding the Offer of the *Assembly Room* a much more proper Place. They next proceeded to chuse a Secretary, and, to my Surprize *Charles Thomson** was unanimously elected—The New Yorkers and myself and a few others, finding a great Majority, did not think it prudent to oppose it—Both of these Measures, it seems, were privately settled by an Interest made out of Doors.

“I cannot say but from this Day's Appearance &

* One of the most violent *Sons of Liberty* (so called) in America.

Proceedings, I have altered very much my last Sentiments—The Virginians and Carolinians, Rutlidge excepted, seem much among the Bostonians, and have at their Instance adopted the two above Measures.—The Gentlemen from New York have as little Expectations of much Satisfaction from the Event of Things as myself.—

“To-morrow we are to determine whether we are to vote by Colonies, each having a single Vote, or otherwise.”

Copy of a Pamphlet in Governor Franklin's of September 6th, 1774.

[From P. R. O., America and West Indies, Vol. 195.]

Arguments on Both Sides in the Dispute between Great-Britain and her Colonies. In which those in Favor of the Power of Parliament to bind the Colonies are stated and answered, and the Rights of the Colonists explained and asserted on *new* and just Principles. By a Sincere Friend to both Countries. To which is added Lord N——'s Political Creed with respect to America. Printed in the Year 1774.

ARGUMENTS, &C.

Great Britain insists that the Parliament, as the supreme Head and Legislature of all the British Dominions, has a Right to bind the Colonies as Members of that Dominion in all Cases whatever—And in Support thereof alledges—

First, That in every State or Society it is essential

that there should be a *supreme Authority*—a supreme Power of Decision—to bind, cement and tie together *every Part* or *Member*. That upon this Principle all Governments are instituted—and that without it, Society or Government cannot nor ever did exist.

That the Forms of all Governments and Societies prove this, as none were ever yet formed without a supreme Power of Decision lodged somewhere over every Part of the Community.

That the Patriarchs of old held this supreme Authority—That the same in a Monarchy is lodged in the Monarch—in an Aristocracy in the Nobles—in a Democracy in the People or their Delegates—and in a mixt Form of Government it is vested in the King, Lords and Commons—as in *Britain*.

Secondly, That the Territory now divided and formed into Colonies was obtained by the *British State* either by Conquest or by the Discovery of its Subjects; and consequently became a Part of the *Realm*, and subject to its *supreme Legislature*.

That the Crown, or the first Branch or Member of the *British state*, considered this Territory as a Part of the Realm, and therefore several if not all of the Charters, giving Liberty to the Subjects of that State to leave the antient and to settle in the new acquired Territory, expressly declared that they should be considered as Members of the same State notwithstanding their Change of Territory—and Subject in their Allegiance and Obedience to its supreme Legislature.

That upon this express Condition the Grantees of the Letters Patent, under the Seal of the State, accepted of the Leave to migrate and of the Territory—And that whatever *Briton* or Foreigner has, since the Date of such Charters, come into the Territory so granted upon Condition, and has become an Occupant thereof, *did implicitly agree and consent to the same Terms, viz.* to yield Obedience to the supreme Authority of the State.

That had the Crown granted such Charters even with an express Exemption from the supreme Authority such Grants would have been void.

1. Because the Territory granted was not the private Property of the Grantor or King executive, but of the Crown, or King, Lords and Commons, as the Representatives and Trustees for the Nation, in whom alone the supreme Power of the whole State is vested.

2. Because, altho' the Crown is vested by its antient Prerogative with a Power to incorporate any Number of People residing within a particular Circle of Territory, and to vest them with a Power to make By Laws, Rules and Ordinances for the better Government of that Territory, yet that Power does not extend to a Right to emancipate the People or Grantees from their Obedience to the supreme Jurisdiction—and therefore such Exemption would have been an Excess of Authority, and what he had no Right to do—and, of course, void.

3. Because such a Power would enable the King to divide the *British* Realm into as many petty States as he pleased, and discharge the whole People of *Great Britain* from their Obedience to the Government, and thereby dissolve the Constitution.

4. Because no Power or Authority can discharge a Subject from his Obedience to the supreme Authority, unless it be the same Power who formed that Authority, or by an universal Agreement.

Thirdly, That under these Terms of Obedience to the Legislature of *Great-Britain*, and this Idea of its Authority over them, the Inhabitants of the Colonies must be supposed to have settled—And in Consequence thereof the *British* Legislature has upon many Occasions, at a Variety of Times, held forth and exercised Authority over them, and they have as uniformly yielded a due Obedience to all the *British* Laws respecting the Colonies; as well those imposing Taxes and laying Duties as others, until the Year 1765.

That all the learned Judges of *England*, and the Judges and other Officers of Justice in America, in Conformity to this Idea of parliamentary Power over the Colonies, have put in Execution the Laws made before the Settlement of the Colony, and those enacted since, extended by the words of the Act to them, without Doubt or Hesitation, until the above-mentioned Period.

Fourthly, It is further alledged by Great Britain, that her Legislature not only thus constitutionally holds the Right to bind the Colonies by her legislative Acts, but there is a Necessity they should do so, arising from their particular Circumstances, and for their own Preservation, For they say.

1. That the Colonies are *Twenty-seven* in Number, and, with respect to each other, in a State of Nature, destitute of any political or governmental Union or supreme Authority to compel them to Act in Concert and for the common Safety, or to maintain themselves in that Harmony which constitutes the whole Strength of every Society—That their different Forms of Government, Productions of Soil, and Views of Commerce—their different Religions, Tempers and private Interests—their Prejudices against and Jealousies of each other—all have, and ever will, from the Nature and Reason of Things, conspire to create such a Diversity of Interests, Inclinations and Judgments, that they never can, as all Experience has shewn, in their present Situation, unite together for their common Safety, or to avoid any general Mischief, or to enact any salutary Measure for the general Good. And of necessary Consequence, as they are now become the desirable object of several European Powers, and have among themselves Men of Abilities and Ambition, they must soon become a Prey to some foreign Yoke, or to the arbitrary Power and Dominion of the ambitious among themselves, lost to the *British* Nation, and destitute

of that Liberty they are now so earnestly contending for.

2. That it arose from this disunited State of the continental Colonies, and their conducting their Policies upon these Principles, that a Handful of the *French* Subjects, acting upon the Reverse, were enabled to concert their Plans with such superior Wisdom, and to exert such a superior Degree of Strength, as to endanger the Safty of the British Colonies, and to throw them into such Distress as induced them to claim and implore the Assistance and Protection of the British Legislature, who accordingly afforded them Aid, and gave them Protection and their present Security. And altho' some of the Colonies contributed liberally at Times, yet at other Times even those omitted this most important Duty, while others gave no Aids to the general and common Defence.

3. That there can be no Proposition more rational, more equitable, or more true than that every Part or Member of a Dominion or State ought to contribute towards the Protection and Safety of the Whole, and of every Part which constitutes that Whole, in Proportion to the Property, Wealth and Strength which each Part or Member possesses.—That this is a necessary and indispensable Obligation, a primary and essential Consideration in every Government or Society—And that it is equally rational, equitable and true, when the Perverseness of the Conduct of Mankind is considered—That there must be a supreme Legislative Authority to remedy the Mischiefs arising from this Disunion of the Colonies, and to compel them to perform the last mentioned, and other Duties which arise from the Nature of Society, and tend to its general Welfare and Safety.

4. That in every Government Protection and Allegiance or Obedience are reciprocal Duties—Protection from the State demands and entitles it to receive Obe-

dience and Submission to its Laws or Decrees from the Subject. And, *é contra*, Obedience and Submission to its Laws entitle the Subject to demand and have Protection from the State. If then the Colonies are rightfully entitled to the Protection of the British Legislature the British Legislature is also equally entitled to their Submission and Obedience to its Laws.

5. That a Denial, in the Colonies, of Obedience to the Laws and Regulations of the British Legislature, is not only destructive of their Right to its Protection, but, is an explicit Declaration that they are distinct and independant States without political and governmental Connection, which can only bind and cement the several Parts or Members of all Societies or Governments together, and enables them to unite for their common Safety. Upon these Arguments, drawn from the established Principles of all Governments, from the Necessity of a supreme Power to order, direct and regulate every Member and Part of them, from original Right and Property in the Territory of the Colonies, from the Allegiance due from the People before their Migration, from the Nature of their Charters, and from the Necessity resulting from their present disunited Situation, the British Government derive their Claim to bind the Colonies in all Cases whatever.

Let us now hear the other Side. Can nothing be said in Favor of the Colonists? Is their Discontent occasioned by the Exercise of the parliamentary Authority over them groundless and unreasonable? Have they been in Pursuit of an Object to which they can lay no Claim, an *Ignis Fatuus*? If so, all their Clamours and Associations are to be disregarded, and the severe Measures held forth to intimidate and bring them to their Duty are at least more justifiable than I at first thought.—But before we determine, let us enquire into a Matter of such infinite Importance to both Countries—and, in the Inquiry, let Candor and

Impartiality prevail in every Sentiment. To act otherwise in a Case of so much Weight would be idle and ridiculous. It would be trifling and sporting with the most sacred Things, the Liberties and Welfare of Millions.

To accomplish a Task so arduous, upon considering every Thing that has been advanced in Favor of *America*, I find I must, to tread with Safety, leave the beaten Paths. They are “puzzled with Mazes and perplexed with Errors.”—They have been hackney’d over and over again, and yet have never led the Traveller to a Place of Rest or Safety. I shall not therefore rely on the refined Distinctions between Taxation and Representation and Legislation—between internal and external Taxation—between Taxes laid for the Regulation of Trade and for the purpose of Revenue—or between the Right in Parliament to bind the Colonies by some Laws and not by all. They are Distinctions, in my humble Opinion, with Respect to *American* Rights, without a Difference; and, could they be supported, we could not draw from them any Thing beneficial to the Freedom of the Colonies—I have searched for them in the common Law—in the Usage and Customs of *England*—in the Volumes of the Statutes—and in the Laws and Journals of Parliament—and they are not to be found—Nor will I depend on the numerous Pillars of *American* Freedom, erected by the Resolves of the several Assemblies, viz. “*The Law of God and Nature*,” because we are not in a State of Nature but of Society—nor “*on the common Rights of Mankind*,” because the Rights of Mankind are as different as the Forms and Policy of the Society they live under are different—nor on *American Charters*, because I can find little or nothing in them in Favor of *American* Claims, nor on *Acts of Parliament*, because the Point in Question is the Authority of Parliament—I shall therefore take other Ground

which I trust will be more safe and defensible—I mean the Constitution of the *English* Government, and the Principals and Policy upon which it is founded.

On the other Side then it may be asserted in Favor of *America*, that altho' the Facts advanced against her may be true, and the Arguments drawn from those Principles may be just, yet taking the Subject deeper, and tracing the Policy upon which the *English* Constitution was established, and bringing into View the Security and Freedom which was intended by that Policy to be ensured to *the Governed*, to every Member of the State, it will appear that Parliament ought not, as *the Colonies are at present circumstanced*, to bind them by its Legislative Authority. Because,

1. Power naturally results from Property and Estates, and *wherever* it is lodged, it is intended for their Protection and Security; and as the *Lands* of every Community are the most permanent, unchangeable and excellent, of all Kinds of Property, the Supreme Head of most States, which are not despotic, *derive their Power chiefly from the landed Interest*. And altho' we cannot trace the *English* Government up to the Time of its Origin, no Histories or Records extant running so far back, yet this much is proved and established from very antient Histories and Documents, and from the Plan of Government used in England from Time immemorial, that it derived its Power from the same Source; and it is likewise certain that the same Policy or Principle of Government has generally prevailed, if not been uniformly adhered to, until the present Times.

2. That the Lords and Commons, who hold so large a Share of the supreme Legislative Authority of the British Government, *derive their Power from, and represent the Lands within the Realm*. And that hence the antient Maxim, *That no Laws are binding save those which are made with the Consent of the*

whole Nation, i. e. of the Proprietors of all the Lands within the Realm. A Maxim which has been from Time immemorial, understood and held in England as the Foundation of their Liberty and Government.

3. That, so far as we have any Knowledge of the Government of our Saxon Ancestors in their own Country, the *Proprietors of the Land* gave their personal Attendance in the Legislative Council, and *shared the Power of making Laws.*

4. That during the feudal Law *all Landholders* had a Right and were obliged to meet in the feudal Courts, and give their Assent or Dissent to the Laws there proposed.

5. That after the Dissolution of the Heptarchy, and the Union of the seven Kingdoms, when the Numbers of the People and their Remoteness from the Place of Convention rendered a personal Exercise of the Legislative Power impracticable or inconvenient, it was necessary, in order to preserve the Government on the same Principles of Freedom, and to continue the Right of the Landholders to a Share in the supreme Power, to divide the Kingdom into Tithings, and to vest the landed Interest for each Tithing or Borough with a Right to send Representatives to the *Wittena-Gemot* or Parliament, and from that Period down to the Conquest the Commons or Landholders composed a Part of the Legislature.

6. That after the Conquest by *William I.*, when, to secure the Conquest he thought some Alteration in the supreme Power necessary, this Principle of Representation by the Holders of Land was adhered to with this only Difference, that the Power of the Representatives of the Tithings was made hereditary, and that of the Boroughs continued elective as before. Thus, as well before as since the Conquest, every Spot of Land being either within some Barony, Tithing or Borough, was represented, either by the Barons,

Wites, or Burgesses, who, in Right of their Lands and Estates, held and exercised a Share in the supreme Legislature.

7. That after the Civil War between *Stephen, Maud,* and *Henry the Second*, when many of the Baronies were divided into smaller Portions, and conveyed to inferior Tenants in Capite, so indispensable and necessary was a Representation of every Part of the *English* Territory held, that those Tenants were immediately impowered *in Right of their Tenures* to send Members to the House of Commons, and to participate in the supreme Power of the Nation.

8. That thus this Right continued until the Time of *Henry VI.* when, the Lands being divided into smaller Portions, every Freeholder of Forty Shillings per Annum was impowered to vote for Knights of the Shire.

9. That this Power of Legislation has ever, from the Time of our *Saxon* Ancestors, been held and fully enjoyed by the *English* Subjects and Landholders within the Realm without Interruption or Abatement, except in Cases where the Rights of all the Branches of the Supreme Authority has been invaded by arbitrary Power, and even in those Cases this Power has been uniformly restored with those of the other Parts of the supreme Power so invaded.

10. That King *John*, in the great Charter granted for the Restoration and Confirmation of the violated Rights of Parliament, engages “not to impose any Taxes without summoning the Archbishops, the Abbots, the Earls, the greater Barons and the *Tenants in Capite*,” who, as before-mentioned, held a Right to be represented in the House of Commons.

11. That in the 17th Year of *Edward II.* another Statute was made, to restore and confirm the Rights of the Subject, declaring that “*whatsoever concerns the Estate of the Realm and the People*, shall be “treated in Parliament by the King, with the Consent

“ of the Prelates, Earls, Barons, and *Commonality* of “ *the Realm*,” which Commonality is the *Representatives* of the *Lands* and *Freeholders* of *England*, in Parliament—And that there are divers other Statutes since to the same Effect.

12. That this most excellent Power of Legislation in the People, derived from the Share they hold in the Lands, was originally, and yet is of the Essence of the *English* Government; and ever was and still continues to be the great and only Check upon arbitrary Power, the great Bulwark against Tyranny and Oppression, and the main Pillar and Support of the Freedom and Liberties of the *English* Subject. And that the Excellence of this Power consists in affording to every Part of the Territory a legal and constitutional opportunity of representing by their Delegates at all Times their Wants, Necessities and Danger, to the great and supreme Council of the Nation; and after they are represented to advise, consult and decide upon the proper Regulations for their Relief.

13. That no Part or Spot of the Lands in *America*, or the Owners and Proprietors thereof are *in Right of such Lands* represented in the *British* Parliament, or in any Manner partake of the Power which is to decide upon their Lives, Liberties, or Properties—That, wanting this Power and Privilege, the *British* Government is as absolute and despotic, with respect to the Colonies, as any Monarchy or despotic Government whatever, in as much as the Persons, Lives, and Estates of their Inhabitants is at the Disposal of a Power according to its Will and Pleasure in which it has no Voice or Participation.

14. That should the People in *America* be bound by the Laws of the *British* Parliament, while under their present Circumstances, their Condition would be more slavish than that of the People of *England*, should the Powers of the House of Commons be abolished, and

the Landholders under the Degree of Nobility, be deprived of their Share in the supreme Authority, because in that Case a very considerable Part of the Lands within the Realm, held by the Nobles, would still be represented.

From all which it may be collected and is proved, in Favor of *America*, that as no Part or Parcel of her Territory, nor any of the Owners thereof, are represented in, or in any Manner partake of the supreme Legislative Authority of *Great Britain* that Authority ought not, upon the Principles upon which it was originally constituted and has continued to exist ever since, to exercise its Jurisdiction over the Colonies, notwithstanding all that has been advanced in Favor of the Exercise thereof. For,

First, Altho' in every State a supreme Power is necessary to draw together the Force, and to regulate the Welfare of every Part and Member of it, yet *that Power* (when constituted on certain Principles calculated to give Safety, and preserve those Members from the Decrees of arbitrary Power) if an additional Quantity of Territory should be afterwards acquired and settled by the People of the State, whose Persons and Estates were before thus secured in their original Territory, ought *not* to be exercised over them but upon Principles of the *like Safety* (and not on those which take away all Freedom and destroy their Security against domestick oppression) the Enjoyment whereof was one of their principal Designs of entering into Society. That to act the contrary, would be to reward the Settlers, who were once free, and had at the Risk of their Lives and Fortunes added to the Welfare, Strength and Dignity of the Mother Country, with nothing less than the most abject Slavery.

Secondly, That altho' it be granted that the Territory of *America* is not vested in the King, but the Right of the State, and therefore a Part of the Realm,

yet the parliamentary Jurisdiction ought not to be extended to it, as it is in no Manner represented in that Body, holds no Share of its Power, and of Course no opportunity of making known its Wants or Necessities, without a Knowledge whereof it is impossible to form adequate Provisions, or to supply the proper Remedies for its Relief.

Thirdly, That altho' there may be Words in the several *American* Charters which amount to an Acknowledgment of the parliamentary Jurisdiction, yet as the Grantees accepted of them from extreme Necessity, as it was impossible, but in their infant Endeavours to settle a distant Wilderness, they must stand in Need of its Protection, which it could not be entitled to without such Acknowledgment, yet that Acknowledgment, thus obtained, ought not to be enforced against them to the utter Annihilation of their antecedent Rights, upon the Continuance and Enjoyment whereof all their Safety against the Attempts of arbitrary Power, and their future Happiness, depend.

Fourthly, That the Arguments drawn in Favor of the Parliament, from the Necessity arising from the *Disunion* of the Colonies, can bear but little Weight, as a *new Provision*, upon the *Principles of the English Government*, may readily remove that Necessity, and all the Mischiefs arising from such Disunion.

Fifthly, That it is true, the Protection of every Government entitles it to the Allegiance and Obedience of its Members, and yet it must be allowed that, that Protection should be founded in the Principles upon which the Government is established, and not on such as give them no Tenure in the Protection, but endanger their Safety, and render them liable to every Act of Oppression which the Will and Pleasure of the Government uncontrouled by any Check or Power whatever shall think proper at any Time to subject them to.

Sixthly, That altho' a Denial of Obedience in the Colonies to the supreme Authority of *Britain* may be destructive of their Right to her Protection, and a Declaration that they are at present (having no Share in that Authority) so many distinct States, yet when that Denial shall be accompanied with an express Desire of establishing a political *Union* with the Mother State, and a Proposal of such Provision to be made between them as shall entitle the former to her Protection, and place them in such Circumstances as shall not only give them the Names but the substantial Rights of Members secured in their antient Liberties and Freedom, as the other inferior Societies and Members of the State are secured, I say, attended with a Proposal of this Kind, such Denial does not carry with it any Thing unjust—offensive—or indelicate, and must be held justifiable by all good and reasonable Men.

And Lastly, That from this View of the Dispute between *Great Britain* and her Colonies, and the Measures lately pursued to enforce an Obedience to her Authority, it does most evidently appear that to preserve the Persons and Estates of the *Americans* from the absolute Power of the Mother State, from the Tyranny of a Foreign Yoke, or from the horrible Consequences of a Civil War among ourselves. it is become indispensably necessary that there should be formed and established between the two Countries some *political Union* founded on the Principles of the *British* Constitution, which shall secure to the Mother State a regular and faithful Discharge of the necessary and reasonable Duties of the Colonies, and to the Colonies those antient Rights and that Freedom which their Ancestors enjoyed in Britain, which they have never forfeited, and which they demand as the inherent and unalienable Rights of *English* Subjects.

What this Union ought to be, the Author will not

be so presumptuous as to point out, as a Congress of some of the ablest and wisest Men in *America* are soon to meet on the Occasion, and as he hopes, should they come together in a Spirit dictated by Moderation and Prudence, and an unbiassed Regard for the true Interests and Welfare of both Countries, their Knowledge of the Constitution of the *English* Government, and of the just Rights and Liberties of the Subject, will enable then to bring this dangerous Controversy to an happy Conclusion.¹

Lord N——'s² Political Creed with respect to
America.

From a London Paper, June 4th 1774.

To the PRINTER,

Sir,

Parliamentary Determinations being generally considered in the present Times as coinciding with the Ministers Inclinations, it may not be unentertaining to your Readers to have a clear Idea of the Principles by which the present Premier has been guided in this novel and interesting Contention between *Great Britain* and her Colonies; the Dispute with whom, he opines to lie within a much narrower Compass than the generality of Writers have extended it to in their voluminous Argumentation on this Subject.

He maintains that the whole Reasoning on this Question may be fairly deduced from one single Postulate, *viz.* that the Inhabitants of the *British* Colonies are Subjects of the *British* State.

¹ Some of the arguments presented in the foregoing pamphlet were submitted by Joseph Galloway, of Pennsylvania, to the Continental Congress.—*Works of John Adams*, II., 372. The general style of the paper corresponds with his vacillating course at this period. These facts and the well-known intimacy between him and Governor Franklin afford reason for the belief that he was the Governor's secret correspondent, and the author of the pamphlet reprinted above.—[W. N.]

² Lord North?

This being granted, their Pretensions must necessarily be founded on one or other of the following Pleas: *First*, that certain natural unalienable and exclusive Rights, Privileges, and Exemptions, are annexed to Emigration, altho' the Emigrants continue to acknowledge a Subjection to the Mother State, or that they have acquired such distinct Rights, &c. by Charters or other Grants from the Legislature of the Mother Country.

The former of these Pleas has, I believe, never been advanced, and must indeed necessarily be excluded; because without the Permission of the State the Subjects thereof have no Right to abandon their native Country; at least if they do, in Breach of an Injunction of the Legislature, they virtually become Outlaws, and forfeit all Privileges in the Country to which they originally belonged.

The second Plea, though perhaps more plausible in Appearance, is at least equally destitute of Validity, for this plain Reason, that all local and distinct political Privileges they can lay claim to, must unavoidably be derived from the *supreme Power* of the Mother Country, which is equally co-existent and co-efficient at all Periods; for surely if two Estates of the Realm have Power to alter and establish the Succession to the Crown, (which the *Americans* have acknowledged) it would be absurd in the extremest Degree to suppose they cannot in Conjunction with the Crown enact new Laws, or amend and abrogate any former ones, where they judge it expedient for the good of the State. It is manifest their Charters can have no greater Degree of Validity than others granted under the same Powers, yet the Right of Government of altering, abridging, or restraining those Charters, although murmured at by interested Parties, has never been controverted with any Degree of Plausibility.

This System of Reasoning, however, has no Aim or

Tendency to *abridge* or *defeat* their *true* and *essential Claim of Redress* when they conceive themselves to be injured or oppressed by partial and inadequate Laws; but is rather meant as a friendly *Hint* and *Admonition*, that, instead of attempting to *extort by Violence* a Redress of what they apprehend to be Grievances, they should *apply* for it in such a Manner as the *Constitution obviously prescribes*, which is plainly the only one that can afford them a *rational Prospect of Success*, or of preferring to themselves the Common Rights of their Fellow-Subjects, since they cannot but be aware of the *fatal Consequences* of incurring, by their Obstinacy, the Hazard of being put upon the Footing of a conquered People by those who at present wish to acknowledge them as *Brethren of the same State*.

This is what you may venture to publish as the *political Creed* of *L. N.* with respect to *America*.

I am, Sir,

Your most humble Servant,

J. P. S. L. H.

*Letter from Benjamin Franklin to Gov. Franklin, on
American Affairs.*

[From Works of Benjamin Franklin, edited by Sparks, Vol. VIII., 130.]

LONDON, 7 September, 1774.

Dear Son,

* * * You mention, that my presence is wished for at the Congress; but no person besides in American has given me the least intimation of such a desire, and it is thought by the great friends of the Colonies here, that I ought to stay till the result of the Congress arrives, when my presence here may be useful. All depends on the Americans themselves. If they make, and keep firmly, resolutions not to consume

British manufactures till their grievances are redressed, this ministry must fall, and the laws be repealed. This is the opinion of all the wise men here.

I hear nothing of the proposal you have made for a Congress of Governors. I do not wonder so much as you do, that the Massachusetts have not offered payment for the tea. First, because of the uncertainty of the act, which gives them no security that the port shall be opened on their making that payment. Secondly, no precise sum is demanded. Thirdly, no one knows what will satisfy the custom-house officers; nor who the others are, that must be satisfied; nor what will satisfy them. And fourthly, they are in the King's power, after all, as to how much of the port shall be opened. As to "doing justice before they ask it," that should have been thought of by the legislature here, before they demanded it of the Bostonians. They have extorted many thousand pounds from America unconstitutionally, under color of acts of Parliament, and with an armed force. Of this money they ought to make restitution. They might first have taken out payment for the tea, and returned the rest. But you, who are a thorough courtier, see everything with government eyes.

I am sorry for the loss of Sir William Johnson, especially at this time of danger from an Indian war. I see by the papers that you were with him at the time.¹ A Spanish war is now seriously apprehended,

¹ The general outbreak on the frontier in the spring of 1774, commonly known as Dunmore's war, was precipitated by the massacre at Yellow Springs, on March 1, 1774, of several of the relatives of Tah-gah-jute, or Logan, the noted Indian Chief, whose alleged speech in reference to the cruel deed, which he is said to have charged to Colonel (*i. e.*, Captain) Michael Cresap, has been given a world-wide fame by Jefferson.—*Notes on Virginia*, Philadelphia, 1788, 66-8; Newark, 1801, 94-6; Trenton, 1803, 86-S, with Appendix, 311-356. (The Appendix was first published at Philadelphia, in 1800, and in separate form).—*Biographical Sketch of the Life of the late Captain Michael Cresap*, by John J. Jacob, Cumberland, Md., 1826, reprinted, Cincinnati, 1866. The best account of Logan and his alleged speech is Brantz Mayer's discourse, "Tah-gah-jute, or Logan, and Captain Michael Cresap," delivered before the Maryland Historical Society, 9 May, 1851, wherein he traces the "evolution" of the Logan speech. The massacre in question, which was as-

and the stocks of course are falling. The August packet is hourly expected, when I hope to hear of your safe return and health.

Your affectionate father,

B. FRANKLIN.

*Letter from the Earl of Dartmouth to Gov. Franklin,
expressing the King's anxiety concerning the Con-
gress in Philadelphia.*

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL 7th Sept^r 1774.

Governor Franklin.

Sir,

I have received & laid before the King your dispatches of the 13th & 28th June numbered 13. & 14.

The Acts & Proceedings of the Legislature, with your Observations Upon them, will be laid before the Board of Trade so soon as that Board meets after the usual Recess; And it will be my duty to take Care that all possible dispatch is given to the Consideration of them at that Board.

I must not omit this Opportunity of expressing to you how great Concern it has given the King to find

cribed at the time to "Cressop," aroused the Six Nations, who hastened to consult their old friend, Sir William Johnson, at Johnson Hall, New York, about 600 assembling between June 19 and July 8. It is quite probable that Sir William invited Governor Franklin to attend this conference, in view of his popularity with the Indians at the Convention of 1768. (See *ante*, 56-8.) Moreover, the agitation on the frontier was largely caused by the aggression of the Ohio Company of Virginia (see Jacob's Cresap), whose aims were somewhat antagonistic to those of the Ohio Company in which Sir William Johnson and Governor Franklin were concerned, and this was another reason why these men should confer. The conference with the Indians extended through July 9, 10, 11 and 12, on which last-mentioned day Sir William, already feeble in body, and greatly oppressed with the importance of the negotiations he was conducting, died suddenly. He was buried the next day at Johnstown, New York. "The Pall was supported by His Excell^y the Governor of New Jersey the Judges of the Supreme Court of New York, and other Persons of note who happened to be at Johnstown at that time."—*N. Y. Col. Docs.*, VIII., 471-80.—[W. N.]

that His Subjects in the different Colonies in North America have been induced, upon the grounds stated in their different Resolutions, to nominate Deputies to meet in general Congress at Philadelphia.

If the Object of this Congress be humbly to represent to the King any Inconveniences they conceive themselves to lie under, or any Propositions they may have to make on the present State of America, such Representations would certainly have come from each Colony, with greater Weight in its Separate Capacity, than in a Channel, of the Propriety & Legality of which there may be much doubt. I fear however the Measure has gone too far to encourage any hope that it has been retracted, & I can only express my Wish that the result of their Proceedings may be such as not to cut off all Hope of that Union with the Mother Country which is so essential to the Happiness of both.

I am &c^a

DARTMOUTH.

Circular letter from the Earl of Dartmouth to all the Governors in America, relative to arresting and securing any gunpowder, arms or ammunition which might be imported from England to the Colonies without license.

[From New York Colonial Documents, Vol. VIII, p. 509.]

WHITEHALL 19th October 1774.

(Circular)

His Majesty having thought fit, by His Order in Council this Day, to prohibit the Exportation from Great Britain of Gunpowder, or any sort of Arms or Ammunition, I herewith inclose to you a Copy of the Order, and it is His Majesty's Command that you take the most effectual measures for arresting, detaining

and securing any Gunpowder, or any sort of arms or ammunition, which may be attempted to be imported into the Province under your Government, unless the Master of the Ship having such Military Stores on Board shall produce a Licence from His Majesty, or the Privy Council, for the exportation of the same from some of the Ports of this Kingdom.

I am &c^a

DARTMOUTH.

*Letter from Committee of Correspondence at Boston to
the Committee of Monmouth County.*

[From New Jersey Historical Society Manuscripts.]

BOSTON, October 21st, 1774.

Gentlemen,

You Will be Informed by Our Committee for Donations of the Receipt of Your generous present to the Sufferers in this town by the Operation of the Cruel and Detested Port bill. Such Charities not only Serve to Shew the Union and tender Sympathy of the Colonies with and for Each other, but will fix an Everlasting brand of infamy upon a Ministry whose Conduct with Respect to this devoted town has made Such Large and Extensive Charities so absolutely necessary. We are Extremely Obligated to you for the favorable Sentiments Respecting the Behavior of the Inhabitants of Boston in their endeavours to ward off that Slavery and ruin which the Venal Ministry of a Venal Nation have long meditated for these once happy Colonies.¹ As for this we are now more Immediately Suffering under the heavy Rod of power and have Reason to Expect an increase of punishment, may our future Conduct be such as will no ways derogate from our

¹ See Minutes Provincial Congress, etc., 1775, 21-4.

Character as men and as Christians. Happy as we are that Our Opposition to the late Edicts of a british parliament has not only been approved by the Several towns and provinces, but by the Continental Congress who Consider our Sufferings as the Common Cause of America, there are yet Some in Every Colony who may pertinently Compare *to Moles both as to Sight and Dirty Grovelling*. Of such a Cast is a Writer in Rivington's Gazetteer, who, in order to deny the Charities for our poor, Asserted, with more boldness than truth, that this town had voted to Expend the Collections in paving Our Streets. The Inclosed account of that Committee's prudence will show you how these Charities are applied: and as to the necessity of their Continuance you may Judge when I assure you that without exaggeration and the least Design to Lessen Our Obligations to Our worthy and Generous Donors, that this town Suffers in One Month a Greater Loss than the whole of those Brotherly Donations have amounted to. The particular State of the town and the Late accounts from England with Respect to the present Measures You'll find in the Newspaper here-with under the Boston head. I intended to have been more particular, but am this Moment Called to attend the provincial Congress at Cambridge. Our best Respects to Our worthy and patriotic Brethren of the County of Monmouth.

I am, Gentlemen,
your Most Humble Serv't,
WILLIAM COOPER.

Letter from Governor Franklin to the Earl of Dartmouth, transmitting a pamphlet published by the Congress at Philadelphia.

[From P. R. O. America and West Indies, Vol. 195.]

NEW YORK Oct^r 29th 1774.

Right Hon^{ble} the Earl of Dartmouth

My Lord.

Having Occasion to come to this Place on some private Business, I have just met with a Pamphlet published by the Congress at Philadelphia, containing their Resolutions, &c. which, as there is a Vessel to sail in a few Minutes for England, I have procured in order to forward to your Lordship, that you may have as early Intelligence as possible of their Proceedings. It is the only one that has as yet got to this City, and is probably the only one that will get here in Time to go by this Opportunity. I have not had leisure to read it through, but from what I have heard of its Contents, and of the Sentiments of People in Trade here, I much doubt its being generally approved by the Inhabitants of this Colony, even if it should be by those of the other Provinces. It is said that there will be a further Publication by the Congress this Week, containing a Letter to the Inhabitants of Canada, &c.

I have not Time to add further than that I am, with the greatest Respect & Regard,

My Lord, Your Lordship's most obedient

& most humble Servant

W^m FRANKLIN

*Letter from the Earl of Dartmouth to Gov. Franklin,
approving his conduct in transmitting papers.*

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL 2^d Nov^r 1774

Governor Franklin.

Sir

Your Attention in transmitting to me the papers which accompanied your dispatch of the 6th of September N^o 15 is approved by the King.

In the present State of North America every Information must be useful; it is the duty of persons in your Station to communicate without Reserve such Intelligence as can be procured of every public Transaction, and you may with Confidence rely upon any Intelligence of the Nature of that you have sent me being kept most Secret, and communicated only to the King's Confidential Servants.

I am &c^a

DARTMOUTH

*Report of the Surveyors of the Boundary Line between
New York and New Jersey.*

[From N. Y. Col. MSS., in Secretary of State's Office, Albany, Vol. CI., p. 35.]

In pursuance of an Act of Assembly of the Colony of New York entitled "an Act for establishing the Boundary or Partition Line between the Colonies of New York & Nova Casaria or New Jersey & for Confirming Titles & Possessions." And of one other Act of Assembly of the Colony of New Jersey entitled "An Act for Establishing the Boundary or Partition Line between the said Colonies of New York and Nova Casaria or New Jersey & for Confirming the Titles and Possessions." We William Wickham & Samuel Gale two of the Commissioners in the first of

the said Acts mentioned & John Stevens & Walter Rutherford two of the Commissioners in the other of the said acts mentioned Do hereby Certify that we have ascertained & marked the Partition Line in the said Acts mentioned so that it may be sufficiently Known and distinguished. In doing this Business we have been greatly assisted by James Clinton and Anthony Dennis Surveyors by us Appointed for that purpose as will more particularly appear by their Certificate hereunto annexed. That the Rock on the West side of Hudson's River marked by the Surveyors in the said Acts mentioned in the Latitude of 41° , we have marked with a straight line throughout its Surface passing through the place marked by the said Surveyors & with the following words and figures to wit Latitude 41° North, & on the South Side thereof the words New Jersey, and on the north side thereof the words New York. That we have marked Trees agreeable to the said Acts standing in the said Line with a Blaze & five notches under the same. And that we have erected stone Monuments at one Mile distance from Each other along the said line except the Monuments number twenty six which by reason of the Long Pond we were obliged to place one Chain further from the Station on Hudson's River. And we have numbered the said Monuments from the West Side of Hudson's River beginning with Number one & ending with Number forty Eight & have marked the words New York on the North Side of Each of the said Monuments & the words New Jersey on the side of Each of the said Monuments In witness whereof we have hereunto set our hands & seals the thirtieth day of November, one thousand seven hundred & seventy four.

Sealed & Signed in presence of

ROB^r HULL

CH^s WICKHAM CROOKE,

W. WICKHAM

SAML^l GALES,

WALT^r RUTHERFORD.

Letter from Gov. Franklin to the Earl of Dartmouth, relative to the Congress at Philadelphia and the sentiment of the public concerning it, also transmitting a plan of a proposed Union between Great Britain and the Colonies.

[From P. R. O. America and West Indies, Vol. 177 (195).]

PERTH AMBOY Dec^r 6th 1774

Right Hon^{ble} the Earl of Dartmouth, &c

My Lord,

I had the Honor, on the 29th of Oct^r to write your Lordship a few Lines from New York, enclosing a Pamphlet containing Extracts from the Votes and Proceedings of the Continental Congress held at Philadelphia; since which I have been honoured with your Lordships Dispatch of the 7th of September. (N^o 12.)

Altho' the Proceedings of the Congress are not altogether satisfactory to many of the Inhabitants of the Colonies, yet there seems at present little Reason to doubt but that the Terms of Association will be generally carried into Execution, even by those who dislike Parts of it. But few have the Courage to declare their Disapprobation publicly, as they well know, if they do not conform, they are in Danger of becoming Objects of popular Resentment, from which it is not in the Power of Government here to protect them. Indeed the Officers of Government in all the Colonies (except at Boston) have but little or no Protection for themselves.

It must afford every good Subject Pleasure, should the Result of their Proceedings be found (as your Lordship wishes) "such as not to cut off all Hope of "that Union with the Mother Country which is so es-

“sential to the Happiness of both.” But it seems apprehended by many sensible and moderate Men here, that it will be the Opinion of the Mother Country that the Congress has left her no other alternative than either to consent to what must appear humiliating in the Eyes of all Europe, or to compel Obedience to her Laws by a Military Force. The Necessity for either it was hoped, by all good Men, that the Congress would have prevented, by framing and proposing some Plan of Constitutional Union, which, though it might not have been deemed perfect, or such as the Mother Country could altogether have acquiesced in, yet might have served as a Foundation for an amicable Settlement of our unhappy Differences. But, tho’ a Plan for that Purpose was proposed by a Member of the Congress, and even entered on their Minutes, with an Order referring it to further Consideration, yet they not only refused to resume the Consideration of it, but directed both the Plan and Order to be erased from their Minutes, so that no Vestige of it might appear there. I have, however, obtained a Copy of it, which I send enclosed to your Lordship, as I am told it has been much handed about at New York, and greatly approved of by some of the most sensible Men in that City.

I have the Honour to be, with the greatest Respect & Regard,

My Lord, Your Lordship’s most obedient

& most humble Servant

W^m FRANKLIN

A Plan of a Proposed Union between Great Britain and the Colonies of New Hampshire, The Massachusetts Bay, Rhode Island, New York, New Jersey, Pennsylva-

nia, Maryland, The three lower Counties on Delaware, Virginia, North Carolina, South Carolina, and Georgia.

Resolved.

That there is a manifest *Defect* in the Constitution of the British Empire in respect to the Government of the Colonies upon those principles of Liberty which form an essential Part of that Constitution; and that such Defect has arisen from the Circumstance of Colonization which was not Included in the System of the British Government at the Time of its Institution, nor has been provided for Since.

Resolved

That the Colonists hold in Abhorance the Idea of being Considered Independent Communities on the British Government, and most ardently desire the Establishment of a Political Union not only among themselves but with the Mother State upon those principles of Safety and Freedom which are Essential in the Constitution of all free Governments and particularly that of the British Legislature, and Therefore,

Resolved

As the Colonies from their local & other Circumstances cannot be represented in the British Parliament, the Congress do most Earnestly recommend (as a Measure of the Greatest Importance in reconciling the Difference between G. Britain and her Colonies, and restoring them to a permanent Union & Harmony) to the Consideration of the several Continental American Assemblies the following Plan of Government to be by them humbly proposed to his Majesty and his two Houses of Parliament under which the Whole Empire may be drawn together on every Emergency, the Interest of both Countries advanced, and the Rights and Liberties of America secured. viz^t

1. That a British and American Legislature for regulating the Administration of the General Affairs of America be proposed and Established in America including all the said Colonies; within and Under which Government each Colony shall retain its present Constitution and Powers of regulating and Governing its' own internal Police in all Cases whatsoever.

2. That the said Government be administred by a President General to be appointed by the King and a Grand Council to be Chosen by the Representatives of the People of the several Colonies in their respective Assemblies once in every three Years.—

3^d That the several Assemblies shall chuse Members for the Grand Council in the Following Proportions' Viz^t

New Hampshire	Pennsylvania
Massachusetts Bay	Delaware Counties
Rhode Island	Maryland
Connecticut	Virginia
New York	North Carolina
New Jersey	South Carolina

Georgia

Who shall meet at the City of ———— for the first Time being called by the President General as Soon as Conveniently may be after his Appointment.

4. That there shall be a New Election of Members for the Grand Council every three Years, and on the Deaths, removeal, or Resignation of any Member his Place shall be Supplied by a New Choice at the next Sitting of the Assembly of the Colony he represented.

5. That the Grand Council shall meet once in every Year if they shall think it Necessary, and Oftener if Occasions shall require, at such Time and Place as they shall adjourn to at the last preceding Meeting or as they shall be called to meet at by the President General on any Emergency.

6. That, the Grand Council shall have Power to

Chuse their Speaker and shall hold and Exercise all the like Rights Liberties and Priviledges as are held and Exercised by and in the House of Commons of Great Britain.

7. That the President General shall hold his Office during the Pleasure of the King and his Assent shall be requisite to all Acts of the Grand Council and it shall be his Office and Duty to Cause them to be carried into Execution—

8. That the President General by and with the advice and Consent of the Grand Council, hold & Exercise all the Legislative Rights Powers and Authorities necessary for regulating and administering all the General Police and Affairs of the Colonies in which Great Britain and the Colonies or any of them, the Colonies in General, or more than one Colony are in any manner concerned, as well civil & criminal as Commercial.

9. That the said President General and Grand Council be an inferior & distinct Branch of the British Legislature United and incorporated with it, for the Aforesaid general Purposes; and that any of the said general Regulations may originate and be formed and digested either in the Parliament of Great Britain or in the said Grand Council, and being prepared, transmitted to the other for their Approbation or Dissent, and that the Assent of both shall be requisite to the Validity of all such general Acts or Statutes.

10. That, in Time of War, all Bills for Granting Aids to the Crown prepared by the Grand Council and approved by the President General shall be Valid & passed into a Law without the Assent of the British Parliament.¹

¹ The foregoing Plan was submitted September 28, 1774, by Joseph Galloway, and received the votes of five Colonies, to six in the negative.—1 *American Archives*, I.: *Works of John Adams*, II., 387-91.

*Report of Richard Jackson, Esq., dated Dec. 6, 1774,
on thirty-three Acts passed in the province of New
Jersey in March, 1774.*

[From P. R. O. B. T., New Jersey, Vol. 10, L. 34.]

To the Right Honourable the Lords Commis-
sioners for Trade and Plantations

May it please your Lordships.

In obedience to your Lordships Commands, Signified to me by M^r Pownall, I have perused and considered An Act passed by the Governor Council and Assembly of New Jersey, in March 1774. Intituled.

“An Act for lowering the Interest of Money to Six per Cent within this Colony.”

And conceive that the same is probably either useless or Mischievous; in case that Money Abounds sufficiently in the Province to induce the Possessors of it to lend at Six per Cent, it will be lent at that Rate; in Case it does not the only effect of the Law will be a Prohibition on the lending at all, to the Manifest injury of the Trade of the Colony, and the Improvement of its Lands: the Mischief of such a Law, has been recently felt in the Island of Grenada, where the operation of it, has been not to help the Planters to Money at the Rate of Six per Cent, but (as far as it has had any Effect) to deprive them of the Aid of Loans, when they most wanted them.

I have also perused and considered another Act passed in the same Year 1774 Intituled.

“An Act more effectually to prevent the erecting
“of Lotteries and Selling of Lottery Tickets within this
“Colony.”

Which appears to be a beneficial Act though erroneous in the Manner in which the Exception is

worded; The Assembly of New Jersey probably take all Lotteries Authorized by the Parliament of Great Britain to be State Lotteries, and perhaps in strictness they may be so termed; Yet it is well known this Expression, is in practice, only applyed to such Lotteries as are intended for the Purpose of raising Money for Public Service; your Lordships Wisdom will determine, whether it may not be adviseable, to postpone the disallowance of a Law, which though not accurately penned, cannot but be of Utility, especially in an infant State, Untill the Legislature of the Colony have had an Opportunity of correcting the Error, by enlarging the Exception

I have also Perused and Considered one other Act passed in the same Year 1774 Intitled.

“An Act for striking one hundred thousand Pounds in Bills of Credit, and directing the mode for sinking the same.”

Which does not appear to be improper in point of Law, in Case Your Lordships shall judge the same to be expedient

I have likewise Perused and Considered Thirty other Acts passed in the same Year 1774 Intitled.

“An Act for the support of Government of His Majesty's Colony of New Jersey, to commence the 1st day of October 1773, and to end the first day of October 1774, and to discharge the Public Debts and the Contingent Charges thereof.”

“An Act for defraying Incidental Charges.”

“An Act for regulating Roads and Bridges.”

“An Act for the Settlement and Relief of the Poor,

“An Act for the more Speedy Recovery of Legacies in this Province, and for Affirming such Acts of Administrators Bona Fide, done before Notice of a Will.”

“A Supplementary Act to an Act Intitled, An Act for the more Effectual Discovery and Punishment of the Crime of Horse Stealing.”

“An Act more Effectually to punish the Counter-
“feuters of Foreign Gold or Silver Coin, Current with-
“in the Colony of New Jersey, And the utterers
“thereof, knowing the same to be Counterfeit.”

“An Act to oblige the Treasurers of the Colony of
“New Jersey, to give Security for the due Execution
“of their Offices, and to prescribe the mode in which
“the same Security shall be taken.”

“An Act to authorize the present Treasurer of the
“Eastern Division to bring an Action against the late
“Treasurer of the said Division for the sum of six
“thousand five hundred and Seventy Pounds Nine
“Shillings and four pence, for which the said Treas-
“urer claims Allowance in his Accounts alledging the
“same to have been Stolen from the Treasury and for
“other purposes therein mentioned.”

“An Act for the better preserving of Oysters in the
“Colony of New Jersey.”

“An Act to postpone the Payment of the Provincial
“Taxes into the Treasury of this Colony for one
“Month, and for other purposes therein mentioned.”

“A Supplementary Act to an Act, intituled An Act,
“for the regulating Fences.”

“An Act to regulate the Packing of Beef and Pork
“and to ascertain the Size of Casks ”

“An Act to enable the Owners and Possessors of
“the Low Lands Meadows and Swamps on both sides
“of Assumpink Brook from the Line commonly called
“George Keiths, to the Lands of John Ely, to remove
“the Obstructions to the free Course of the Waters of
“the same Brook.”

“An Act for erecting a Convenient Gaol in the
“County of Cape May and to Authorize the Rebuild-
“ing and Repairing of the Court House or Gaol of
“that County at any time hereafter.”

“An Act to enable sundry of the Owners and Pos-
“sessors of the Meadows and Tide Marsh, lying on

“Masons Creek in the Township of Evesham in the
“County of Burlington to erect and maintain a Bank,
“Dam and other Water Works across the said Creek,
“in Order to prevent the Tide from overflowing the
“same.”

“An Act to enable the Owners and Possessors of a
“Tract of Marsh and Meadow in Lower-Penn’s-Neck
“in the County of Salem to uphold and Maintain a
“certain Bank for draining the said Marsh, and for
“other purposes therein mentioned.”

“An Act to enable the Owners and Possessors of a
“Tract of Marsh and Swamp in Upper-Penn’s Neck,
“in the County of Salem, to erect and maintain a
“Bank, Dam and other Waterworks, in order to pre-
“vent the Tide from overflowing the same.”

“An Act to repair and amend the Public Roads and
“Streets in the Northern Ward of the City of Perth
“Amboy, and to repair the Town Wharf in the said
“City, by a Tax on the Inhabitants of the said North-
“ern Ward and for other Uses and purposes therein
“ment^d.”

“An Act to suspend the Prosecution of the County
“Collector of Cape May for a limited Time.”

“An Act for erecting a Dam, Mills and other Water
“Works on Nacut Creek, in the County of Gloucester
“and to indemnify those whose Property may be in-
“jured thereby.”

“An Act to enable the Owners and Possessors of the
“Meadows and Marsh adjoining Repaupau Creek, in
“the County of Gloucester to erect cast up repair and
“maintain a Dam and Bank and Water Works suffi-
“cient to prevent the Tide from overflowing the same.”

“An Act to enable Sundry of the Owners and Pos-
“sessors of Meadows and Tide Marsh lying on Eng-
“lish’s Creek in the County of Burlington, to Erect and
“Maintain a Bank, Dam and other Waterworks across

“the said Creek in Order to prevent the Tide from
“Overflowing the same, and to keep the former
“Water Course of said Creek open and Clear, and to
“make the said Dam when erected a Public Landing.”

“An Act to enable the Owners and Possessors of
“Marshes Meadows and Swamps bounding on the
“south West side of Raccoon Creek between the
“Banks of Constantine Wilkins and Conrad Shoe-
“maker in the Township of Woolwich and County of
“Gloucester, known by the name of Thoroughfare
“Island Marshes, Meadows, and Swamps to Stop out
“the Tide from Overflowing the same, and for other
“purposes therein mentioned.”

“An Act for Rebuilding Repairing and Maintain-
“ing the Draw Bridge over Crosswicks Creek in the
“County of Burlington and for Repairing the Cause-
“ways adjoining said Bridge.”

“An Act to Revive part of an Act Intituled an Act
“to empower the Inhabitants of the Townships of
“Bridgewater and Bedminster in the County of Somer-
“set to repair their Public Highways by Hire and to
“raise Money for that purpose.”

“An Act to impower the Inhabitants of the Town-
“ships of Elsinborough, Pilesgrove and Pittsgrove in
“the County of Salem to Repair their Public High-
“ways by Hire and to raise Money for that purpose.”

“An Act to enable sundry Persons Proprietors and
“Possessors of certain Lands and Meadows lying upon
“the Walkill, in the County of Sussex Commonly
“Called and known by the Name of the drowned
“Lands to drain the same and for other Purposes
“therein mentioned.”

“An Act to relieve Sarah Ely Isaac De Cow and
“David Brearley Jun^r with respect to the loss of two
“Title Deeds by Fire.”

“An Act for the relief of Abner Hetfield, an Insol-
“vent Debtor.”

And I am of Opinion that the said Acts are Proper in Point of Law.¹

All which is humbly Submitted by My Lords
Your Lordships' Most obedient
most Humble Servant,
6th Dec^r 1774. R^p JACKSON

Circular letter to all the Governors in America, announcing the King's determination to withstand every attempt to weaken his authority over the Colonies.

[From P. R. O. America and West Indies, Vol. 278.]

Circular To all the Governors in America

WHITEHALL 10th Dec^r 1774

Inclosed I send you, by His Majesty's Commands, printed Copies of His Majesty's most gracious Speech to His Parliament, and of the Addresses in Answer thereto, which were passed in both Houses by a very great Majority.²

¹ Allinson's Laws, 386-467.

² Said the King on opening Parliament, Wednesday, November 30, 1774: "It gives me much concern, that I am obliged, at the opening of this Parliament, to inform you, that a most daring spirit of resistance and disobedience to the law still unhappily prevails in the province of the Massachuset's Bay, and has, in divers parts of it, broke forth in fresh violences of a very criminal nature. These proceedings have been countenanced and encouraged in other of my colonies, and unwarrantable attempts have been made to obstruct the commerce of this kingdom, by unlawful combinations. I have taken such measures, and given such orders, as I judged most proper and effectual for carrying into execution the laws which were passed in the last session of the late Parliament, for the protection and security of the commerce of my subjects, and for the restoring and preserving peace, order, and good government, in the province of the Massachuset's Bay; and you may depend upon my firm and steadfast resolution to withstand every attempt to weaken or impair the supreme authority of this legislature over all the dominions of my crown; the maintenance of which I consider as essential to the dignity, the safety, and the welfare, of the British empire; assuring myself, that, while I act upon these principles, I shall never fail to receive your assistance and support.

* * Let my people, in every part of my dominions, be taught, by your example,

The Declaration which His Majesty has been graciously pleased to make, of His firm & steadfast Resolution, to withstand every Attempt to weaken, or impair the Authority of the Supreme Legislature, over all His Majesty's Dominions—The Resolution of both Houses to support those great Constitutional Principles, by which His Majesty's Conduct hath been governed, and their entire Approbation of the Steps His

to have a due reverence for the laws, and a just sense of the blessings, of our excellent constitution. They may be assured that, on my part, I have nothing so much at heart as the real prosperity and lasting happiness of all my subjects."

The Lords replied: "We think it our indispensable duty to declare, on this occasion, our abhorrence and detestation of the daring spirit of resistance and disobedience to the laws, which so strongly prevails in the province of the Massachusetts Bay, and of the unwarrantable attempts in that and other of your Majesty's provinces in America, to obstruct, by unlawful combinations, the trade of this kingdom. We thankfully acknowledge, at the same time, the communication it has pleased your Majesty to make to us, of your having taken such measures, and given such orders, as your Majesty judged the most proper and effectual for the protection and security of the commerce of your Majesty's subjects, and for the carrying into execution the laws, which were passed in the last session of the late Parliament, relative to the province of the Massachusetts Bay; and in the utmost reliance on your Majesty's firm and steadfast resolution to continue to support the supreme authority of the legislature over all the dominions of your crown, your Majesty may be assured, that we will cheerfully co-operate in all such measures as shall be necessary to maintain the dignity, the safety and the welfare of the British empire."

The Commons said, in their address: "Permit us to assure your Majesty, that we receive with the highest sense of your Majesty's goodness, the early information which you have been pleased to give us, of the state of the province of the Massachusetts-bay. We feel the utmost concern, that a spirit of disobedience and resistance to the law should still unhappily prevail in that province, and that it has broke forth in fresh violences of a most criminal nature; and we cannot but lament that such proceedings should have been countenanced and encouraged in any other of your Majesty's colonies; and that any of your subjects should have been so far deluded and misled, as to make rash and unwarrantable attempts to obstruct the commerce of your Majesty's kingdoms by unlawful combinations. We beg leave to present our most dutiful thanks to your Majesty, for having taken such measures as your Majesty judged most prudent and effectual, for carrying into execution the laws, which were passed in the last session of the late Parliament, for the protection and security of the commerce of your Majesty's subjects, and for restoring and preserving peace, order, and good government, in the province of the Massachusetts-bay. Your faithful commons, animated by your Majesty's gracious assurances, will use every means in their power to assist your Majesty in maintaining entire and inviolate the supreme authority of this legislature over all the dominions of your crown; being truly sensible that we should betray the trust reposed in us, and be wanting in every duty which we owe to your Majesty and to our fellow-subjects, if we failed to give our most zealous support to those great constitutional principles, which govern your Majesty's conduct in this important business, and which are so essential to the dignity, safety and welfare of the British empire."—*Dodsley's Annual Register*, for 1774, 263-6.

Majesty has taken for carrying into Execution the Laws passed in the last Session, will, I trust, have the effect, to remove those false Impressions, which have been made upon the Minds of His Majesty's Subjects in America, and put an end to those Expectations of Support, in their unwarrantable Pretensions, which have been held forth, by artful and Designing Men.

I am &c^a

DARTMOUTH.

Caveat of the Overseers of a school in the town of Burlington, against any Grants being made of the Island of Burlington, until they are first heard in support of their Title thereto.

[From P. R. O. B. T., New Jersey, Vol. 10, L 37.]

Whereas the Island called and known by the several Names of *Matinecunk*—*Stacy's*—or *Burlington Island*,¹ has from the first Settlement of the province of New

¹ Matinneconk or Burlington Island has an interesting history. The Swedes had taken possession of it prior to 1648, as one of the desirable places in the Delaware river.—*N. Y. Col. Docs.*, XII., 37; *O'Callaghan's Hist. New Netherland*, II., 80. It is designated on Lindstrom's map of New Sweden, in 1654-5, as *Tinnakonk's Eylandh*, although that name pertained more properly to the island now *Tinnacum*, eight or nine miles below Philadelphia, where the Swedish Governor Printz established his residence.—*Hist. New Sweden*, by Isaac Acrelius (*Memoirs Penn. Hist. Soc.*, XII.), Phila., 1874, 67, 42. In 1656 a Swedish vessel sailed up the Delaware and landed goods at *Matinnekonck*, regardless of the Dutch.—*Cal. N. Y. Hist. MSS.*, I., 167. In 1668 Peter Jegou, a Frenchman, "obtain'd a permit & grant of govern^r Philip Cartret, to take up ye Land Called Leasy Point lying and being over agst. *Mattinagconn Eyland* and *Burlington* to settle himselfe there and to build and Keep a house of Entertaynment for ye: accommodation of Trauelors." He probably acquired *Mattinneconk Island* about the same time. Two years later he was "plundered by the Indians and by them utterly ruined as is well known to all y^e world," as he declared with bold hyperbole in 1679.—*Records of Upland Court (Memoirs Penn. Hist. Soc.*, VII.), 140-1. He claimed to have lost 5,000 guilders by this raid.—*N. Y. Col. Docs.*, XII., 476. In 1657-8 (February 15) Peter Alrichs was given by Governor Nicholls, of New York, a grant for two islands "southwest from ye Island comonly called *Matineconck*."—*2 Penn. Archives*, VII., 721. In September, 1671, the sister of an Indian named *Tashiwycans* died. The unhappy savage "express great Grief for it and said the *Manetto* hath kill'd my Sister, & I will go and kill the Christians, so taking another [*Wywannatamo*] with him he" sallied out and killed two Dutchmen, *Peter Veltscheerder* and *Christian Samuels*, at *Tinnag-*

Jersey under the Royal Patent of King Charles the second in 1664 been esteemed a part of that Province;—the Channel of the Delaware running between it and Pennsylvania.—*And Whereas* by an Act of Assembly made and passed in the year 1682, the said Island was vested in the town of Burlington, from thenceforth forever to “be and remain to and for the “use of the town of Burlington, and to others concerned therein within the first and second tenths; “the Rents issues and profits thereout and therefrom “yearly arising, to be (by the Overseers appointed or “to be appointed in Burlington) employed, for the “maintaining of a school for the education of Youth “within the said town and the first and second “Tenths.”—*And Whereas* the said Island, from all that appears, hath ever since been *peaceably possessed* by the said town of Burlington, being upwards of 92 *years*; in which time considerable improvements have been made thereon; and its rents now give constant instruction to about 25 *poor Children*, many of

cong island, the men being in the service of Mr. Alrichs.—*Records Upland Court* 149; 2 *Penn. Archives*, V., 601-11. A general war between the whites and the Indians was averted only by the prompt action of some of the latter, who caused one of the murderers to be killed as soon as found, in the ensuing December.—*Ib.*, 611. Meantime, measures were taken to fortify Matineconk island against any further attacks.—*Ib.*, 603. When the first Quaker settlers “sailed up the Delaware, the sixteenth of sixth month, 1677, (old style), they got to a place called Chygoes Island, from Chygoe, an Indian Sachem, who lived there,” we are told by the very accurate historian, Samuel Smith. This “Indian Sachem,” however, was doubtless the Frenchman, Peter Jegou, the tavern-keeper on the opposite point, for a year later the settlers said themselves, in a writing still extant, that when they arrived at Matineconk island they found it in possession of Henry Jacobs, who was “equally concerned with Peeter Jegoe and both tennants to the Governor for the lland afforsaide,” Jacobs being of great service to them subsequently in their intercourse with the Indians, whose language he understood.—*N. Y. Col. Docs.*, XII., 615. In 1678 (November 14), Robert Stacy, one of the Yorkshire commissioners of the Burlington Colony, obtained from Governor Andros, of New York, and who assumed jurisdiction over the whole of the former New Netherlands, a lease for Matiniconk Island, for the term of seven years from January 1, 1679, “with all the Houseing, Lands, Pastures, Feedings, Meadowes, and Appurtenances to the said Island belonging or in any wise appertaining now or lately in the tenure or Occupation of Peter Jegoe and Hendrick Jacobse in partnership.” The yearly rental was to be “thirty Bushells of good winter wheate.”—*Ib.*, 614. Friend Stacy appears not unnaturally to have anticipated trouble in ejecting Jegou and Jacobs, and on November 18 secured from Governor Andros an order to the English commander

whom, its presumable, wou'd otherways never receive the benefits arising from a well regulated School.—Hence, we are well informed, that on an application to the Crown for a Grant of the Islands in Delaware upwards of thirty years past, a minute was entered on the Council books, that if ever a Grant of those Islands shou'd pass—Burlington Island shou'd be excepted.—The rents of the said Island being solely applied to this Charitable use, the Overseers, thereof, duly chosen as aforesaid, desire, that this may be a Caveat in the Plantation office against any Grant of the said Islands, passing the Seals untill they are first hear'd in support of their title thereto.

ELLIS WRIGHT

THO^s RODMANN

SAM^l ALLINSON

SAM^l HOW

CHRIS^{RE} WETHERILL

JOHN HOSKINS

BURLINGTON 16th 12th Mo: (Decem^r) 1774

on the Delaware to put him in possession of the island.—2 *Penn. Archives*, V., 709. A number of the principal settlers of Burlington remonstrated against this lease, that “another should so come to succeed [Jegou and Jacobs] that hath been entertained as a stranger in time of necessity.”—*N. Y. Col. Docs.*, XII., 615; *N. J. Archives*, I., 287-8. In 1682 (September 28), the West Jersey Assembly passed an act vesting the possession of the island in the town of Burlington, “the Rents, Issues and Proffits thereof and therefrom Yearly arising to be employed for the Maintenance of a School for the Education of Youth within the said Town, and in the first and second Tenths.”—*Leaming and Spicer*, 455. Perhaps the establishment of the supremacy of the title of the West Jersey Proprietors over the usurpation of Governor Andros, induced Stacy to yield his claim under his lease. At all events, he was a member of the Legislature which passed the act, and there is nothing to show that he opposed the measure. The right of the Assembly to thus dispose of the island does not seem to have been admitted by the Proprietors, for in 1711 it was surveyed “to Lewis Morris as Agent to y^e West Jersey Society by Thomas Gardiner, Survey Genl.,” being by him called “Matoneconk Isles,” and said to contain 400 acres.—*Records Upland Court*, 141, *n*. In 1767 the citizens in town meeting resolved to “constitute a Public Free School in the city of Burlington, and that the rent of the Island should be applied to the use of the Free School for which purpose the said island was vested in the town.” It was also agreed that the moneys so arising should be applied to the education of orphan and indigent children exclusively.—*Hist. Burlington and Mercer Counties*, 143-5. The property has been thus used for school purposes ever since the action mentioned. The income supports one of the public schools of Burlington. What a contrast between 1671 and 1886 !—[W. N.]

*Letter from Samuel Holland, Surveyor-General of the
Northern District of North America, to Mr. Pownall.*

[From P. R. O. B. T., Plantations General, No. 29, W 9.]

PERTH AMBOY, New Jersey, 20th Dec^r 1774

Sir,

Your Favor of the 7th July, arrived here only a Week ago, owing as I imagine to its having made the Tour of Canada, it being marked Montreal October 30: It would have been immediately answered, had I not Then been necessarily absent, making Astronomical Observations for settling the 42^d Degree of Latitude on Delaware River; from which Business I came here the 17th Instant: A Copy of my proceedings therein, I herewith inclose.

I am much obliged by your Attention to my Service in desiring M^r Desbarres to send me a Copy of his Nova Scotia Surveys, as he intends them for the Public; and I shall be glad when they arrive, that I may prepare them to join my General Projection, which is only retarded for that reason, as I have mentioned before.

It however gives me Infinite Chagrin, after my Labors have been honored with continued Approbation in every Letter hitherto received, to learn for the first time, that none of the Plans I have transmitted can be applied to Any public Use or Advantage, untill the General Map under one General Scale is transmitted likewise: However disagreeable my Feelings must be on this Intimation, they are made still more so, by my being Ignorant in what these Plans are defective; when I consider the Esteem formerly expressed for them; & the Pains I & my Party have taken to make them worthy of it.

The General Map referred to, will undoubtedly give a More comprehensive Idea of our Surveys, than the Same could, if seperated into several Parts tho' examined successively; & it has been my Ardent Wish to be able to send It sooner, than It could be expected, as well for the Purpose mentioned, as that I had flattered myself it would be a Credit to all employed in the Execution. But notwithstanding my Endeavors such Obstacles have arisen, as have occasioned a Delay by no means pleasing to me; a Delay that I must still hope will be fully apologized for, when the Work appears, in the Complete Character I intend it shall.

Late as this General Map must necessarily be in performing, I flattered myself, that Government would be sufficiently informed of our strict Attention to this Part of the Public Service, as well as derive all the requisite Lights, this Business was expected to give, by the two Sets of Plans I sent from Time to Time; the one on a Scale of 4000 feet to an Inch, intended to shew as minutely as was necessary the Situation of each Place, & the other of 2 Miles to an Inch intended to connect these Places, & shew an extended Tract of Country: Hence the Islands of S^t John, Magdelanes, Cape Britain & Anticosti were sent; also the River S^t Laurence, the Coast from that River, to the Gut of Canso, & from S^t John's River in the Bay of Fundy to Cape Anne; these are successively our Surveys, each being connected with the other, & nothing left undone by Us of our District from Canada to Cape Anne, but Newfoundland & part of the Province of Nova Scotia; which Tracts tho' within my Instructions, I left to M^r Cook & M^r Desbarres who were surveying them for the Admiralty, as I would not put Government to an unnecessary Expence (which was approved of) in repeating Surveys that could be so easily communicated or obtained.

These Plans have been performed with indefatigable

Industry, & every Object Really incident to the Situation properly delineated agreeably to Nature, Nothing being left to the Imagination, which a very slight Inspection of them, will immediately discover, every Variation of the Ground being distinctly expressed, besides the whole has been corrected as well as connected by Astronomical Observations & extended Bearings. All which when duly considered, I think ought to place our Surveys in point of Fidelity & Accuracy behind Nothing of this Kind. One Advantage however M^r Cook's & M^r Desbarres' Surveys will have over Mine; that is in Soundings & Naval Remarks; Circumstances which I have repeatedly mentioned I could not obtain from the Naval Department of my Business; but which They, being on the Admiralty Establishment easily got done, M^r Cook for himself, & M^r Knight in the Diligent Schooner for M^r Desbarres; & who still continues to act, under that Gentleman's Direction being now employed in Nova Scotia: This Service I imagine might yet easily be done for me, was Lieut. Knight ordered to act jointly with Lieut. Mowat (who remains still with the Canseaux at Boston under the Admiral's orders); & would render my Surveys as usefull to the Mariner as the Geographer; & is more necessary now than ever, as the intricate & dangerous Shoals of Nantucket, St George's Bank, & the New England Coast are adjacent to last Summer's Surveys.

It gives me much Pleasure to be now able to acquaint the Right Honorable the Lords Commissioners for Trade & plantations, that the Survey is brought round to Newport in Rhode Island; this Summer's Work having been, the surveying Boston Harbor & Bay, Nantucket, Martha's Vineyard & the Elizabeth Islands, & the Coast from Cape Codd to Newport Lighthouse; & that from this Progress I hope to extend it next Summer to Hudson's River, including Long Island.

It is but doing Justice to mention to their Lordships, how much the Gentlemen, my Deputies underwent this Summer in performing these Surveys; in the progress of which, Two Seamen were drowned, the Jupiter Tender lost with much Baggage, & the Parties greatly distressed before they could obtain Provisions from Boston: The Business was notwithstanding completed, & is ascertained by sufficient Astronomical Observations &c.

I must add that when I mentioned in my Letter of the 14th April last, that M^r Sproule was appointed to the Chief Surveyorship of New Hampshire by Governor Wentworth, & that M^r Grant was to perform the Part of the Survey designed for him to execute; I imagined that Gentleman would have been properly accommodated on that Establishment; which not being the Case no Alteration took place, & the Survey of Nantucket, Martha's Vineyard, &c. was performed by him as first intended, & he is still with me as before, untill he receives such Encouragement from Governor Wentworth, as shall make the above office adequate to its Duty & his Merits.

We shall attend assiduously to the reducing these Surveys to the accustomed Scales, & to that of the General Map; these with the Plan of New Hampshire, I hope I shall soon have the Honor to transmit to your Office, & that they will meet with the Approbation bestowed on those pending.

I am, with the Greatest Regard, Sir,

Your most obedient & most humble Serv^t

SAMUEL HOLLAND

Petition of the Members of the Congress at Philadelphia, to the King, received December 21, 1774.

[From P. R. O. America and West Indies, Vol. 278.]

To the Kings most excellent Majesty

Most gracious sovereign

We your Majestys faithful subjects of the Colonies of New-Hampshire, Massachusetts-bay, Rhode-island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the counties of New-Castle Kent and Sussex on Delaware, Maryland, Virginia, North-Carolina, and South Carolina, in behalf of ourselves and the inhabitants of those colonies who have deputed us to represent them in General Congress, by this our humble petition, beg leave to lay our grievances before the throne.

A standing army has been kept in these Colonies, ever since the conclusion of the late war, without the consent of our assemblies; and this army with a considerable naval armament has been employed to enforce the collection of taxes.

The Authority of the commander in chief, and, under him, of the brigadiers general has in time of peace, been rendered supreme in all the civil governments in America.

The commander in chief of all your Majestys forces in North America has, in time of peace, been appointed governor of a colony.

The charges of usual offices have been greatly increased; and new, expensive and oppressive offices have been multiplied.

The judges of admiralty and Vice admiralty courts are impowered to receive their salaries and fees from the effects condemned by themselves. The officers of

the customs are empowered to break open and enter houses without the authority of any civil magistrate founded on legal information.

The judges of courts of common law have been made entirely dependant on one part of the legislature for their salaries, as well as for the duration of their commissions.

Councillors holding their commissions, during pleasure, exercise legislative authority.

Humble and reasonable petitions from the representatives of the people have been fruitless.

The agents of the people have been discountenanced and governors have been instructed to prevent the payment of their salaries.

Assemblies have been repeatedly and injuriously dissolved.

Commerce has been burthened with many useless and oppressive restrictions.

By several acts of parliament made in the fourth, fifth, sixth, seventh, and eighth years of your Majesty's reign, duties are imposed on Us, for the purpose of raising a revenue, and the powers of admiralty and vice admiralty courts are extended beyond their ancient limits, whereby our property is taken from us without our consent, the trial by jury in many civil cases is abolished, enormous forfeitures are incurred for slight offences, vexatious informers are exempted from paying damages, to which they are justly liable, and oppressive security is required from owners before they are allowed to defend their right.

Both houses of parliament have resolved that colonists may be tried in England, for offences, alledged to have been committed in America, by virtue of a statute passed in the thirty fifth year of Henry the eighth; and in consequence thereof, attempts have been made to enforce that statute. A statute was passed in the twelfth year of your Majesty's reign,

directing, that persons charged with committing any offence therein described, in any place out of the realm, may be indicted and tried for the same, in any shire or county within the realm, whereby inhabitants of these colonies may, in sundry cases by that statute made capital, be deprived of a trial by their peers of the Vicinage.

In the last sessions of parliament, an act was passed for blocking up the harbour of Boston; another, empowering the governor of Massachusetts bay to send persons indicted for murder in that province to another colony or even to Great Britain for trial whereby such offenders may escape legal punishment; a third, for altering the chartered constitution of government in that province; and a fourth for extending the limits of Quebec, abolishing the English and restoring the French laws, whereby great numbers of british free-men are subjected to the latter, and establishing an absolute government and the Roman Catholick religion throughout those vast regions, that border on the westerly and northerly boundaries of the free protestant English settlements; And a fifth for the better providing suitable quarters for officers and soldiers in his Majesty's service in North America.

To a sovereign, who "glories in the name of Briton" the bare recital of these acts must, we presume, justify the loyal subjects, who fly to the foot of his throne and implore his clemency for protection against them.

From this destructive system of colony administration adopted since the conclusion of the last war, have flowed those distresses, dangers, fears and jealousies, that overwhelm your Majestys dutiful colonies with affliction; and we defy our most subtle and inveterate enemies, to trace the unhappy differences between Great-Britain and these Colonies, from an earlier period or from other causes than we have assigned. Had they proceeded on our part from a restless levity

of temper, unjust impulses of ambition, or artful suggestions of seditious persons, we should merit the opprobrious terms frequently bestowed upon us, by those we revere. But so far from promoting innovations, we have only opposed them; and can be charged with no offence, unless it be one, to receive injuries and be sensible of them.

Had our Creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But thanks be to his adoreable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your royal ancestors, whose family was seated on the British throne, to rescue and secure a pious and gallant Nation from the popery and despotism of a superstitious and inexorable tyrant. Your Majesty, we are confident, justly rejoices, that your title to the crown is thus founded on the title of your people to liberty; and therefore we doubt not, but your royal wisdom must approve the sensibility, that teaches your subjects anxiously to guard the blessing, they received from divine providence, and thereby to prove the performance of that compact, which elevated the illustrious house of Brunswick to the imperial dignity it now possesses.

The apprehension of being degraded into a state of servitude from the pre-eminent rank of English freemen, while our minds retain the strongest love of liberty, and clearly foresee the miseries preparing for us and our posterity, excites emotions in our breasts, which though we cannot describe, we should not wish to conceal. Feeling as men, and thinking as subjects, in the manner we do, silence would be disloyalty. By giving this faithful information, we do all in our power, to promote the great objects of your royal cares, the tranquillity of your government, and the welfare of your people.

Duty to your Majesty and regard for the preservation of ourselves and our posterity, the primary obligations of nature and of society, command us to entreat your royal attention; and as your Majesty enjoys the signal distinction of reigning over freemen, we apprehend the language of freemen can not be displeasing. Your royal indignation, we hope, will rather fall on those designing and dangerous men, who daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your Majestys authority, misrepresenting your American subjects and prosecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries too severe to be any longer tolerable, to disturb your Majesty's repose by our complaints.

These sentiments are extorted from hearts, that much more willingly would bleed in your Majesty's service. Yet so greatly have we been misrepresented, that a necessity has been alledged of taking our property from us without our consent "to defray the charge of the administration of justice, the support of civil government, and the defence, protection and security of the colonies." But we beg leave to assure your Majesty, that such provision has been and will be made for defraying the two first articles, as has been and shall be judged by the legislatures of the several colonies, just and suitable to their respective circumstances: And for the defence, protection and security of the colonies, their militias, if properly regulated, as they earnestly desire may immediately be done, would be fully sufficient, at least in times of peace; and in case of war, your faithful colonists will be ready and willing, as they ever have been when constitutionally required, to demonstrate their loyalty to your Majesty, by exerting their most strenuous ef-

forts in granting supplies and raising forces. Yielding to no British subjects, in affectionate attachment to your Majesty's person, family and government, we too dearly prize the privilege of expressing that attachment by those proofs, that are honourable to the prince who receives them, and to the people who give them, ever to resign it to any body of men upon earth.

Had we been permitted to enjoy in quiet the inheritance left us by our forefathers, we should at this time have been peaceably, cheerfully and usefully employed in recommending ourselves by every testimony of devotion to your Majesty, and of veneration to the state, from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress by a contention with that nation, in whose parental guidance on all important affairs we have hitherto with filial reverence constantly trusted, and therefore can derive no instruction in our present unhappy and perplexing circumstances from any former experience, yet we doubt not, the purity of our intention and the integrity of our conduct will justify us at that grand tribunal, before which all mankind must submit to judgment

We ask but for peace, liberty, and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favour. Your royal Authority over us and our connexion with Great Britain, we shall always carefully and zealously endeavour to support and maintain.

Filled with sentiments of duty to your Majesty, and of affection to our parent state, deeply impressed by our education and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions, we present this petition only to obtain redress of grievances, and relief from fears and jealousies occasioned by the system of statutes and regulations

adopted since the close of the late war, for raising a revenue in America—extending the powers of courts of admiralty and vice admiralty—trying persons in Great Britain for offences alledged to be committed in America—affecting the province of Massachusetts-bay, and altering the government and extending the limits of Quebec; by the abolition of which system, the harmony between Great Britain and these colonies so necessary to the happiness of both and so ardently desired by the latter, and the usual intercourses will be immediately restored. In the magnanimity and justice of your Majesty and parliament we confide, for a redress of our other grievances, trusting, that when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard, we have been accustomed, in our happier days, to enjoy. For appealing to that Being who searches thoroughly the hearts of his creatures, we solemnly profess that our councils have been influenced by no other motive, than a dread of impending destruction.

Permit us then, most gracious sovereign, in the name of all your faithful people in America, with the utmost humility to implore you, for the honour of Almighty God, whose pure religion our enemies are undermining; for your glory, which can be advanced only by rendering your subjects happy and keeping them united; for the interests of your family depending on an adherence to the principles that enthroned it; for the safety and welfare of your kingdoms and dominions threatened with almost unavoidable dangers and distresses; that your Majesty, as the loving father of your whole people, connected by the same bands of law, loyalty, faith and blood, though dwelling in various countries, will not suffer the transcendent relation formed by these ties to be farther violated, in uncertain expectation of effects, that, if attained, never can compensate for the calamities, through which they must be gained.

We therefore most earnestly beseech your Majesty, that your royal authority and interposition may be used for our relief; and that a gracious answer may be given to this petition.

That your Majesty may enjoy every felicity through a long and glorious reign over loyal and happy subjects, and that your descendants may inherit your prosperity and dominions 'til time shall be no more. is and always will be our sincere and fervent prayer¹

Henry Middleton

Jn^o Sullivan

Nath^l Folsom

Thomas Cushing

Samuel Adams

John Adams

Rob^t Treat Paine

Step Hopkins

Sam: Ward

Elipht Dyer

Roger Sherman

E Biddle

J: Galloway

John Dickinson

John Morton

Thomas Mifflin

George Ross

Cha Humphreys

Cæsar Rodney

Tho M: Kean

Geo: Read

Mat. Tilghman

¹ "The committee which brought in this admirably well drawn, and truly conciliatory address, were Mr. Lee, Mr. John Adams, Mr. Johnston, Mr. Henry, and Mr. Rutledge. The original composition has been generally attributed to Mr. Lee."—*Marshall's Washington*, II., 180, note. "The draft first reported was from the pen of Mr. Lee—the language of it, however, was not deemed, by a majority of congress, sufficiently conciliatory, and it was recommitted. John Dickinson, who had just taken his seat in congress, was added to the committee, and the petition finally reported and adopted, was drawn by Mr. Dickinson."—*Pitkin's Hist. United States*, I., 296, note. Writing mainly from recollection, thirty-nine years after the event, John Adams says: "The first draught was made, and all the essential materials put together by Lee. It might be embellished and seasoned afterwards with some of Mr. Dickinson's piety, but I know not that it was."—*Works*, X., 79. His biographer appends to the same page this note: "It is now well known to have been the composition of Mr. Dickinson. Much light is shed upon this question by an article in the *American Quarterly Review*, I., 413." "Mr. Henry was designated, by his committee, to draw the petition to the king, with which they were charged. * * His draft was unsuccessful, and was recommitted, for amendment. Mr. John Dickinson (the author of the *Farmer's Letters*), was added to the committee, and a new draught prepared by him was adopted."—*Wirt's Life of Patrick Henry*, third edition, Phila., 1818, 109. Lord Chatham "thought the petition decent, manly, and properly expressed," and the king himself at first received it "very graciously," and promised to lay it before Parliament.—*Franklin's Works*, V., 34, 28. The petition is published in Griffith's *Historical Notes*, 136, and in 4 *American Archives*, I., 934-6.—[W. N.]

Silas Deane	Th ^s Johnson Jun ^r
Phil. Livingston	W ^m Paca
John Alsop	Samuel Chase
Isaac Low	Richard Henry Lee
Ja ^s Duane	Patrick Henry
John Jay	G ^o Washington
W ^m Floyd	Edmund Pendleton
Henry Wisner	Rich ^d Bland
S: Boerum	Benj ⁿ Harrison
Wil: Livingston	Will Hooper
John DeHart	Joseph Hewes
Step ⁿ Crane.	R ^d Caswell
Rich ^d Smith	Tho Lynch
Christ Gadsden	J: Rutledge
Edward Rutledge	

*Proceedings of the Inhabitants of Cumberland County,
in accordance with the recommendations of the
Continental Congress--disapproval of the De-
struction of Tea at Greenwich.*

[From Dunlap's Pennsylvania Packet, or the General Advertiser, Monday, January 19, 1775.¹]

At a general meeting of the inhabitants of the county of Cumberland, in New Jersey, held at Bridge-town, on Thursday, the 22^d day of December, 1774.

The articles of the Association entered into by the American Continental Congress being publickly read, were unanimously approved of; whereupon it was

¹ The above account has been carefully copied for this work, from a file of the paper in the New York Historical Society's Library. It was also published in the *Historical Magazine*, April, 1873, 251. The substance of it is given in the History of Gloucester, Salem and Cumberland Counties, Philadelphia, 1883, 536.

resolved, that a committee of thirty-five persons be appointed to carry the same into execution throughout the county;¹ accordingly the following persons were chosen, viz.: Abraham Jones, Thomas Maskell, Ephraim Harris, Silas Newcomb, Ephraim Seely, Daniel Elmore,² Jonathan Ayres, Elijah Hand, David Bowen, and Joshua Brick, Esquires, Messieurs John Wheaton, Benjamin Mulford, Abijah Holmes, Thomas Brown, Joel Fithian, Daniel Maskell, John Gibbon, Michael Hoshell, Thomas Daniel, Jonathan Smith, William Aul, Joseph Sheppard, Isaac Preston, Samuel Leek,³ Mark Ryley, John Buck, Ezekiel Foster, Joseph Newcomb, Jonathan Lore, John Terry, Gideon Heaton, Richard Wood, Joshua Ewing, John Laning, and Thomas Ewing.

As soon as the committee were chosen, they were publicly informed, that a quantity of Tea had been secretly landed at Greenwich, and that the inhabitants of that town had taken the alarm, and had chosen a *pro tempore* committee of five persons, to take care of the same until the committee of the county was chosen;⁴ the general committee then withdrew, in

¹ The first Continental Congress, which met at Philadelphia, September 5, 1774, on October 20 formally signed the famous Association, or Non-Importation Agreement, the eleventh article of which provided:

"*Eleventh*, That a committee be chosen in every county, city and town, by those who are qualified to vote for representatives in the Legislature, whose business it shall be, attentively to observe the conduct of all persons touching this Association; and when it shall be made to appear, to the satisfaction of a majority of any such committee, that any person within the limits of their appointment has violated this Association, that such majority do forthwith, cause the truth of the case to be published in the *Gazette*, to the end, that all such foes to the rights of *British America*, may be publicly known and universally condemned, as the enemies of *American* liberty; and thenceforth we respectively will break off all dealings with him or her."

² Elmer.

³ Leake.

⁴ This was in accordance with the following article of the Non-Importation Association:

"*Tenth*, In case any merchant, trader, or other persons, shall import any goods or merchandize after the *first* day of December, and before the *first* day of February next, the same ought forthwith, at the election of the owner, to be either re-shipped, or delivered up to the committee of the county, or town wherein they shall be imported, to be stored at the risque of the importer, until the non-importation agreement shall cease, or be sold under the direction of the committee aforesaid: and in the last mentioned case, the owner or owners of such goods shall be

order to consider what should be done in the affair, and came into the following resolution, namely, That this Committee, being ignorant of the principles on which the said tea was imported, or whence it came, and not being able to get information thereof, by reason of the importer's absence, do think it best to have it privately stored, and agree to meet at ten o'clock to-morrow, in order to take care of the same. Accordingly they met the next day agreeable to appointment, and found to their surprize that the tea had been destroyed, by persons unknown, the night before, at the time the committee were sitting at Bridgetown;' whereupon the committee further entered into the resolves following:

I. That we entirely disapprove of the destroying the abovementioned tea, it being entirely contrary to our resolves.

II. That we will not conceal, nor protect from justice, any of the perpetrators of the above fact.

Extract from the minutes of the Committee,

THOMAS EWING, *Clerk.*

reimbursed (out of the sales) the first cost and charges; the profit, if any, to be applied towards relieving and employing such poor inhabitants of the town of *Boston*, as are immediate sufferers by the *Boston* port bill; and a particular account of all goods so returned, stored or sold, to be inserted in the publick papers; and if any goods or merchandizes shall be imported after the said *first* day of *February*, the same ought forthwith to be sent back again, without breaking any of the packages thereof."

¹ "Rev. Philip Vickers Fithian, who resided at Greenwich, and who is said to have been one of the party who destroyed the tea, gives us, in a few words recorded in his journal on the next day after the occurrence, a vivid picture of the affair, and of the feelings of the people concerning it. Under date of 'Friday, 23,' he says, 'Last night the Tea was, by a number of persons in disguise, taken out of the House & consumed with fire. Violent & different are the words about this uncommon manœuvre among the inhabitants. Some rave, some curse and condemn, some try to reason; many are glad the Tea is destroyed, but almost all disapprove the Manner of the Destruction.' * * Disguised as Indians, the party early in the evening broke open the store-house, took out the boxes of tea, and burned them on the open square."—*Hist. Gloucester, Salem and Cumberland Counties*, 536. By a misunderstanding, the date given in the Rev. Mr. Fithian's diary above was furnished to Col. Robert G. Johnson as "Thursday, November 22," and he so gives it in his account of the Greenwich tea-party, in his *History of Salem*, p. 123. The error was repeated by Judge Elmer, in his *History of Cumberland County*, p. 15. The inhabitants of the vicinity accordingly celebrated the centennial of the occurrence in November (25-6), 1874. It might be noted that in 1774, *December* 22 did fall on a Thursday, while *November* 22 did not.—[W. N.]

Advertisement calling a meeting of the inhabitants of Shrewsbury for the 17th of January, to choose a Committee in accordance with the recommendations of the Continental Congress.

[From New Jersey Historical Society Manuscripts.]

Advertisement.

Agreeable to the Resolutions of the Late General Continental Congress—The Inhabitants of the town of Shrewsbury, more Especially Such as are properly Qualified for Choosing Representatives to Serve in General Assembly, are hereby Warned to meet at the House of Josiah Halstead, in said Shrewsbury, on Tuesday, the 17th of this Instant, January, at noon, in Order to Choose a Committee for the Several purposes as Directed By the Said Congress.

As the Method Ordered By the Congress Seems to Be the only peaceable Method the Case will admit of, on failure of which, Either Confirmed Slavery or a Civil War of Course Succeeds: the Bare mention of Either of the two Last is Shocking to human Nature, more particularly So to all true friends to the English Constitution. Therefore it Becomes the Indispensible Duty of all Such to Use their Utmost Endeavors in favor of the first or peaceable Method, and Suffer it not to miscarry or fail of its Salutory and much Desired Effects By means of any Sinister Views or Indolence of theirs. Surely Expecting on the one Hand to Be Loaded with the Curses arising from Slavery to the Latest posterity, or on the other hand the Guilt of Blood of thousands of their Brethren and fellow Christians to Lay at their Door and to Be Justly Required at their Hands. Think well of this Before it Be too Late and Let not the precious moment Pass.

SHREWSBURY, *January 2d*, 1775.

*Circular Letter from the Earl of Dartmouth to the
Governors in North America, directing them to
prevent the choice of Deputies to attend the Conti-
nental Congress.*

[From New York Colonial Documents, Vol. VIII., p. 527.]

WHITEHALL 4 January 1775

Sir

Certain persons styling themselves Delegates of several of His Maj^{ty}'s Colonies in America, having presumed, without His Maj^{ty}'s authority or Consent, to assemble together at Philadelphia, in the months of September and October last; and having thought fit, amongst other unwarrantable proceedings, to resolve that it will be necessary, that another Congress should be held, at the same place, on the 10th of May next, unless redress for certain pretended grievances be obtained before that time, and to recommend that all the Colonies in North America should chuse Deputies to attend such Congress, I am commanded by the King to signify to you His Maj^{ty}'s pleasure, that you do use your utmost endeavours to prevent any such appointment within the ^{Colony} ~~Province~~ under your Government; and that you do exhort all persons to desist from such an unjustifiable a proceeding, which cannot but be highly displeasing to the King.

I am etc.

DARTMOUTH.

*Letter from the Earl of Dartmouth to Gov. Franklin,
relative to the proceedings and resolutions of the
Congress.*

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL 7th Jan^y 1775.

Governor Franklin.

Sir,

By the New York Mail which arrived yesterday I received your Dispatch of the 6th of December inclosing a Plan of a proposed Union between Great Britain & the Colonies, which I find by a Letter from L^t Governor Colden inclosing another Copy of it, was suggested & proposed in the general Congress by M^r Galloway.

The proceedings & Resolutions of that Congress & the phrenzy & Violence of the people in the New England Governments have brought the Dispute with America to such an issue as to make it absolutely necessary to come to some final decision, and the State of the Colonies will become the first object of Consideration upon the Meeting of Parliament after the Holydays.

The disapprobation of the proceedings of the Congress expressed so generally by Men of Rank & Condition in the Colonies of New York and New Jersey must have its Influence upon the Mind of every unprejudiced person who wished to have seen a foundation laid by more calm & dispassionate Measures for Peace & Union upon some reasonable and Constitutional Plan.

I am &c^a

DARTMOUTH

Proceedings of the Elizabeth-Town Committee of Observation.

[From the New York Journal, or the General Advertiser, Monday, Jan. 26, 1775.]

At a full Meeting of the Committee of Observation for the Free Borough and Town of Elizabeth, at Elizabeth Town, New Jersey, January 16th 1775.

RESOLVED, That in order to increase the number of sheep, as recommended by the Seventh Article¹ of the Association, entered into by the Continental Congress, no Lambs be killed, or sold for the purpose of killing, before the first day of August next, and that no Ewes be killed or sold for that purpose, under four years old, within the district of the said borough of Elizabeth.

The same day were sold, (agreeable to the Resolves of the Congress) at public Vendue, under the inspection of said Committee, one hogshead and two casks of Goods, marked M. W. imported from Bristol, since the first of December last, by Matthias Williamson, Esq; in the ship Fair Lady, Capt. Spranger, sent here by the Committee of New York.

¹ "Seventh, We will use our utmost endeavours to improve the breed of sheep and increase their number to the greatest extent; and to that end, we will kill them as seldom as may be, especially those of the most profitable kind; nor will we export any to the *West Indies* or elsewhere; and those of us, who are or may be overstocked with, or can conveniently spare any sheep, will dispose of them to our neighbours, especially to the poorer sort, on moderate terms."

*Letter from Gov. Franklin to the Earl of Dartmouth,
transmitting his speech to the New Jersey Assem-
bly, together with Resolutions of that body.*

[From P. R. O. America & West Indies, Vol. 177 (195).]

PERTH AMBOY Feb^y 1st 1775

My Lord,

The General Assembly of this Province are now sitting, being convened on the 11th of last Month, in order to transact the public Business. At the Opening of the Session I had some Hopes of prevailing on the House of Representatives not to approve of the Proceedings of the general Congress held at Philadelphia, for which Purpose a Paragraph of my Speech was particularly calculated. But the Delegates from this Province took the Alarm, and used their utmost Endeavours with the Members to persuade them to give their Approbation to those Proceedings, as otherwise one grand End the Congress had in View would be entirely frustrated namely, the preserving an Appearance of Unanimity throughout the Colonies, without which, they said, their Measures could not have that Weight and Efficacy with the Government and People of Great Britain as was intended. The Scheme, however, met with some Opposition in the House, several Members proposing to defer the Consideration of it to a future Time, or to give their Approbation to only some Parts of the Proceedings of the Congress; but by the artful Management of those who espoused the Measure, it was carried through precipitately the very Morning it was proposed, as your Lordship will see by a Copy of their Resolutions now enclosed, which were all previously prepared for the Purpose.

I also send your Lordship a Copy of my Speech, the Council's Address, my Answer thereto, and a Copy which I have just obtained of the Address the Assem-

bly are to present to me To-morrow. By the latter your Lordship will see that they intend to take my Advice so far as to petition His Majesty on the Subject of the present unhappy Differences between the two Countries. What Weight they can expect such Petition to have, after having so recently given their full Approbation to all the Measures of the general Congress I am at a loss to conceive. It must however, be the ardent Wish of every good Subject that Harmony may be restored on some just and honorable Plan, and that an Union between all the Parts of the King's Dominions may be established on a solid and permanent Foundation.

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient &
most humble Servant

W^m FRANKLIN

SPEECH.

Gentlemen of the Council and Gentlemen of the Assembly

Altho' not more than Ten Months have elapsed since your last Meeting in General Assembly, yet as there are several Matters of Importance which require the particular Attention of the Legislature, I have thought it proper to give you as early an Opportunity of transacting the public Business as was consistent with your Conveniency.

Gentlemen of the Assembly,

The Support of Government having been expired since the first of October, I must recommend that Matter to your early Consideration.

The Barrack Master's Accounts, for the Expenditure of the Money granted last Year for the Supply of the King's Troops shall be laid before you as soon as they can be prepared.

Gentlemen of the Council and Gentlemen of the Assembly

It would argue not only a great Want of Duty to His Majesty, but of Regard to the good people of this Province, were I, on this Occasion, to pass over in silence the late alarming Transactions in this and the neighbouring Colonies, or not endeavour to prevail on you to exert yourselves in preventing those Mischiefs to this Country, which, without your timely Interposition will, in [all] probability, be the Consequence.

It is not for me to decide on the particular Merits of the Dispute between Great Britain and her Colonies, nor do I mean to censure those who conceive themselves aggrieved, for aiming at a Redress of their Grievances. It is a Duty they owe themselves, their Country, and their Posterity.

All that I would wish to guard you against is the giving any Countenance or Encouragement to that destructive mode of Proceeding which has been unhappily adopted in Part by some of the Inhabitants in this Colony, and has been carried so far in others as totally to subvert their former Constitution. It has already struck at the Authority of one of the Branches of the Legislature in a particular Manner. And, if you, Gentlemen of the Assembly, should give your Approbation to Transactions of this Nature, you will do as much as lies in your Power to destroy that Form of Government of which you are an important Part, and which it is your Duty by all lawful Means to preserve. To you, your Constituents have intrusted a particular Guardianship of their Rights & Priviledges. You are their legal Representatives, and you cannot, without a manifest Breach of your Trust, suffer any Body of Men, [to interfere] in this or any of the Powers vested in you by the Constitution. It behoves you particularly who must be constitutionally supposed to speak the sense of the People at large, to be extremely

cautious in consenting to any Act whereby you may engage them as Parties in, and make them answerable for Measures which may have a Tendency to involve them in Difficulties far greater than those they aim to avoid.

Besides, there is not, Gentlemen, the least Necessity, consequently there will not be the least Excuse, for your running any such Risks on the present Occasion. If you are really disposed to represent to the King any Inconveniences you conceive yourselves to lie under, or to make any Propositions on the present State of America, I can assure you, from the best Authority, that such Representations or Propositions will be properly attended to, and certainly have greater Weight coming from each Colony in it's separate Capacity, than in a Channel, of the Propriety and Legality of which there may be much Doubt.

You have now pointed out to you, Gentlemen, two Roads—one evidently leading to Peace, Happiness, and a Restoration of the Public Tranquility—the other inevitably conducting you to Anarchy, Misery, and all the Horrors of a Civil War. Your Wisdom, your Prudence, your Regard for the true Interests of the People, will be best known when you have shewn to which Road you give the preference. If to the former, you will probably afford Satisfaction to the moderate, the sober, and the discreet Part of your Constituents. If to the latter, you will, perhaps for a Time, give Pleasure to the warm, the rash, and the inconsiderate among them, who, I would willingly hope, violent as is the Temper of the present Times, are not even now the Majority. But it may be well for you to remember, should any Calamity hereafter befall them, from your Compliance with their Inclinations, instead of pursuing, as you ought, the Dictates of your own Judgment, that the Consequences of their returning to a proper sense of their Conduct may prove deservedly fatal to Yourselves.

I shall say no more at present on this disagreeable Subject, but only to repeat an Observation I made to a former Assembly on a similar Occasion. “Every Breach of the Constitution, whether it proceeds from the Crown or the people, is, in its Effects, equally destructive to the Rights of both. It is the Duty, therefore, of those who are intrusted with Government, to be equally careful in guarding against Encroachments from the one as the other. But *It is* (says one of the wisest of Men) *a most infallible Symptom of the dangerous State of Liberty, when the chief Men of a free Country shew a greater Regard to popularity than to their own Judgment.*”

WM FRANKLIN.

COUNCIL CHAMBER January 13th 1775.

To His Excellency William Franklin Esq^r Captain General, Governor and Commander in Chief in and over His Majesty's Province of New Jersey and Territories thereon depending in America, Chancellor and Vice Admiral in the same &c—

The Humble Address of His Majesty's Council of the said Province.

May it please Your Excellency,

We, His Majesty's most dutiful and loyal Subjects the Council of the Province of New Jersey, beg Leave to return Your Excellency our Thanks for your Speech at the Opening of this Sessions; and to express our Obligations for having given us so early an Opportunity of transacting the Public Business, and that you have been pleased therein to consult our Conveniency.

We agree with Your Excellency that it would argue not only a great Want of Duty to His Majesty, but of

Regard to the good People of this province, were we, on this Occasion, to pass over in Silence the present alarming Transactions which are so much the Objects of public Attention; and therefore beg Leave to assure you that, feeling ourselves strongly influenced by a zealous Attachment to the Interests of Great Britain and her Colonies, and deeply impressed with a Sense of the important Connection they have with each other, we shall, with all sincere Loyalty to our most gracious Sovereign, and all due Regard to the true Welfare of the Inhabitants of this province, endeavour to prevent those Mischiefs which the present Situation of Affairs seems to threaten; and by our Zeal for the Authority of Government on the one Hand and for the Constitutional Rights of the People on the other, aim at restoring that Health of the political Body which every good Subject must earnestly desire.

Your Excellency may be assured that we will exert our utmost Influence, both in our public and private Capacities, to restore that Harmony between the Parent State and His Majesty's American Dominions which is so essential to the Happiness and Prosperity of the whole Empire: and earnestly looking for that happy Event, we will endeavour to preserve Peace and good Order among the People and a dutiful Submission to the Laws.

Jan^y 26. 1775

To which His Excellency was pleased to reply
as follows viz^t

Gentlemen,

I heartily thank you for this Address. Your Sentiments concerning the present alarming Transactions—Your Expressions of Zealous Attachment to the Interests of Great Britain and her Colonies—Your promises to exert your utmost Influence to restore Harmony between them, and to preserve peace, good

Order, and a dutiful Submission to the Laws, are such as evince your Loyalty to the most gracious of Sovereigns, and your Regard for the true Welfare of the People. Their Constitutional Rights will ever be found best supported by a strict Obedience to the Laws and Authority of Government. Whenever that Barrier is broken down, Anarchy and Confusion, with all their attendant Evils, will most assuredly enter and destroy all the Blessings of Civil Society.

A Copy of the Resolves of the N. Jersey Assembly & of their Address.

To His Excellency William Franklin Esq^r Captain General, Governor and Commander in Chief in and over the Colony of New Jersey and Territories thereon depending in America, Chancellor & Vice Admiral in the same &c

The humble Address of the Representatives of said Colony in General Assembly convened.

May it please Your Excellency

We, His Majesty's loyal and dutiful Subjects, the Representatives of the Colony of New Jersey, in General Assembly convened, have taken into our Consideration, Your Excellency's Speech at the Opening of the present Session.

We shou'd have been glad, that Your Excellency's Inclinations, to have given us, as early an Opportunity of transacting the publick Business, as was consistent with our "Conveniency," had terminated in a Manner more agreeable to your Design and more favourable to us, than it really has done, on the present Occasion.—If the Petitions which We understand

have been presented to you for that Purpose had been granted, we should have had a Meeting more convenient to us than the present, and that Meeting, perhaps, wou'd have prevented some of those "alarming Transactions" which your Excellency's Apprehension of your Duty leads you to mention to us, as having happen'd, in this Colony—We thank you for your Intention to oblige us, but that, it may not be so entirely frustrated in future, permit us to inform you, it will be much the most agreeable to us, that the Meeting of the House, to do the publick Business, should not be postponed to a Time later, than when the Bill for the Support of Government expires.

We are sorry to hear that in your Excellency's Opinion, there has been of late any "alarming Transactions" in this and the neighbouring Colonies, Our Consent to, or, Approbation of which may lead the good People we represent into "Anarchy Misery and all the Horrors of a Civil War." It is true, you are pleased to tell us, that this Destructive Mode of Proceeding, has been adopted but "in part," by some of the Inhabitants of this Colony.—We assure you that we neither have nor do intend to give our Approbation to Measures destructive to the Welfare of our Constituents and in which we shall be equally involved with them; their Interests and our own, we look upon as inseparable, no Arguments are necessary to prevail on us to endeavour to prevent such impending Calamities, and if we should at any Time mistake our Duty so much, We hope your Regard to the People will induce you to exert the Prerogative and thereby give them the Choice of other Representatives who may act with more prudence; The incertainty however to what "alarming Transactions" in particular you refer renders it sufficient for us to assure you only that we profess ourselves to be the loyal Subjects of the King from whose Goodness we hope to be relieved from the

present unhappy Situation, that we will do all in our Power to preserve that excellent Form of Government under which we at present live, and that we neither intend to usurp the Rights of others, nor suffer any vested in us by the Constitution to be wrested out of our Hands by any Person or Persons whatsoever.

We sincerely lament the unhappy Differences which at present subsist between Great Britain and her Colonies. We shall heartily rejoice to see the Time when they shall subside on Principles consistent with the Rights and Interests of both, which we ardently hope is not far off and, tho' we cannot conceive how the Separate Petition of one Colony, is more likely to succeed than the united Petitions of all, yet in order to shew our Desire to promote so good a purpose by every proper Means, we shall make Use of the Mode pointed out by your Excellency, in hopes, it will meet with that Attention which you are pleased to assure us will be paid to the Representatives of the people.

We have already resolved to support His Majesty's Government, and we beg Leave to assure Your Excellency that, tho' we are warmly attached to that Liberty which as Subjects of our august Monarch we apprehend ourselves to be justly entitled to and firmly resolved to preserve it by every constitutional Means in our Power, yet we shall with Pleasure lay hold of every proper Occasion to manifest that Loyalty to his Person and Regard to the Constitution which as Subjects and Free men can be reasonably expected from us.

By Order of the House

CORTLAND SKINNER,
Speaker

HOUSE OF ASSEMBLY February 1st 1775

HOUSE OF ASSEMBLY January 25th 1775

M^r Crane and M^r Kinsey laid before the House the Proceedings of the Continental Congress held at Philadelphia in September last; which were read.

On the Question whether the House approved of the said Proceedings ? It passed in the Affirmative.

Resolved That this House do unanimously approve of the Proceedings of the Congress

Resolved unanimously That James Kinsey, Stephen Crane, William Livingston, John DeHart and Richard Smith Esq^{rs} (or any three of them) be, and they are hereby appointed to attend the Continental Congress of the Colonies intended to be held at the City of Philadelphia, in May next, or at any other Time and Place; and that they report their Proceedings to the next Sessions of General Assembly, instructing the said Delegates to propose and agree to every reasonable and constitutional Measure for the Accommodation of the unhappy Difference at present subsisting between our Mother Country and the Colonies, which the House most ardently wish for.

Ordered, That M^r Speaker do transmit a Copy of the foregoing Resolutions to the Speaker of the Assemblies of New York & Pennsylvania.

Resolved, unanimously, That the Thanks of this House be given to James Kinsey, Stephen Crane, William Livingston, John DeHart, and Richard Smith, Esquires, for their faithful and judicious Discharge of the Trust reposed in them at the late Continental Congress.

Letter from Lord Stirling to Cortlandt Skinner, covering a valuation by three impartial persons, of the land mortgaged by him to Mrs. Mary Verplank, and afterwards by mistake, to the Treasurer, for money had out of the Treasury.

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. 2, No. 48.]

Courtlandt Skinner Esq.

February 17: 1775

Dear Sir

I now inclose you a Copy of a Valuation made by three impartial men of the Lands Mortgaged by me to Mrs. Mary Verplank and afterwards by some unaccountable mistake to your Brother as a Security for the Monies I am Indebted to the Province of New Jersey. By this Valuation the Lands amount to £4582 proc: Mrs. Verplank's Debt does not amount to one half that Sum. Consequently (if this Valuation is Just) there will be sufficient in the Remainder to discharge the Debt due to the Province. When I last saw you, I think you told me that the Assembly had requested you to direct that the Equity of Redemption should at the Ensuing Sheriff's Sale, be purchased for the use of the Province. I therefore now Communicate this Valuation to you, in order that you may know how far it will be safe for to make Purchases on this Occasion for the Account of the Province, which I think will be Very Safe, if for the Redemption of Each Tract or Lott, their Agents do bid as far as one half of the inclosed Valuation; if others will bid more so much the better. You will be pleased to give such Instructions as you think proper and I shall

be much obliged to you to be informed by the Bearer what they are.

I am your most Obedient Humble Servt,
STIRLING.

N. B. Be pleased to Communicate the Contents to the Committee, at least to Mr. Fisher before the day of Sale.

Letter from Governor Franklin, relative to the Seizure of all arms and ammunition imported into the province without license from the King.

[From P. R. O. America and West Indies, Vol. 177 (195).]

PERTH AMBOY Feb^{ry} 18th 1775

The Right Hon^{ble} the Earl of Dartmouth, &c &c
My Lord,

Upon receiving your Lordship's Circular Dispatch of the 19th of October, I immediately gave Notice to the Officers of the Customs, and others, of His Majesty's Order in Council relative to the Importation of Arms and Ammunition, and directed the Seizing of all such as should be imported into this province without a Licence from His Majesty, or the privy Council for the Purpose. His Majesty may rely that nothing shall be wanting on my Part towards a punctual Execution of his Intentions in this respect, within this Government.

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient
& most humble Servant
W^m FRANKLIN

Order in Council approving three acts of the Province of New Jersey, and recommending salaries more suitable to the civil officers, the building houses for the residence of the Governor, etc.

[From P. R. O., America and West Indies, Vol. 108^c (112).]



AT THE COURT AT ST^T JAMES'S THE 20TH
DAY OF FEBRUARY 1775.

PRESENT

The King's most Excellent Majesty.

LORD PRESIDENT	EARL OF ROCHFORD
DUKE OF QUEENSBURY	EARL OF DARTMOUTH
DUKE OF NEWCASTLE	VISCOUNT FALMOUTH.
	EARL OF DENBIGH

Whereas there was this Day read at the Board a Report from the Right Honourable the Lords of the Committee of Council, for plantation Affairs Dated this Day in the words following Viz^t—

“Your Majesty having been pleased by Your Order
“in Council of the 23rd of this Instant to referr unto
“this Committee a Representation from the Lords
“Commissioners for Trade and Plantations, Setting
“forth, That William Franklin Esquire Your Majes-
“ty’s Governor of New Jersey in America, having
“transmitted the Laws Enacted in the last Session of
“General Assembly within that province, the said
“Lords Commissioners beg leave to lay before Your
“Majesty three of those Laws, which do on different
“Grounds require Your Majesty’s Determination, sub-
“mitting to Your Majesty their Observations and
“Opinion thereupon—Viz^t ‘An Act for striking one
“hundred thousand pounds in Bills of Credit, and di-

“recting the mode for sinking the same.’—That the
“propriety both in point of Justice and policy of creat-
“ing paper Bills of Credit, and lending them out at
“Interest upon Land Security, in Order to create a
“Fund for supplying the necessities of Government,
“will certainly in the abstract Consideration of the
“proposition, admit of some doubt; the provision
“however made by Act of parliament for preventing
“such Bills of Credit being a legal Tender, has removed
“the principal Ground of Objection, and experience
“has shewn, that under that restriction it is a measure
“which has in Your Majesty’s Colonies been attended
“with very salutary Effect, by Enabling the planters
“to Extend their Improvements, to open new Chan-
“nels of Commerce, to take off a greater Quantity of
“the Manufactures of Great Britain, and to pay for
“them with that Gold and Silver, which, was it not
“for the Advantage of this paper Medium must be
“retained in Order to answer the purposes of Circula-
“tion;—That in this View therefore of the Act, and
“upon a full Consideration of the particular State and
“Circumstances of Your Majesty’s Colony of New
“Jersey, the said Lords Commissioners lay it before
“Your Majesty for Your Majesty’s Royal Confirma-
“tion, it having been very properly passed with a
“Clause suspending its Execution until Your Majes-
“ty’s pleasure could be known—That they should
“however have had the greater satisfaction in recom-
“mending to your Majesty to confirm this Act if the
“Assembly instead of a general Appropriation of the
“Interest Money to the Support of Government in
“such manner as should be directed by future Acts,
“had made a Settlement during the Existence of the
“Loan upon the Civil Officers of Government of Sala-
“ries more suitable to their several Stations than what
“they now receive, and had appropriated a Specific
“portion of the Interest Money to Building Houses

“for the Residence of Your Majesty’s Governor and
“the meetings of the Legislature of which the Gov-
“ernor says there is a shameful want in that prov-
“ince—That such an Appropriation of the Interest of
“the Loan is certainly no more than what they owe
“to the Dignity of their own Government, and Your
“Majesty’s just expectations; And they Trust that if
“Your Majesty shall be graciously pleased to direct
“Your Governor to make a Requisition to the Effect
“of what is above suggested the Legislature of New
“Jersey will not make such an ill return to Your Maj-
“esty’s Grace and Favor in the Confirmation of the
“Law, as not to comply with it—‘An Act for lower-
“ing the Interest of Money to six per Cent within this
“Colony’—That Mr Jackson One of Your Majesty’s
“Counsel at Law, whom the said Lords Commission-
“ers have consulted upon this Act, observes, that it is
“either useless or mischievous, for, if Money abounds
“sufficiently in the province to induce possessors of it
“to lend at Six per Cent, it will be lent at that rate,
“in case it does not, the only Effect of the Law will
“be a prohibition on the lending at all, to the manifest
“injury of the Trade of the Colony and the Improve-
“ment of its Lands; In this Objection they agree
“with Mr Jackson, and are moreover of Opinion that
“this Confirmation of the Act for issuing paper Bills
“of Credit, which are to be Lent out on Land Security
“at five per Cent, renders this Law at least unneces-
“sary, if not Improper, and they therefore lay it be-
“fore Your Majesty for Your Majesty’s Disallowance.
—‘An Act for the relief of Abner Hatfield an Insolv-
“ent Debtor’—That this Act which has been very
“properly passed with a Clause suspending its Execu-
“tion until Your Majesty’s pleasure can be known,
“appears upon Examination not to be liable to any Ob-
“jection and therefore lay it before Your Majesty for
“Your Majesty’s Royal Confirmation’—The Lords of

“ the Committee in obedience to Your Majesty’s said
“ Order of Reference, this Day took the said Represen-
“ tation and Acts into Consideration, and concurring
“ in opinion with the Lords Commissioners for Trade
“ and plantations, do agree humbly to Report to your
“ Majesty that the Act for Striking £100,000 in Bills
“ of Credit is proper for your Majesty’s Royal Confir-
“ mation, and that if your Majesty shall be graciously
“ pleased to confirm the same, it may be adviseable
“ that the Right Honourable the Earl of Dartmouth
“ One of Your Majesty’s principal Secretaries of State
“ should give Directions to the Governor of New Jersey
“ to require of the Legislature of that province to make
“ a Settlement during the Existence of the Loan upon
“ the Civil Officers of Government of Salaries more
“ suitable to their several Stations than what they now
“ receive, and to appropriate a Specific portion of the
“ Interest Money to the purpose of Building Houses
“ for the residence of Your Majesty’s Governor and
“ for the Meetings of the Legislature.—As to the Act
“ for lowering the Interest of Money to six per Cent
“ within the Colony of New Jersey, the Lords of the
“ Committee are of Opinion that the same ought to be
“ Disallowed; And as to the Act for the Relief of
“ Abner Hatfield an Insolvent Debtor, their Lordships
“ do agree humbly to Report that the same is proper
“ for Your Majesty’s Royal Confirmation.”—

His Majesty having taken the said Report into Consideration, was pleased with the Advice of His Privy Council to Approve of what was therein proposed. And doth hereby Order that the Right Honourable the Earl of Dartmouth One of His Majesty’s principal Secretaries of State do give Directions to the Governor of New Jersey to make a requisition accordingly to the Legislature of that province.

G. CHETWYND

Circular Letter from the Earl of Dartmouth, enclosing papers and expressing hopes of a restoration of the public tranquility.

[From P. R. O. America and West Indies, Vol. 261 (279).]

WHITEHALL 22^d Feb^{ry} 1775

Circular to the Governors of New York. New Jersey New Hampshire. Deputy Governor of Pennsylvania.

Inclosed I send you, by The King's Command, a joint Address¹ of both Houses of Parliament to His Majesty upon a Consideration of the Papers which had been communicated to them relative to the state of the American Colonies; together with His Majesty's most gracious Answer to the said Address.

I likewise send you a printed Copy of a Bill brought into the House of Commons for restraining the Trade and Fisheries of the Four New England Governments for a limited time; together with a Copy of a Resolu-

¹ The joint address was presented to His Majesty on Thursday, February 9, 1775, as follows: "*Most Gracious Sovereign:* We, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, and Commons, in Parliament assembled, return Your Majesty our most humble thanks for having been graciously pleased to communicate to us the several papers relating to the present state of the British Colonies in America, which, by Your Majesty's commands, have been laid before us: We have taken them into our most serious consideration; and we find, that a part of Your Majesty's subjects, in the province of Massachusetts-Bay, have proceeded so far as to resist the authority of the supreme legislature; that rebellion at this time actually exists within the said province; and we see, with the utmost concern, that they have been countenanced and encouraged by unlawful combinations and engagements, entered into by Your Majesty's subjects in several of the other colonies, to the injury and oppression of many of their innocent fellow-subjects, resident within the kingdom of Great-Britain, and the rest of Your Majesty's dominions: This conduct, on their part, appears to us the more inexcusable, when we consider with how much temper Your Majesty, and the two Houses of Parliament, have acted in support of the laws and constitution of Great Britain. We can never so far desert the trust reposed in us, as to relinquish any part of the sovereign authority over all Your Majesty's dominions, which, by the law, is vested in Your Majesty and the two Houses of Parliament; and the conduct of many persons, in several of the colonies, during the late disturbances, is alone

tion declaratory of the sense of Parliament upon the subject of Taxation, which Resolution was moved in the Committee on Monday last, and carried by a majority of 274 to 88.

As these two Measures are as yet in the first stages only of Consideration, and as the Bill may possibly admit, in its farther progress, of some alteration, I shall only say upon them, that I flatter myself that the firm determination of Parliament to preserve the Colonies in a due dependance upon this Kingdom, tempered with the Justice and moderation expressed in the last Resolution of the Committee, will have the effect to produce such a conduct on the part of the Colonies as shall lead to a Restoration of the Public Tranquility.

I am &c^a

DARTMOUTH.

sufficient to convince us how necessary this power is for the protection of the lives and fortunes of Your Majesty's subjects.

"We ever have been, and always shall be, ready to pay attention and regard to any real grievances of any of Your Majesty's subjects, which shall, in a dutiful and constitutional manner, be laid before us; and, whenever any of the colonies shall make a proper application to us, we shall be ready to afford them every just and reasonable indulgence: At the same time, we consider it as our indispensable duty humbly to beseech Your Majesty, that you will take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature; and we beg leave, in the most solemn manner, to assure Your Majesty, that it is our fixed resolution, at the hazard of our lives and properties, to stand by Your Majesty against all rebellious attempts in the maintenance of the just rights of Your Majesty and the two Houses of Parliament."

To which the King replied: "I thank you for this very dutiful and loyal address, and for the affectionate and solemn assurances you give me of your support in maintaining the just rights of my crown, and of the two Houses of Parliament; and you may depend on my taking the most speedy and effectual measures for enforcing due obedience to the laws, and the authority of the supreme legislature. Whenever any of my colonies shall make a proper and dutiful application, I shall be ready to conclude with you, in affording them every just and reasonable indulgence; and it is my ardent wish, that this disposition may have a happy effect on the temper and conduct of my subjects in America."—*Dodsley's Annual Register*, for 1775, 247-8.

Circular Letter from the Earl of Dartmouth to the Governors in America, enclosing a resolution adopted by Parliament and approved by the King.

[From P. R. O. America and West Indies, Vol. 279.]

WHITEHALL March 3^d 1775

CIRCULAR (PRIVATE.)

To Gov^{rs} of New Hampshire Massachusetts Bay
New York. New Jersey. Virginia N^o Caro-
lina South Carolina Nova Scotia Georgia
Dep^y Gov^r of Maryland Pennsylvania.

My separate dispatch of this day's date, inclosing a Resolution of the House of Commons may be ostensibly of use in case the General Assembly should think fit to take up the Consideration of that Resolution, but it is fit I should observe to you that it is not His Majesty's Intention, for very obvious reasons, that you should officially communicate it to them. At the same time as I think it cannot fail to be an object of Discussion in the Assembly, I must add that the King considers that the good effect of it will, in a great measure, depend upon your Ability and Address in a proper Explanation of it to those whose Situation and Connections may enable them to give Facility to the Measures it points to; and His Majesty has no doubt that you will exert every endeavour to induce such a Compliance, on the part of the Assembly, as may correspond with His Majesty's Ideas of their Justice, and His earnest Wishes to see a happy Restoration of the public Tranquility.

I am &c^a

DARTMOUTH.

[From P. R. O. Journals of the House of Commons, Vol. 35, p. 161*.]

Sir Charles Whitworth, according to Order, reported from the Committee of the whole House, to whom it was referred to consider further of the several Papers which were presented to the House, by the Lord North, upon the 19th and 31st Days of January last, and the 1st and 15th Days of this Instant February, by His Majesty's Command, the Resolution which the Committee had directed him to report to the House; which he read in his Place; and afterwards delivered in at the Clerk's Table; Where the same was read, and is as followeth; viz.

American
Colonies.

Resolved, That it is the Opinion of this Committee, That when the Governor, Council, and Assembly, or General Court, of any of His Majesty's Provinces or Colonies in America, shall propose to make Provision, according to the Condition, Circumstances, and Situation, of such Province or Colony, for contributing their Proportion to the Common Defence (such Proportion to be raised under the Authority of the General Court, or General Assembly, of such Province or Colony, and disposable by Parliament) and shall engage to make Provision also for the Support of the Civil Government, and the Administration of Justice, in such Province or Colony, it will be proper, if such Proposal shall be approved by His Majesty and the Two Houses of Parliament, and for so long as such Provision shall be made accordingly, to forbear, in respect of such Province or Colony, to levy any Duty, Tax, or Assessment, or to impose any farther Duty, Tax, or Assessment, except only such Duties as it may be expedient to continue to levy or to impose for the Regulation of Commerce; the Nett Produce of the

*TRANSCRIBER'S NOTE.—Enclosure to Circular Letter from The Earl of Dartmouth to the Gov^{rs} of Nova Scotia &c &c. found in above-named Printed Volume of the Journals of the House of Commons.

Duties last mentioned to be carried to the Account of such Province or Colony respectively.

The said Resolution being read a Second Time, was, upon the Question put thereupon, agreed to by the House.

The other Orders of the Day being read;

Resolved, That this House will, upon Wednesday Morning next, resolve itself into a Committee of the whole House, to consider further of the several Papers which were presented to the House, by the Lord North, upon the 19th and 31st Days of January last, and the 1st, 15th, and 24th Days of this Instant February, by His Majesty's Command.

Letter from the Earl of Dartmouth to Gov. Franklin, respecting the Acts for lowering the interest of money to six per cent., the Act for striking £100,000 in bills of credit, and the Act for the relief of Abner Hatfield; also respecting the salaries of Civil Officers and building a residence for the Governor.

[From P. R. O. America and West Indies, Vol. 195.]

WHITEHALL 3^d March 1775

Governor Franklin.

Sir,

Inclosed I send you by the King's Command an Order of His Majesty in Council the 20th of February disallowing an Act passed in the last Session of the Assembly of New Jersey for lowering the Interest of Money to Six ½ Cent, which you will not fail to make public in the usual Manner.

I also inclose another Order of His Majesty in Council of the same day approving an Act of the same Ses-

sion for Striking One hundred Thousand Pounds in Bills of Credit and directing the mode for striking the same; and an Act for the Relief of Abner Hatfield an Insolvent Debtor.

The very great attention which has been shown to the Wishes of the Province in the allowance of the Loan Act, is an Evidence of His Majesty's gracious inclination to give them every indulgence that can consist with the true Principles of Commerce and the Constitution, and I beg leave to assure you that no part of my Duty is more agreeable to me than carrying into Execution these gracious intentions of my Royal Master,

At the same time I am Commanded by the King to say to you that it would have been more agreeable to His Majesty if the Assembly instead of a general appropriation of the Interest of the Loan to the Support of Government in such manner as shall be directed by future Acts, had thought fit to make a Settlement during the Existence of that Loan upon the Civil Officers of Government of Salaries more suitable to their respective Offices than what they now receive, and to appropriate a specific Portion of the said Interest to Building Houses for the residence of the Governor and the Meeting of the Legislature of which you say there is a shameful want.

Such an appropriation is no more than what they owe to the Dignity of their own Government and His Majesty's just expectations; And therefore it is His Majestys Pleasure that you do require of the Assembly in His Majestys Name to make such Provision accordingly, trusting that they will not make such an Ill return to His Majesty's grace and favor in the Confirmation of this Law as not to comply with so just and reasonable a Requisition.

I am &c.^a

DARTMOUTH

*Letter from the Freehold Committee of Inspection by
Nath. Scudder, Clerk, to the "Respectable Inhab-
itants of the Township of Shrewsbury at their
Annual Town Meeting."*

[From New Jersey Historical Society Manuscripts.]

FREEHOLD, March 6th, 1775.

Gentlemen,

As the Union of the american Colonies is at this alarming Crisis so earnestly desired, and assiduously promoted by every true advocate for Liberty; and as the Representatives of this Colony have unanimously approved of, and given their assent to all the Measures recommended by the late general continental Congress; This Committee of Inspection earnestly hope that the same Unanimity may take Place in the adoption of said Measures through all the Townships in the County of Monmouth, and as they now take it for granted, that every objection, which has before operated against the Election of a Committee of Inspection in the Township of Shrewsbury, must be obviated, they entreat them by the sacred Ties of Friendship, and the Love of Freedom, and as they would wish the Promotion of Peace and Harmony, to accede to the Plan so universally adopted, and not to fail constituting a Committee at their present annual Town Meeting.

But surely this Importunity must be at this Time in a Degree unnecessary; our Brethren in Shrewsbury must be as ready to embrace, as others to recommend the Measure. We therefore presume we shall have the Happiness of their hearty Concurrence with us in [our] future County Transactions in Behalf of the grand [l ing] Cause.

We present you, gentlemen, our kindest Respects and best Wishes, and are, with due [respect] your Friends and fellow Subjects—The Committee of Inspection For Freehold.

Signed by their Order,
NATH. SCUDDER, *Clerk*.

Letter from Governor Franklin to the Earl of Dartmouth, transmitting a list of the names of the members of Council of New Jersey.

[From P. R. O. America and West Indies, Vol. 177 (195).]

PERTH AMBOY, March 7, 1775

Right Hon^{ble} the Earl of Dartmouth, &c &c.

My Lord,

In pursuance of His Majesty's Commands, signified to me in your Lordships Circular Dispatch of the 2^d of November, I now transmit a List of the Names of the Council of this Province, none of whom are absent.—I shall always as I have hitherto constantly done, give His Majesty Information of every Change or Alteration which may be made therein, by Death, Absence, or otherwise.

I have the Honor to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient
and most humble Servant

W^m FRANKLIN

A List of the Members of His Majesty's Council of New Jersey, March 1775.

- | | | |
|------------------------|---|-------------------|
| 1. Peter Kemble, | } | Esq ^{rs} |
| 2. David Ogden, | | |
| 3. William Alexander | } | |
| claiming to be | | |
| Earl of Stirling, | | |
| 4. John Stevens, | } | |
| 5. Samuel Smith, | | |
| 6. James Parker | | |
| 7. Frederick Smyth, | | |
| 8. Richard Stockton, | | |
| 9. Stephen Skinner | | |
| 10. Daniel Coxe, | | |
| 11. John Lawrence, | | |
| 12. Francis Hopkinson, | } | |

Proceedings of the New York and Elizabeth-Town Committees of Observation, in relation to the Violation of the Non-Importation Association, by Elizabeth-Town Parties and Others.

[From the N. Y. Journal or General Advertiser, Thursday, March 23, 1775, No. 1681.]

Journal of the Proceedings of the General Committee, of the City of New York.

COMMITTEE CHAMBERS, 16th March, 1775.

The Committee met by adjournment this Evening at the Exchange.

Present Isaac Low, Chairman, [here follow names of Com.]

Mr. Lewis, from the Sub. Committee appointed to

state the case of Messrs. Robert Murray and John Murray,¹ respecting their having landed goods from on board the ship Beulah;² report a letter from the Committee of Elizabeth Town to this Committee, which letter is in the words following, viz.

ELIZABETH TOWN, Friday evening, 12 o'clock, March 10th, 1775.

GENTLEMEN

In consequence of the information received from Capt. Sears³, relative to the suspicion that some part of the cargo of the ship Beulah, had been unloaded before she quitted this coast, the Committee of Observation for this town, met this evening, and made enquiry respecting the affair; and thereupon have to inform you, that it appears to them that a boat belonging to this town, did last Monday morning sail from New York to Sandy-Hook; that on Tuesday evening she returned here. Two of the witnesses examined were the boatmen, and the person who we suspect engaged the boat, who refused to be sworn, but from their behaviour, and what they said on examination, and other circumstances, we believe that this was the boat seen to be hovering about the Beulah, and took Mr. John Murray out of the ship, and that goods from said ship were landed by the said boat at Staten Island. We are not able at present to furnish you with any further particulars: The Committee will make further enquiry into this matter, and if any thing further appears, will give you immediate information; in the mean time we thought proper to give the above early intelligence, to furnish you with a clue in all probability of making more important discoveries on Staten Island, where we think the goods were undoubtedly landed, at the East End, or in the Kills.

Signed by order of the Committee,

JONATHAN HAMPTON, *Chairman.*

To the Committee of Observation of New York.

The said Sub Committee further report another letter to this Committee, from the Committee at Elizabeth Town, which is in the words following, viz.

ELIZABETH TOWN, March 11th, 1775.

GENTLEMEN,

The Committee of Observation of this town, have this day used their endeavours to make a further discovery, relating to the unloading part of the cargo of the ship Beulah, but are not able to give you the information they desire. Samuel Lee, a boatman of this town, employed and accom-

¹ Quaker merchants of New York.

² The vessel was named after a daughter of Robert Murray.

³ Isaac Sears, of Elizabeth Town.

panied by Ichabod B. Barnet, Esq.;¹ (son in law to Robert Murray) appear from very strong circumstances, to have been the persons concerned in that affair, who went from New York on Monday last to the ship.

We have had Lee before us, he appeared greatly perplexed, but cannot be persuaded to give any clear information of the matter, he being under an apprehension that he by that means may be the ruin of some particuar persons in New York. The said Barnet was also before us, but refused to answer the questions proposed to him; he only offered to swear (if it would be any satisfaction to us) that no goods from the Beulah were landed at this town, which, however, we did not accept. And there is reason to believe that Lee would have given information, had it not been for said Barnet, who it appears has prevented him from making the desired discovery.

We have only to add that the boat employed on this occasion, is the property of Isaac Woodruff, Esq.; who it clearly appears was perfectly innocent, and knew nothing of the affair.

Signed by order of the Committee,

JONATHAN HAMPTON, *Chairman.*

To the Committee of Observation of the city of New York.

The said Sub Committee also report, that on the same evening, and before this Committee had received any further evidence respecting this matter, Messrs. Murrays voluntarily produced to this Committee at their meeting on the 13th March instant, a letter in the words following.

To the General Committee for the City and County of New-York.

GENTLEMEN,

Having been disappointed in our design of reshipping the cargo of the ship Beulah (lately arrived from London) in another bottom, by which we were great sufferers, and though we then conceived, that such our design, if executed would have been a compliance with the resolution of the Congress: We acknowledge, that to alleviate in some measure, the great loss we sustained, we have been induced to land a small part of her cargo; and notwithstanding we are persuaded that it would be exceedingly difficult, if not impossible to obtain full and sufficient evidence of the fact; and that the goods are secured in a place of safety, where they cannot be discovered; yet, upon mature reflection, and with a view to satisfy the public, and this committee, as well as to prevent the trouble of any further enquiries upon this subject; we are led to make this declaration, and to acknowledge, that we are sorry for the imprudent step we have taken, and that we condemn the same as an unjustifiable measure; and as a fur-

¹ Sheriff of the County of Essex at the time.

ther proof of our willingness to conform to the resolution of the Congress, as far as is now in our power, we do hereby engage to re-ship all the said goods, according to the tenor of the association, and to give the Committee full and satisfactory proof thereof within seven days from this time, Dated 13th March 1775.

ROBERT MURRAY,
JOHN MURRAY.

And that they did then offer to make a full and ample confession of every fact relative to the unloading goods from the Beulah, and to deliver to the Committee, at their next meeting, a full state of the case, under their oath and affirmation.

The said Sub Committee further report, that Messrs. J. and R. Murray did accordingly deliver a state of that transaction, which is in the words following, viz.

INVENTORY OF GOODS TAKEN OUT OF THE SHIP BEULAH, AT SANDY HOOK.

84 bolts of Russia duck—20 pieces of raven ditto.—240 packs of pins.—5 bales of pepper, 2 of which are in hhd.—65 bolts Oznaburgs.—10 pieces blue strouds—14 pieces Irish linen.—6 pieces white Hesses.—11 pieces Irish sheeting—1 paper bundle directed to Henry Van Fleck.—1 bundle straw, supposed a case maker's cusear.—1 small box of books, papers &c.—Wrapper for the strouds,—With wrappers for said goods.

CITY OF NEW YORK, ss.—John Murray, of the city of New York, merchant, being duly sworn, saith that the above is a full, just and true inventory of all the goods which were lately taken out of the ship Beulah, at Sandy-Hook, by the deponent, and were by him landed at Elizabeth-Town, in New Jersey. That the Deponent did, yesterday, voluntarily make an acknowledgment to the committee of Elizabeth-Town, aforesaid, that he had so taken and landed the said goods; and did this day deliver the whole of the said goods, to the said committee, who took the same into their custody and possession; where he believes the same now are. That the boat in which the said goods were taken out of the said ship, belonged to Isaac Woodruff, which the deponent hired, for the purpose, of Samuel Lee, who was master of the said boat. That Mr. Woodruff did not know (as this deponent believes) for what purpose the said boat was hired, nor did the deponent inform the said Mr. Lee, on what business he wanted the said boat; nor did he appear to know, at the time the boat was hired, that he was employed on any business contrary to the association. That the agreement with the said Lee, was only to go with the boat where he was directed, and to do what he was bid. That Mr. Ichabod Barnet, of Elizabeth Town, and Samuel Reade, of this city, went with the said Samuel Lee, in the said boat, down to the said ship, at the

time aforesaid. That Mr. Barnet was acquainted with the design of the boat's going down to the said ship, but the deponent does not know that Mr. Read was previously acquainted with such design, tho' at the vessel he assisted in taking the said goods out, by the direction of this deponent, in whose store he is as an assistant. That John Graham, clerk to this deponent, and his partner, was on board the ship with the deponent, at the time when the goods were taken out, but he did not see the Goods taken out being (as this deponent believes) asleep at that time in the cabin: and that his business on board was to copy invoices and letters; neither does this deponent know or believe, that the said Graham ever heard any conversation between this deponent and any other person, respecting the taking out the said goods. That when the goods were on board the boat, the deponent and all the other persons above mentioned, proceeded with her for Elizabeth-Town, but stopped at Staten Island, where they all went on shore, and Graham and Reade took passage from thence in the Staten-Island ferry boat for New-York: and the deponent, with Lee and Mr. Barnet proceeded from Staten Island to Elizabeth Town in the said boat, where all the said goods were landed by them, and put into Mr. Ichabod Barnet's store; that the said Ichabod Barnet had no Interest in the said goods, but what he did in the said business, was merely at the request of this deponent, and his said partner; and the deponent believes with an intention entirely to oblige them—That while the ship lay at the watering place, the Captain and this deponent, took into Kipp's small sailing boat, sundry small articles, the principal of which, the deponent believes, were presents, but does not know the particulars. That the deponent at the same time took into the said little boat, 2 small cheeses, about 200 lemons and oranges, and a dozen and 9 bottles beer, and about 2 bushels of potatoes for the use of the deponent and his brother: All which were brought up in the said boat, by this deponent and Capt. Bussell; and the cheeses, and the other aftermentioned articles, except the beer, were presents from the Captain. That in the whole of this transaction, so far as respects the delivery of the goods from on board the ship at the Hook, Capt. Bussell acted by the order and direction of this deponent and his partner, having no interest in the goods so delivered. And this deponent further saith, that he neither knows nor believes that any goods were taken out of the said ship after her arrival here, nor since her sailing from Sandy Hook, except the baggage belonging to some passengers, and except the goods herein before enumerated and mentioned; nor that any other persons than those above mentioned, had any agency or concern in taking out or landing the said goods, except the ship's crew, and except also one Marsh. who, at Elizabeth Town, accidentally passing by, was employed to assist in landing the same: but the deponent believes he did not know where the goods came from. And further saith not.

JOHN MURRAY

Sworn the 15th day of March, 1775, before me,

ANDREW GAUTIER.

CITY OF NEW YORK, ss.—Robert Murray of the said city, being duly affirmed according to law, doth declare and affirm, that so far forth as he is acquainted with the facts contained in the foregoing deposition, the same are true; and that he neither knows nor believes, that any more or other goods or things were taken out of the said ship Beulah, since her arrival here, than what are specified in the foregoing deposition; and that he believes no other person to have been concerned in the said business except those mentioned in this deposition.

ROBERT MURRAY

Affirmed the 15th March, 1775, before me

ANDREW GAUTIER.

The said sub committee further report, that the said Messrs. Robert Murray, and John Murray, did write a letter to this committee, accompanying the said state of the case; which letter is in the words following:

To the general Committee for the city and county of New York.

GENTLEMEN,

The annexed depositions contain as full and candid an account of the transaction relative to the landing the goods from the ship Beulah, as we are able to give; in the doing of which, we have studied to give the committee, and our fellow citizens, the utmost Satisfaction we are capable of.

John Murray being obliged to go to Elizabeth-Town, to take an inventory of the goods, found the committee then sitting, and conceived it to be his duty, as the goods were within their jurisdiction, to give them notice thereof, and to make a full acknowledgment to them; upon doing which, they took, with his consent, possession of the goods as mentioned in the affidavit.

We still declare our readiness to reship the said goods as nearly as is now in our power, agreeable to the tenor of the association, or to do otherwise with them, as the committee of Elizabeth Town shall think proper to intimate or direct: and that we are also ready to give this committee any further satisfaction respecting the said goods, that they may recommend. Being desirous further to testify the sense we have of the imprudent measure we have taken, as well as our concern for the trouble and uneasiness it has given our fellow citizens, we would wish to make such further satisfaction to the public, as might be most agreeable to them; and therefore do hereby cheerfully engage to give the sum of two hundred pounds towards repairing the Hospital in this city, lately destroyed by fire.

We are, gentlemen very respectfully your assured friends

ROBERT MURRAY,
JOHN MURRAY.

NEW YORK, 15th March, 1775.

The said sub-committee further report another letter from the committee of Elizabeth-Town, enclosing an affidavit of Samuel Lee; which letter and affidavit are in the words following, viz.

ELIZABETH TOWN, March 14, 1775.

SIR,

Inclosed I send you the affidavit of Samuel Lee, boatman, relative to the unloading part of the cargo of the ship Beulah, which needs no comment.

I am, however, particularly desired by our committee earnestly to request of your committee to protect Mr. Lee, as far as lies in their power, from any insult on account of this affair. He is a person well known here to be of good character, and who by his honesty and industry, has justly acquired the esteem of all the inhabitants of this town. And it is the opinion of our committee, he was unwarily led to act the part he did, as will in part appear by his affidavit. I will only add, that we should be glad that wherever the affidavit shall be read, this letter may be read also,

By order of the committee

JONATHAN HAMPTON, Chairman.

NEW JERSEY, BOROUGH OF ELIZABETH ss—Samuel Lee of Elizabeth-Town, boatman, being duly sworn on the holy Evangelist of Almighty God, deposeth and saith, that on Sunday the 5th inst. he (at the request of Ichabod B. Barnet, Eq;) sailed from Elizabeth-Town aforesaid to New York, in the boat or sloop he usually goes in, the said Barnet going as a hand with him; that he arrived there the same evening; that while they were on their passage, said Barnet informed this deponent, that he must make haste to unload his Boat as soon as he should arrive at New-York, for that a vessel was arrived at the Hook from the West Indies, and that he wanted this deponent to go with him with his boat, and take some goods out of her;—that said boat was unloaded at New York on Monday morning, and immediately thereafter this deponent, and the said Barnet sail'd with the said boat for Sandy Hook; that at the dusk of the evening of the same day, they came alongside of a ship, which this deponent believes was the Beulah, and about 8 o'clock he was told that he might go to bed, which he accordingly did, and went to sleep, about 12 was awakened, and desired to put off from said ship, and make sail, which accordingly was done; that he saw the said Barnet, with Mr. John Murray, and one Graham, his clerk, were then on board his boat; that on Tuesday morning they touch'd on Staten-Island, where Mr. Graham landed, but no goods were landed there; that on Wednesday morning about 1 o'clock they came alongside the store of said Barnet, at Elizabeth-Town, where they the said John Murray, Ichabod B. Barnet, and this deponent, landed and stor'd in the said Barnet's store, as near as he can remember, the following goods, to wit, a small bale, a box about three feet long, one do.

about a foot square, the contents of which are unknown to this deponent; also a quantity of sail duck, a number of bolts of oznaburgs about half a dozen pieces of linen, and some pieces of linen cloth, which this deponent supposed to be drilling; which goods in the whole, this deponent thinks were in quantity about one ton and an half, or not exceeding two tons— And this deponent saith, that said goods must have been taken out of said ship, and put on board said boat, while he was below as aforesaid as there were no goods on board his boat when he left New York to go to said ship; and further the deponent saith, that he did not sleep so sound but that he heard the noise of people working upon the deck and that when he was called up as aforesaid, and had come upon deck, he perceived the hatches of his boat open, and the said goods then lying in the hatchway.— And further the deponent saith not.

SAMUEL LEE.

Sworn at Elizabeth-Town this 13th day of March 1775, before me,

JOHN BLANCHARD, Alderman.

Which report being read, Resolved, That this Committee do approve thereof: And ordered, that the same be published agreeable to the directions of the 11th article of the Association.

By order of the Committee

ISAAC LOW, Chairman

Further Proceedings of the Elizabeth-Town Committee of Observation, in relation to the landing of goods from the Beulah.

[From the New York Journal, or the General Advertiser, Thursday, April 6, 1775, No. 1683.]

ELIZABETH TOWN, March 27, 1775.

It being duly proved to the Committee of Observation of this Town, after enquiring into the conduct of Ichabod B. Barnet, and John Murray, respecting the landing of goods imported from London after the first day of February last:—That a ship called the Beulah, arrived from London at the Watering place at Staten Island, in the Colony of New York, after the said first day of February, where she lay some time under pre-

tence of fitting for the seas—That on Sunday the 5th instant, she fell down to Sandy hook, where she came to anchor, and on Monday evening following, the said Ichabod B. Barnet, with a boat by him provided for that purpose, went on board the said ship, where John Murray then was, out of which ship, the said Ichabod B. Barnet and John Murray, the same night, took and received into the said boat, a quantity of goods, imported in the said ship from London, of considerable value; and in the night following, privately landed them in Elizabeth Town, which transaction is contrary to part of the tenth article of the Continental Association, which is in the words following, to wit. “If any goods or merchandizes, shall be imported after the first day of February, the same ought to be forthwith sent back, without breaking the packages thereof.”

The Committee, therefore order the above conduct of the said John Murray and Ichabod B. Barnet to be published, according to the eleventh article of the said Association.¹

Signed by order of the Committee
JONATHAN HAMPTON, Chairman

¹ The Elizabeth-Town Committee subsequently declared Capt. Lee to be “a person well known here to be of good character, and who by his honesty and industry has justly acquired the esteem of all the inhabitants of this town.” The Provincial Congress of New Jersey condoned the offence of the Murrys and Barnett. The goods were delivered to the Elizabeth-Town Committee, to be kept until after the war. A year or two later several bales of the oznaburghs were used for tents for the troops. “What became of the rest of the goods does not appear. The affair created at the time no little excitement, and the vigilance of the Committee had a most happy influence in promoting the patriot cause.”—*Hatfield's Elizabeth-Town*, 414-16.

*Letter from Gov. Franklin to the Earl of Dartmouth,
transmitting secret intelligence.*

[From P. R. O. America and West Indies, Vol. 177 (195).]

PERTH AMBOY April 3^d 1775.

Right Hon^{ble} the Earl of Dartmouth, &c

My Lord,

I am honoured with your Lordship's Dispatches N^o. 13 & 14, also two Circular Letters dated the 10th of December and 4th of January last.

It gives me great Pleasure to find that my Attention in transmitting the Papers which accompanied my Dispatch of the 6th of September is approved by His Majesty.

I cannot but consider it as my indispensable Duty, while the Affairs of N. America continue in so critical a Situation, to transmit every important Piece of Intelligence respecting the publick Transactions of any of the Colonies as may come to my Knowledge. But as the Persons from whom I may procure Intelligence will, most probably, be entirely ignorant of my Intentions of communicating it to His Majesty or his Ministers, and as it is best they should be so, lest they might be deterred from giving me Information, it is of the utmost Consequence that it should be kept as secret as possible. I shall therefore, with Confidence, rely on the Assurances your Lordship has given me, that what I may transmit of that Nature will be kept most secret, and communicated only to the King's confidential Servants.

The inclosed Extracts of Letters are of the kind before mentioned, and will serve to give your Lordship a more perfect Idea of some of the public Transactions in this, and one of the neighboring Colonies,

than perhaps, any other you may receive. As they were not wrote with the least Intention of any such Communication, but merely as private Intelligence from one Friend to another, your Lordship will consider them in that Light, and make Allowance for any Inaccuracies or Improprieties.

I find, by your Lordship's Dispatch (N^o 14) that Lieu^t Gov^r Colden had likewise transmitted to your Lordship a Copy of M^r Galloway's Plan of a proposed Union between Great Britain and the Colonies, Since which he has published a pamphlet containing his Plan, with Reasons in Support of it, which I now send inclosed. The principal Objection made to it, by those who are for an American Parliament, is its not having a Council, or middle Branch of the Legislature. As M^r Galloway has distinguished himself in opposing many of the Measures of the Congress, and is a warm Friend to Government and the British Constitution, I thought his Sentiments on the Subject might not be unacceptable to your Lordship.

I am concerned to find that the Letter I wrote to your Lordship from New York, dated Oct^r 29th enclosing the printed Extracts from the Proceedings of the general Congress had not been received. It was sent by one Capt. Millar, and I was in hopes would have been the first that got to hand.

The Assembly had resolved upon appointing Members for the intended general Congress in May next, and were prorogued, several Weeks before your Lordship's Circular Dispatch of the 4th of January arrived. But had it been otherwise there would have been no possibility of preventing Delegates being appointed from this Colony, as the popular Leaders were determined, in case the Assembly had not done it, to have called a provincial Convention of Deputies from the several Counties, for that Purpose.

I think it proper on this Occasion to mention to your

Lordship, that the Circular Letters sent to the several Governors in America, are generally published in the Rhode-Island or Providence Newspapers, and most commonly with some indecent Remarks and Misrepresentation, which are circulated from thence thro' almost all the Newspapers on the Continent.—The Governor there, being elective, by the People, it is supposed dares not (if he is so inclined) to refuse a Communication of every Dispatch he receives.

The Clerk of the Council is making Copies of the transactions of the last Session of General Assembly, which will be transmitted by the first Opportunity.

I have the honour to be, with the greatest Respect and Regard,

My Lord, Your Lordships most obedient
& most humble Servant

W^m FRANKLIN

(Addressed) On His Majesty's Service The Right
Hon^{ble} The Earl of Dartmouth Whitehall

SECRET INTELLIGENCE.

Extract of a Letter from Jo^s Galloway Esq^r. of
Philadelphia to Governor Franklin—dated
Feb^{ry} 28. 1775

—“When I consider the Spirit & Firmness with which you have endeavoured to discharge your Duty to your Sovereign, & to serve the People over whom you preside, and their weak, evasive, ill-wrote, no-meaning Answer, I find it difficult to determine whether I feel greater Satisfaction & Pleasure at the one or Contempt for the other Poor weak sighted Men, who are floating with the Tide of Licentiousness & Sedition, which they expect will run for ever, when a little common Sense wou'd tell them that it must soon

change, and that with it they must change their Language & embrace your friendly Advice.

I am happy in telling you, that the people of this Province (Pennsylvania) are altering their Sentiments & Conduct with amazing rapidity. We have been successful in baffling all the Attempts of the violent Party to prevail on the People to prepare for War against the Mother Country. The Quakers, the high & low Dutch, the Baptists, Menonists, Dumplers¹ &c^a are promoting Moderate Measures; in so much that I hope, with some Trouble, all Violence will soon cease, & peace & Order take place of Licentiousness & Sedition. The Tories, (as they are called) make it a point to visit the Coffee House dayly & maintain their Ground—while the violent Independents are less bold & insolent, as their Adherents are greatly diminished.—On Thursday & Friday last, determined to abide the Consequences what ever they might be either in respect to my Person or Estate, I spoke my Sentiments in Assembly without the least reserve. I censured & condemned the Measures of the Congress in every Thing—aver'd that they all tended to incite America to Sedition & terminated in Independence—contended for, & proved the Necessity of Parliamentary Jurisdiction over the Colonies in all Cases whatsoever—exposed the Folly of those who hoped, that the British State would suffer its Authority to be in the least impaired, much less totally given up—explained the rights of America; & pointed out the Necessity of our taking different Measures from those already taken for a recovery of them. I stood single & unsupported, among

¹ A sect of Baptists who came from Germany to Philadelphia in the fall of 1719, and settled in Pennsylvania. "They are called *Tunkers* [*i. e.*, Dippers] in derision. * * They are also called *Tumblers*, from the manner in which they perform baptism, which is by putting the head forward under water, while kneeling, so as to resemble the motion of the body in the act of tumbling."—*Benedict's Hist. of the Baptists*, Boston, 1813, II., 430. By the permutation of consonants, the words *Tunkers* and *Tumblers* as often changed to *Dunkers* and *Dumplers*.—[W. N.]

a Set of Men every one of whom had approved of the Measures I was censuring, reprobating their own Conduct to them—& endeavouring by cool & dispassionate reason & Argument to convince them of their Errors. The Opposition as I expected was violent & indecent. I kept my Temper unruffled & firm which gave me no small Advantage. My Opponents were, The Governor's father-in-Law¹ (our late chief Justice) the Pennsylvania Farmer,² Ch^s Thompson, Tho^s Mifflin & Geo: Ross. The Motion was to petition the King agreeably to the Governor's Advice in his Message, for which we are more indebted to you & Gov^r Colden than to him. The Success my Arguments met with, greatly exceeded my most sanguine Expectations. Fourteen Members came over to me; but there being 38 in the House, & finding I should lose the Vote without four more Converts—I was obliged to alter my Plan, & to move to postpone the Debate until next Wednesday week hoping that Procrastination & News by the next Pacquet might assist me—My Design being suspected a Warm Opposition succeeded—however we carried the Question, 19 for it, 18 against it. But after all the Issue yet remains uncertain I rather think as the independent Party will exert every Nerve, & at last die hard, it will take more Time to defeat them. And that I shall not be able at this Time to carry such a Petition as I wish to send, as none should go, but one which may render it consistent with the Dignity of Government to receive. Should that prove the Case I hope to prevail on the House to adjourn to the Middle of April when I shall have no Doubt of Success.

I think I have mentioned to you a Design of publishing my Sentiments on the Dispute between G.

¹ John Penn, eldest son of Richard Penn (son of William Penn), married Annie, daughter of Chief Justice William Allen, of Pennsylvania. He was Lieutenant-Governor of Pennsylvania, 1763-76.—*Lives of the Governors of Pennsylvania*, by Wm. C. Armor, Philadelphia, 1873, 188-9.

² John Dickinson.

Britain & the Colonies; I now send the Pamphlet,¹ of which I beg your Acceptance, and, at your Leisure, your Candid Sentiments on it—I wish'd for them before it went to the Press, but that was impossible. There are many Errata in it, occasioned by the Hurry of its Publication.”

Extract from the Answer dated N. Jersey Perth
Amboy Mar. 12, 1775.

—“I am sorry the Assembly here did not take my Advice & avoid giving any express Approbation of the Measures of the Congress. But they were hurried precipitately into it, early in the session, by *Kinsey*, who was weak enough to suffer himself to be made a Tool of by W^m Livingston, J. Dehart & Elias Boudinot who came down on purpose from Elizth Town & caballed among the Members. They persuaded them that, if they approved of the Proceedings immediately, it would be a Means of influencing the N. York Assembly, then sitting, to do the like; for that they would not choose to stand single; And, besides, it would be better to do it at once, for otherwise the Gov^r if he should get intelligence that they intended it, or had it under Consideration, would prevent them by a Dissolution. Accordingly the very Morning the Proceedings of the Congress were read, Kinsey produced resolves ready wrote for the House to enter into on the Occasion—Seven of the Members at first objected to coming to any Resolution that Morning, & moved to have the Matter referred to further Consideration, but they were over ruled by the previously prepared Majority, & were told that the proceedings having been long published & in every Body's Hands,

¹ “A candid Examination of the Mutual Claims of Great Britain and the Colonies; with a plan of Accommodation, on Constitutional principles,” New York, 8°, p. 62.

they must be as well able to judge of them then as at any future Time. After some further Struggles of the Minority to get the Affair postponed to the Afternoon, or at least referred to a Committee of the whole House, that Morning (that they might have the Assistance of the Speaker on the Floor) they were induced to give up their Opposition, & were weak enough to suffer the Vote to be entered as *Nem : Con:* in Order to keep up *the Appearance of Unanimity*; a Matter which you know the Members of the Congress & their Abettors profess to have greatly at Heart. However before the House rose, several of the Members seem'd dissatisfied at their precipitation, especially as some Petitions were presented to the House, requesting that they would follow the Governor's Advice in his Speech at the Opening of the Session—When they agreed to send a Petition to the King, Kinsey was desired to draw the Draft of one, which he did, but it not proving satisfactory, the Speaker was desired to undertake it. The one he drew, was as little liked, for he left out half their Grievances. On this Kinsey was requested to make another Attempt, & after drawing it as conformable to their Inclinations as he could, & just as it was about to pass, Stephen Crane produced a Draft fabricated by his Brother Delegates Livingston & Dehart & the Junto at Elizth Town, whereupon Kinsey's was objected by a Majority & the other adopted by all the Members, except Kinsey & Hewlings, and after being engrossed was ordered to be signed by the Speaker, which he did after signifying his Disapprobation of it, & having that Disapprobation entered on the Minutes.¹ This Petition is little else, I am told, than an Echo of that sent by the Congress & contains the same List of pretended Grievances, in the very same Words. In Kinsey's Draft, I am well informed,

¹ It is published in Minutes of the Provincial Congress, etc., 1775-6, 88-92.

there was a Clause intimating the Concern it gave them that there should be such unhappy Differences subsisting between the two Countries, & requesting his Majesty would direct his several Governors to consent to Acts authorising the several Assemblies to choose Delegates to meet in Congress (either in England or America) with such other Persons as his Majesty should please to appoint in Order to form some Plan for accommodating Matters on a permanent & Constitutional Foundation: or if this Mode shou'd not be approved of by his Majesty, that he would be pleased to direct such other as he should think most likely to answer this desirable Purpose: but those who influenced the Majority of the House were warm in opposing the Insertion of any Clause of that Import, & it was accordingly rejected. This is so similar to the Treatment your Plan of Union met with in the Continental Congress, that I am fully convinced it is the Determination of the principal Demagogues of Faction to oppose every Thing which may have even the remotest Tendency to conciliate Matters in an amicable Way, & to omit nothing which may have any Chance of widening the Breach. There is, indeed, no other Way of accounting for their very extraordinary Conduct.

It affords me particular Pleasure to find that so respectable a Part of the People of your Province are changing their Sentiments, to which I am sure, you must have in a great Measure contributed. The truly commendable Spirit you show'd in declaring in Assembly your Sentiments so fully against the Proceedings of the Congress, will, I doubt not, be attended with some beneficial Effects to the Public, tho' it will cause you no small Trouble from the resentment of the Whigs, as they call themselves. I observe they have already began an Attack on your pamphlet, in Bradford's Last paper; And I doubt not but that they will

do all in their power to make you an Object of popular resentment. I can assure you, however, that your pamphlet is much admired by all whom I have heard speak of it, they allow you have gone deeper into the Subject & more clearly explained the Nature and Necessity of the Supreme Power of Parliament over all the Dominions, than any other Writer which has yet appeared in the Controversy. It will probably be productive of a more rational Train of thinking than what has been hitherto the Case on this important Subject.

Your Plan of Union you know I before objected to, as being deficient in not having a Middle Branch or Upper House, without which, I am sure many Inconveniences would result both to the Regal and popular Part of the Legislature. This Branch might consist of some of the Council & principal Gentlemen of Fortune in each Colony, & they might hold their Seats either during Life or good Behaviour. Besides the Viceroy, or president general, should be assisted with a Privy Council, which might consist of all the Governors of Colonies who hold their Commissions immediately under the Crown, or who have the King's Approbation to their Appointment, and such others as his Majesty may think proper to join with them.

The more, however, I have thought on this Subject the more I am convinced that the most eligible Scheme, for the true and lasting Interest of the whole Empire will be the sending Members to the British Parliament. I know this is likewise your Opinion, and that nothing but the many Objections made to it by people on both sides of the Water, prevent your publicly avowing it. There will be some Inconveniences attending every Plan which can be formed, but I think upon the whole there will be less attending this, and that it will be productive of more general Benefit to the publick than any other; more especially

if G. Britain would, at the same Time it allowed America to send Representatives to Parliament, allow Ireland to do the same, & also establish a more equal representation for itself than at present subsists in that Kingdom.

I am anxious to hear the Circumstances and Event of the resumed Debate in your Assembly relative to petitioning the King.—Do write to me soon”—

Extract from Mr G's Reply—dated Mar. 26, 1775. at Trevoise (Mr G's) Country Seat Bucks County in Pennsylvania)—

—“Your obliging Favor of the 12th Instant did not come to Hand before Yesterday, having taken the Rout from Burlington to Philadelphia, thence to Bristol, before it reached Trevoise. I am greatly obliged by the free & liberal Communications it contains. The Confidence you have reposed in me, as well as my Attachment to Government and Order, will induce me to keep them secret. I have seen a variety of Secret Intelligence from good Authority while in the City to convince me that his Majesty is determined to bring the Point in Dispute between the two Countries, to a *final Decision*. God forbid he should drop a resolution so absolutely necessary to the Interest & Happiness of both. For it is now rendered most evident, should the American Independents, intimidate the British Legislature into a repeal of the Acts; America is immediately lost to the British State—no longer a Member of it, & dreadfull must be the Circumstance of every Servant of the Crown, from the highest to the lowest who shall attempt to execute its Authority.

I did intend to have communicated to you the Event of the Debates in our Assembly before this Time; But I have been a good deal indisposed, & besides engaged

in writing a reply to the Scurrilous Answer to “*A Candid Examination*” &c.—I have just finished it, and I wish it could undergo your revisal before it goes to the Press, but that is impossible—And for that reason I have taken the more Pains with it. I am pleased with the Attack because it has given me an Opportunity of Supporting the Principles of the Pamphlet by some new Arguments, & of exposing the Ignorance & independant Notions of the Pennsylvania Farmer & his Colleague M^r Thompson—M^r Rivington will send you one as soon as it is published.—

As I seldom keep Copies of my Letters, I know not particularly how far I communicated the Proceedings in our Assembly. I will therefore briefly give you an Account of the whole. The Gov^r finding from your Conduct, & that of Gov^r Colden's, that he had been guilty of a Breach of his Duty to the Crown in not communicating to the former Assembly his Majesty's gracious Desires of accommodating the Dispute upon reasonable Grounds (which it seems he had received an Intimation of from Lord Dartmouth so long ago as the September Packet) called his Council; & proposed sending a Message on the Occasion to the Assembly. This was warmly opposed in Council, & they became equally divided. M^r Hamilton being called, he carried it for the Message; & such as you find it was sent down. But Measures were so concerted as to take off from its Effects with many of the Members—W^m Allen the Father in Law to the Gov^r!, declaring among the Members, that the Message “*meant no more than to save Appearances.*” And, indeed, it appeared to me from a Variety of Occurrences while in the City, that it was not the Desire either of the Governor or any of his Council, Hamilton & Logan excepted, that the Assembly shou'd petition the King, or in any respect or Degree whatever act out of the Line laid down by the Congress. And it is most clear to me

that Government here is determined not to co-operate with the Measures of the Crown on this great Occasion, or only to do it in appearance; or why did every Magistrate in the House, M^r Morton the Judge of the Supreme Court not excepted, who held their Commissions during Pleasure, and upon all Occasions have uniformly voted agreeably to the Sentiments of our Proprietary Government, on this as strenuously oppose & vote against the Petition to his Majesty. We all know they dare not have acted this Part if it was not correspondent with the Sentiments of this Government. And why is it that there are near thirty Justices of the Common Pleas & Quarter Session, Members active in the lawless County Committees, And why is it that so many daring Violations of private property have happened with Impunity in the City, where a great Majority of the People of Property are averse to these lawless Measures, & ready to Support Governm^t; would it but afford them the Protection of the Laws?

Under these discouraging Circumstances you will allow that no Man who was not determined to discharge his Duty to Governm^t & to abide every Consequence however disagreeable or fatal, would undertake to oppose the whole Measures of the Congress & prevail on an Assembly to desert them & act upon new Grounds. This was my Case, tho' I stood alone & knew not where to apply for Protection against those Insults which I naturally expected, & afterwards met with.—

I think I wrote you the substance & the Event of the two first Days Debate upon the Message, & that the further Consideration of it was postponed for near 10 Days—I need not therefore repeat it here—On the Saturday before the Day of the further Debate the independent party despairing of success in preventing a petition to his Majesty, moved that the Doors should

be thrown open, & the Mob let in upon me. I was secretly advertised of this Design, & had spoke to a Number of Friends to be there in Case the Motion should succeed, being determined it should have no other Effect, but to prepare myself better & to speak with more Firmness & more fully upon the Measures of the Congress. However upon debating the Motion, we carried it in the Negative 24 to 14. This was an humiliating Blow to my Opponents. I had hitherto carried every Question, & constantly by an increased Majority And yet altho' I had brought a number of the Members (not less than 16 out of 39) to petition upon proper Grounds, I found it impossible, as there were very little hopes of gaining four more. I therefore resolved to change my Ground & to prevail on the House to adjourn to some Day between this & the 10th of May, the Time of Meeting of the next Congress; In Expectation that by the Change of the Peoples Sentiments out of Doors, which had already undergone an amazing Alteration, and the Intelligence of Firm Measures being determined on by Parliament, that I might at that Time succeed in more rational & Salutary measures. Under this resolution, I went to the House on the Day appointed for the Debate; & proposed 4 Heads as the substance of an Answer to the Governor's Message. The 3 first, after violent Opposition, were at length unanimously agreed to—The fourth, in which I had mentioned the Adjournment, produced a warm & long debate, the Independents opposing any Adjournment till after the sitting of the Congress. Upon this a Question was put, & we carried it in the Affirmative, 24 to 14. Thus my great Point was gained which did not a little distress the other Party—And upon this a Committee was appointed to bring in an Answer to the Governor's Message founded on my Propositions, with only an Amendment proposed by M^r Dickinson to the Fourth.

When the House adjourned Dickinson came to me and agreed that I should reduce the Answer to Form & bring it in the next morning. This I engaged to do. But I should here inform you, that the Speaker acted the most shamefull & particular Part in the Appointment of the Committee—taking 12 of the 14 Negatives & only 2 of the 24 Affirmatives for the Adjournment—i. e. 12 of one side & only 2 of the other—I saw the partiality, but as things seem'd to be settled, & not Suspecting the dirty Manœuvre which followed, I disregarded it—

At this unlucky Moment a Ship from Bristol arrived, & bro't those partial & fictitious Accounts published in the Papers—The Independents sounded it thro' all the Streets in the City that all the Acts must be repealed, That the Measures of the Congress were the Measures of Consummate Wisdom &c. &c.—This gave rise to one of the most dirty & scandalous measures which ever was transacted in public Life. In my Absence, & while I was engaged in drawing up the Answer,—The Committee met—Thompson & Ross, & I suspect with the privity of Dickenson, had previously drawn up the Message you see published—This was laid before the Com'ttee of Independents, where it was resolved that that Message should be considered without sending for me. It was agreed to, carried into the House read the first Time—& moved to have a second & final reading—This was opposed by my Friends, but they had not Brass enough to insist upon it.—In the Evening I was informed that a Member of the Committee had bragged how the Committee had deceived, or, to use his own Expression, flung Gallo-way.—

On the next morning I moved that the Answer should be recommitted;—and, after giving a short acco^t of the Facts,—I assigned as reasons—1st That the Committee had acted a dishonourable, disingen-

uous, dirty & fraudulent Part, one unbecoming men in public Character—That they had by Art & Fraud deprived me of the priviledge of voting in Committee: That they knew I was absent on my Duty to the House on the very Business before them, And that if they did not choose I should do it, they should at least have sent for me &c. 2^{dly} That they had treated the House with insolent Disregard & Disobedience; for that they had not inserted in the Answer either Sentiment or Word of what was Yesterday unanimously agreed upon—3^{dly} That it contained palpable Untruths—To these I added many other Arguments, but all was in vain—This was not a Time when reason was to prevail—The great News of Yesterday had altered the Minds of some of the weak & irresolute of the Chester & Philad^a Members & upon the Question they carried it against the Commitment 20 to 16—The answer went thro' the House, I opposed it in every stage—And upon the Question whether it should be transcribed it was carried 22 to 14—And in Order to show that the House was divided—which they much dreaded—I insisted upon the Yeas & Nays to be taken down & published as you have seen—The House stands adjourned to the first of May—

I intimated before, that I had met with Insults during my Stay in the City Shortly after the two first Days Debates—late in the Evening a Box was left at my Lodgings nail'd & directed to me. Upon opening it next Morning I found in it a Halter, with a threatening Letter I read the Letter & nail'd up the Box—lock'd it carefully in my Charriott Box, determined not to mention it to any Body—as I knew it would be impossible that the Person sending it should keep it long a Secret & hoping by that means to discover them. I waited a Fortnight & nothing transpired; At length it came out from two of the Persons whom I verily believe sent it—And from the Clue, so far as

I have traced it, it comes from two Members of Assembly, a discarded Assembly Officer & a Head of the White Oaks. However it had no other Effect on me than to fix me in my former resolutions to oppose those lawless Measures at all Events

I am happy in your Approbation of my Pamphlet—I find from all Quarters it is universally applauded by Men of Candor & Abilities. Your Sentiments & mine are not different respecting the proper Union with G. Britain, nor respecting the *Addition* to my proposed Plan. I thought of it at the Time, but omitted it because I knew the Plan would be less exceptionable to those Democratic Spirits to whom it was to be proposed, & by whom it was to be adopted in the first Instance, & because I thought it might be added in the Negotiation. The great End I had in View in offering the Plan, I have often before told you was to prevail on the Congress to take the Ground of Negotiation & Proposition.

You may be assured that the following is a true Complexion of the People of this Province. The Presbyterians almost universally down from the Gov^{rs} Father in Law to the Pauper on the Parish, are truly Independents, and for having no political Connection with G. Britain. The G——r and C——l (three of the latter excepted) & every Subordinate Officer under them (not more than half a Dozen excepted) throughout the Province, either join with or do not discourage their Measures, nor yield the least Countenance or Protection to those who are in Opposition to them.—And a very few of the Church may be added to this Class. The rest of the Church & all the Quakers—Menonists—German Lutherans, Calvinists Dimplers & other Sectaries among the Germans—All the low Dutch reform'd Calvinists—Baptists (a very few indiscreet Men of no Significance among them excepted) are aware of the Designs of the Independents, & wish

to be united with G. Britain, are loyal subjects in their hearts & are ready to shew that Loyalty, could they be assured of the Protection of Government or even its Countenance; they complain of the Want of it & dare not Stir in support of their Principles without it—

I am Confident no Endeavours will be used by Government here, only “*to save Appearances*,” to prevent the Appointment of Deputies for the intended Congress. When I refused to accept of the Appointment in December I could not prevail on Judge Morton to join me in the refusal—However, I am determined to oppose the appointment in our sitting in May, & exert every Nerve to prevent it”—

Circular Letter from the Earl of Dartmouth to the several Governors in North America, relative to the order of the Commander in Chief of the forces in America.

[From New York Colonial Documents, Vol. VIII., p. 569.]

To the Governors of Quebec, Nova Scotia, New Hampshire, Massachusetts Bay, New Jersey, New York, Virginia, North Carolina, South Carolina, Georgia, East Florida, West Florida, Pennsylvania, Maryland.

I am Commanded by the King to acquaint You, that it is His Majesty's pleasure that the orders of the Commander in Chief of His Majesty's forces in North America, and under him of the Major Generals and Brigadier Generals shall be supreme in all cases relative to the operations of the said Troops, and be obeyed accordingly.

I am Ette

DARTMOUTH

WHITEHALL, 15 April 1775.

How the News of the Affairs at Lexington and Concord was carried through New Jersey.

[One dispatch giving an account of the affairs at Lexington and Concord was sent from¹ Watertown, Mass., on April 19, at 10 a. m., and was carried by express riders through various towns to New York, where it was received on Sunday, April 23, at 4 p. m., by the New York Committee, who forwarded it with the endorsement given below, and it was endorsed by the committees in the various towns as the messenger galoped through the State.']

NEW YORK, April 23, 4 p. m.

Rec'd the within Account by Express and forwarded by express to New Brunswick with Directions to stop at Elizabeth Town and acquaint the committee there with the following Particulars.

By order of the Committee,
ISAAC LOW, Chairman.

New Brunswick, Ap. 24, 1775, 2 o'clock in the morning rec'd the above express and forwarded to Princeton.

WM. OAKE
JAS. NEILSON
AZ. DUNHAM, *Com'e.*

Princeton, Monday, April 24, 6 o'clock, and for'd to Trenton.

THO. WIGGINS
JON. BALDWIN, *Com. Members*

Trenton, Monday, Apl. 24, 9 o'clock in the morning rec'd the above per express and forwarded the same to the Committee of Philadelphia.

SAM. TUCKER
ISAAC SMITH, *Com'e.*

¹ History of Union and Middlesex Counties, 454, n.

[Another dispatch was sent from Wallingford, Conn., Monday morning, April 24, 1775, and reached New York, Tuesday, April 25, at 2 p. m., and was forwarded through New Jersey, as appears by the following endorsements:']

A true copy, received at *Eliz-Town*, 7 o'clock in the evening; Tuesday, April 25, 1775.

JONA. HAMPTON,
Chairman of the Committee.

GEO. ROSS,

JOHN BLANCHARD.

A true copy, received at Woodbridge, 10 of the clock, in the evening, Tuesday, April 25, 1775.

NATHANIEL HEARN,

SAMUEL PARKER,

JONATHAN CLAWSON,

Three of a Committee.

The above received at *New Brunswick*, the 25th April, 1775, 12 o'clock at night.

WM. OAKE,

JAS. NEILSON,

AZ. DUNHAM,

Committee.

A true copy. Received at *Princetown*, April 26, 1775, half-past 3 o'clock, in the morning.

THOMAS WIGGIN,

JONA. BALDWIN,

Members of Committee.

The above received at Trenton, on Wednesday morning, about half after 6 o'clock, and forwarded at 7 o'clock.

SAM'L. TUCKER,

ISAAC SMITH,

AB'M HUNT,

Three of the Committee.

¹ Documentary History of the American Revolution . . . Chiefly in South Carolina, 1764-1776, by R. W. Gibbes, M. D., New York, 1855, 845; 1 American Archives, II., 365-6.

Draft of an agreement among the lawyers of New Jersey that in consequence of the state of the Colonies requiring every one to give his time and attention to the public service, they would do all in their power to prevent unnecessary litigation.

[From the Skinner Papers among Manuscripts of W. A. Whitehead, Vol. II, No. 52.]

MAY TERM 1775.

Whereas from the present unhappy State of the Colonies the Aid and Assistance of each Individual in every Department has become absolutely Necessary and particularly many of the Gentlemen of the Law in this Province are daily Called upon and engaged in different Services for the publick weal, whereby it is rendered Impracticable for them to attend to the particular Duties of their Profession without great Perplexity and Confusion; And Whereas many ill Consequences might arise to the great Injury of the publick from the total Shutting up of the Courts of Justice in this Province while more moderate Measures are capable of Answering all the good Purposes hoped for thereupon, *Therefore* the Subscribers Practitioners of the Law in the Province of New Jersey being deeply Impressed with a sense of the great Difficulties attending our publick Affairs, and willing to do all in our power to promote the Common Cause and to preserve Order, Decency and Good Government as far as in our Power, Do Solemnly and Mutually promise and agree to and with each other that from and after the present Term we will not carry on or prosecute any Action or Actions in any Court of Law or Equity in this Province in which Action or Actions any Attorney at Law party to these presents is concerned to prosecute defend or litigate the same without the Consent

of such Attorney (but will henceforth suspend such Action or Actions without taking any Advantage on either Side of any Cessation or Delay but that the same shall remain and be taken at the End of this Agreement to be exactly in the same State as it was at the Execution of these Presents). And we and each of us do further promise and agree upon the Principles of Honour and Reputation that in all future Applications to us to defend any Suit that shall hereafter be brought we will Carefully Examine into the Merits of the Defence proposed to be set up by the Persons so applying, And that if we find the same not to be well founded we will not undertake the same but will do all in our power to prevent any unnecessary Litigation for the sake of Delay; And further we do agree that these Presents and everything herein Contained shall be in force from the Last Day of this Term untill the Last Day of the next Term.

Letter from Gov. Franklin to the Earl of Dartmouth, giving an account of the proceedings of the King's troops at Concord, and the immediate consequences thereof.

[From P. R. O. America and West Indies, Vol. 177 (195).]

PERTH AMBOY, May 6th 1775

To the Right Hon^{ble} the Earl of Dartmouth.

My Lord,

A few Days ago I was honoured with your Lordship's several Dispatches of the 22^d of February and 3^d of March.

The Resolution of the House of Commons on the 20th of February, declaratory of the Sense of Parlia-

ment upon the Subject of Taxation, especially as explained by your Lordship's Circular Dispatch, afforded me very particular Pleasure, as it gave me Strong Hopes that it would be productive of a thorough Reconciliation between the two Countries. This likewise was the Sentiment of such of His Majesty's Council in this Province as I had an Opportunity of communicating it to, who immediately advised the Calling of the General Assembly, that no Time might be lost in accomplishing so desirable a Purpose. But an Event has since occurred which has, in some Degree, checked those flattering Hopes, and given me Reason to apprehend that an amicable Accommodation will be with Difficulty, if at all, effected at this Time. The Accounts we have from Massachusetts Bay respecting the Proceedings of the King's Troops, and the late Engagement between them and the Inhabitants of that Province, have occasioned such an Alarm and excited so much Uneasiness among the People throughout this and the other Colonies, that there is Danger of their committing some outrageous Violences before the present Heats can subside. They are arming themselves, forming into Companies, and taking uncommon Pains to perfect themselves in Military Discipline. Every Day new Alarms are spread, which have a Tendency to keep the Minds of the People in a continual Ferment, make them suspicious, and prevent their paying any Attention to the Dictates of sober Reason and common Sense. A great Number of the Inhabitants of Freehold in Monmouth County were persuaded to believe that Hostilities were ordered to be commenced against all the Colonies, and that a Man of War was lying in the Bay near Sandy-hook with a Design to send up a Boat in the Night to carry off the Money in the Treasury, and the Records in the Secretary's Office at Amboy. In Consequence of this Report, some of the Committee of Freehold with up-

wards of 30 of the Militia, arm'd with Firelocks, set out on Wednesday Afternoon last, and travelled through Brunswick to Woodbridge within 3 Miles of this place, where they got about Midnight, and would have come down immediately here, in order to carry off the Treasury & Records, had they not been persuaded by some of the Woodbridge Committee to desist from their Enterprize till they could call a Meeting of the neighbouring Committees in the Morning. These Committees when they met disapproved of the Measure, & prevailed on those inconsiderate People to return Home, which they did, marching through Amboy by my Door, with Colours Drum & Fife.

All legal Authority and Government seems to be drawing to an End here, and that of Congresses, Conventions, and Committees establishing in their Place. The People are everywhere entering into Associations similar to that of New York, whereby they engage to “adopt and endeavour carry into Execution *whatever Measures* may be recommended by the *Continental Congress*, or resolved upon by the *Provincial Convention*, and that they will *in all Things follow the Advice of their General Committees*,” &c. This Association has been entered into by many of what are here called Tories, and Friends to Government, as well as by the other Party; they being in a Manner compelled thereto through Apprehensions for their personal Safety, and as it seemed the only Expedient, in such an Exigency, for the preservation of Peace & good Order and the Security of private Property.

It is highly probable that General Gage must have had very strong Reasons, or he would not have sent out the Party to Concord, and risk'd the commencing Hostilities, at a Time when all His Majesty's Governors on the Continent had Directions, and were consequently taking Measures to promote an amicable Settlement of the present unhappy Difference. It was,

however, expected that previous to the Commencement of any military Operations, the Assembly of Massachusetts's Bay would have been called, and that the Governor would have laid before them the Resolution of the House of Commons, declarative of their Sentiments respecting the future Taxation of the Colonies, and explained them in the manner mentioned in your lordship's Circular Dispatch of the 3^d of March: And that no hostile Measure of any kind would have been taken that could have had a Chance of bringing on an Engagement with the Troops, until after their Refusal to acquiesce with the Propositions held out in that Resolution, or that they had been warned, by a Proclamation, of the ill Consequences that would infallibly attend their Contumacy. The General's Motives for not pursuing such a Plan of Conduct will, I doubt not, from his distinguished Character, and well-known Prudence, be found strictly justifiable and proper; yet it is greatly to be regretted that the late Skirmish happened at the Time it did, as it has, in its Consequences, proved one of the most unlucky Incidents that could have occurred in the present Situation of Affairs. It will not only be a Means of retarding, if not entirely defeating the Wishes & Measures of His Majesty for a happy Reconciliation; but will endanger the Lives & properties of every Officer of Government in the King's Colonies to the Southward of New England who may refuse to acquiesce in their Proceedings. It has, indeed, been repeatedly declared that they were determined to make Reprisals, and that in case Gen^l Gage should seize upon or punish any of the people of that Country, they would seize upon the King's Officers & Friends of Government, throughout the Colonies, and treat them in the same Manner. Nor have I the least Doubt but such would be the Consequence, if military Operations were carried on, and a Number of the Inhabitants are killed or taken Prisoners: For

in none of the Capitals of those Southern Colonies have they, as yet, either Troops, Forts or Men of War, that can afford them any Protection. A matter which surely ought to be particularly attended to, and provided for, before any Hostilities are commenced.

Altho' there seems at present but little Hopes that the Terms proposed by the House of Commons, & approved of by His Majesty will be immediately agreed to by the several Assemblies, yet I cannot but think that when they come to be explained and rightly understood by the People, there will be a Disposition to comply with them, or some others of a similar Nature. The Assemblies will probably avoid coming singly to any Determination before they know the Sentiments of the general Congress to be held this Month at Philadelphia. I have just heard that the Lieu^t Governor & Council of New York have determined not to lay the propositions before the Assembly of that Province, thinking Men's Minds are at present too much heated & inflamed to consider the Matter with that Calmness & Attention which the Importance of it requires. And I am likewise informed that the Gov^r of Pensylvania has communicated them to the Assembly of that Province, who have declined acceding to them, & have declared that they "cannot think the Terms pointed out afford a just and reasonable Ground for a final Accommodation between G. Britain & the Colonies;" intimating besides, "that all Aids from them should be their own free & voluntary Gifts, not taken by Force, nor extorted by Fears,—that the Plan held forth may be classed under one of these Descriptions—and that if they had no *other* Objection to it they could not honorably adopt it without the Advice & Consent of the other Colonies."¹

It is not unlikely that I shall receive a somewhat

¹ Penn. Colonial Records, X., 252-4.

similar Answer from the Assembly of this Province; and, indeed, I am inclined to think that every other Assembly will wait to take their Tone from the general Congress; and that therefore, unless the Plan is satisfactorily explained to them, we shall be as wide from the final Settlement of the Disputes as ever. But as they are not a legally authorised Body, and the Governors cannot take any direct Notice of them, there seems no other Method so proper for obtaining their Sentiments on the Plan, and thereby bringing the Matter to a Speedy Decision, as to communicate it as soon as possible to the several Assemblies, and give them an Opportunity of informing the Congress of the Nature of it, and of consulting them on the Occasion. —I formerly (in my Dispatch No. —) Suggested the Expediency of having a duely authorized Congress of Persons to be chosen by the several Assemblies, which should be impowered to meet and consult with such Persons as His Majesty should commission for the Purpose, and it still appears to me to be a Measure necessary to expedite the final Settlement of this troublesome & destructive Contest. For, I am convinced that Matters are now carried so far that the Americans in general are disposed to run the Risk of a total Ruin rather than suffer a Taxation by any but their own immediate Representatives and that there is not the least Reason to expect they will ever, in this Instance, consent to acknowledge the Right, even if they should be obliged to submit to the Power of Parliament. The Plan now offered to them is happily a Waving of the Exercise of that Right on Conditions corresponding with their own former Declarations, and which I cannot therefore but hope the reasonable Part of them will think it the Duty of this Country to adopt.

What renders the Situation of American Governors more difficult and dangerous in these Times of Dis-

order than it would otherwise would be, is the publication of their Correspondence with His Majesty's Ministers. If they neglect to transmit a circumstantial Account of the principal Transactions in their Provinces, they will be guilty of a Breach of their Duty, and necessarily & deservedly incur His Majesty's Displeasure. But let their Detail be ever so strictly conformable to the Truth, and the Facts even supported by the Accounts published in the Newspapers by the Leaders of the People themselves, yet, if it does not altogether quadrate with the Ideas which these Men may afterwards choose to have entertained of their Conduct, the Governors are sure to be held up as Enemies to their Country, and every undue Means are taken to make them the Objects of the People's Resentment. I am led to mention this Matter to your Lordship, particularly at this Time, from the following Paragraph published in Holt's last New York Journal, viz:—"By the Copies of Letters lately laid before the Parliament (printed in London) from the Governors of the several British Colonies, relative to the late unconstitutional and tyrannical Acts of Parliament, it appears that Gov^r Eden of Maryland was the *only* one who honestly & ingenuously represented the Case, with his Opinion thereon, to the Ministry; which Conduct & Opinion will do him lasting Honour. In general, the Governors & other Ministerial people, outstrip their Instructions and anticipate the Wishes of their Patrons even in their most blameable Designs. Had it not been owing to the Encouragement, & even Temptation thus given to the Ministry, in their last treasonable & most horrible Design of Destroying the English Constitution, and enslaving the Colonies, it is more than probable they would have desisted from the black Attempt."—Your Lordship may easily judge of the pernicious Tendency of such publications at such a critical juncture

as the present. There is no defending ourselves against the Consequences, and we must patiently submit. But if the two Houses of Parliament have a Right to call for State Papers to be laid before them, as being the great Council of the Nation, it seems astonishing they should not, from Motives of Policy, keep those kind of Communications perfectly secret, as all other national Councils do. The Evil is not merely the exposing an Officer to the Resentment of an ungovernable Populace but the furnishing the Enemies of the Nation with such Intelligence of the State of Affairs as must often be of great Detriment to the Publick. I must beg therefore that the *secret* Intelligence I sent your Lordship by the last Packet may be destroyed, as should it be copied & transmitted here, it would probably prove the Destruction of a very worthy Gentleman, and one of the warmest Friends to Government in this Country.

I have the Honor to be, with the greatest Respect & Regard,

My Lord, Your Lordship's most obedient
& most humble Servant
W^m FRANKLIN

*Resolutions of the Provincial Congress of New Jersey
in favor of non-exportation, and appointing a
fast day.*

[From the Pennsylvania Journal and Weekly Advertiser, Wednesday, May 31, 1775.
No. 1695.]

IN PROVINCIAL CONGRESS, at Trenton, New Jersey,
May 26, 1775

THE Continental Congress having resolved unanimously, "That all exportations to Quebec, Nova Scotia, the Island of St. John's, Newfoundland, Georgia,

except the Parish of St. John's, and to East and West Florida, immediately cease, and that no provisions of any kind, or other necessities, be furnished to the British Fisheries on the American Coasts, until it be otherwise determined by the Congress."

Resolved unanimously, That this Congress earnestly recommend to the good people of this province, that they most religiously adhere to the said Resolution; and that the Secretary publish this our Resolve in one or more of the public News-Papers.

JONATHAN D. SERGEANT, *Secretary*.

[From the Pennsylvania Journal and Weekly Advertiser, June 7, 1775, No. 1696.]

IN PROVINCIAL CONGRESS of *New Jersey, Trenton*,
June 3, 1775.

Resolved, THAT this Congress do earnestly recommend to the inhabitants of every religious denomination, throughout this province, that Thursday the twenty-ninth day of June, inst. be observed by them, as a day of fasting, humiliation, and prayer, (unless the Continental Congress shall, before that time, appoint some other day) in order to deprecate the displeasure of Almighty God, in this season of public calamity; and humbly to implore his divine Blessing on such measures as may be used for supporting our invaluable rights and privileges; and restoring concord and harmony between Great Britain and her American Colonies.

H. FISHER, *President*.

Letter from Samuel Holland to the Earl of Dartmouth, transmitting the plans of last summer's survey.

[From P. R. O. America and West Indies, Vol. 279.]

PERTH AMBOY. New Jerseys, 27th May. 1775.

The Right Honorable the Earl of Dartmouth

My Lord,

I have now the Honor to transmit the Plan of Our last Summers Survey of Boston Harbor, Martha's Vineyard, Nantucket, the Elizabeth Islands, & Narraganset Bay, by a Scale of two Miles to an Inch; & to elucidate these Surveys I have added thereto the Sea Coast from Falmouth in Casco Bay; & included the Bounds of the several Townships, Claims & Patents of the Province of New Hampshire. I have likewise the Honor to transmit a plan of Boston Harbor, & another of Plymouth Harbor, both by the large Scale:—All of which I hope will receive Your Lordship's Approbation, & give a Sufficient Idea of the Country.

The Soundings, Sholes & other particulars which are wanting in these Plans, to make them of the least Use to the Navigator, I wish I could have inserted. But as I have had no assistance from the Navy in that Respect, I must hope an opportunity will sometime offer, for completing that requisite Addition, & which I presume will be all that is found Wanting to make them perfect.

I am affraid this Summer's Surveys will not equal those of former Years; as the present Situation of public Affairs is such as to make the Continuance of Our Ship under the Admiral's immediate Command, still necessary, & she is now at Halifax, which is inconvenient for our getting the Stores requisite for our

Equipment; but I will endeavour to do all that can be done: Yet My Lord, this will occasion no material Delay to the Service, as there is much Drawing to be done, which will employ those of my Party fully, who are not surveying. I hope then to be ready with the projection, whenever I am favored with the Nova Scotia Surveys of M^r Desbarres, which I have taken the Liberty to request might be sent me as soon as possible, as the Want of them is the only Thing which delays that Performance; & as to send It to Your Lordship without their being inserted, would not do us the Honor we flatter ourselves We shall obtain, by transmitting one Compact Piece, so neither will it give that satisfaction or be of that Utility it ought.

I am, With sincere Respect, My Lord,

Your Lordship's Most Obedient

& Most Humble Servant

SAMUEL HOLLAND.

Proceedings of the Inhabitants of Shrewsbury.

[From New Jersey Historical Society Manuscripts.]

At a Meeting of freeholders and Inhabitants of the township of Shrewsbury this 27th Day of May, 1775, the following Persons were By a Great Majority Chosen a Committee of Observation for the Said town agreeable to the Direction of the General Continental Congress held at Philadelphia y^e 5th of September, 1774, viz:

Josiah Holmes,

John Little,

Joseph Throckmorton,

Samuel Breese,

Thomas Morford,

Garret Longstreet,

Nicholas Vanbrunt,

David Knott,

Cornelius Vandever,

Samuel Longstreet,

Benjamin Dennis,

Cornelius Lane,

Daniel Hendrickson.

Ordered, that Daniel Hendrickson and Nicholas Vanbrunt, or Either of them, Do attend the provincial Congress now Sitting at Trentown, With full power to Represent there this town of Shrewsbury. And that Josiah Holmes, David Knott and Samuel Breese Be a Sub-Committee to prepare Instructions for the Deputy or Deputies who are to attend the Congress at Trentown.

Josiah Holmes was Unanimously Chosen Chairman.

JOSIAH HOLMES, Chairman and Town Clerk.

Letter from Gov. Franklin to the Earl of Dartmouth, giving an account of proceedings in New Jersey, the effect of "the unfortunate affair at Lexington," and transmitting a number of Papers.

[From P. R. O., America and West Indies, Vol. 195.]

PERTH AMBOY, June 5th 1775

Right Hon^{ble} the Earl of Dartmouth, &c

My Lord,

I informed your Lordship in my last Dispatch (N 22.) that I had called a Meeting of the Assembly, in order to lay before them the Resolution of the House of Commons of the 20th of Feb^{ry} respecting the Taxation of the Colonies. As that Resolution was greatly misunderstood and misrepresented throughout America, and had not been properly explained in any of the Colonies, His Majesty's Council of this Province were of opinion it could answer no valuable Purpose to communicate it to the Assembly, unless it was accompanied with the Explanation of it given in your Lordship's separate Dispatch of the 3^d of March; but as your Lordship, in your private Letter of that Date,

intimated that it was not His Majesty's Intention that I should lay that explanatory Letter *officially* before them, they were of Opinion that Regard ought to be paid to that Intimation, yet, as they thought, with your Lordship, it "might be *ostensibly* of Use" they concluded that the best Way would be to insert the Substance of it into my Speech, with such farther Explanations as I should think proper; so that it should not appear too particularly what Part thereof was taken from your Lordship's separate Dispatch, or what was suggested by my Sense of the Matter. There was, indeed, no other Method (as I could not lay the Dispatch *officially* before them) of letting them know the Expectations of Government on this Occasion; and if they were not fully explained to them in some Way or other, there was Danger that the Assembly would have made that a Pretence for not taking the Resolution into Consideration, or at least for not acquiescing with it. I accordingly incorporated the whole of that Dispatch, with only a few necessary Variations of the Stile, into the Speech I delivered at the Opening of the Session; and I likewise added such Arguments as I thought would be likly to induce a Compliance with the Proposition held forth in that Resolution. But, as I before intimated would probably be the Case, the Assembly determined to wait for the Result of the Continental Congress. What their Determination will be respecting it I cannot say, but I have Reason to think they will not comply with the Resolution at present, if ever. It is whispered that they intend to propose some other Terms of Accommodation. In a Letter I received from one of the Delegates, the Day after my Speech was published, he says, "I have perused your Speech, and think you "have made the best of the Cause, for your Client; "but doubt you will not carry it." Another person writes me, "Your Speech is much abused by the vio-

“lent Party among us. You have shown that the
 “Propositions contained in the Resolution of the
 “House of Commons are very similar to the Declara-
 “tions heretofore made by several of the Colonies,
 “and we cannot *now* pretend to say we do not un-
 “derstand the Proposition—you have explained and
 “enforced every Part of them *too well*.”—A Copy of
 my Speech, with the Assembly’s Address in Answer,
 and my Reply, are enclosed. Mr Cortland Skinner,
 the Speaker, previous to his presenting the Address,
 declared to me, in the Presence of the Council and As-
 sembly, his Disapprobation of the Contents of it,
 which he said he was constrained to do, as the House
 had refused him Leave to enter his Dissent on their
 Minutes. He likewise dissented to the Petition to the
 King at the last Session.

Ever since that unfortunate Affair at Lexington,
 the Colonies have been in the utmost Commotion.
 The People are not contented to wait for the Determ-
 inations of the Continental Congress, but are contin-
 ually holding County Committees and Provincial Con-
 ventions in every Colony. One of the latter has been
 sitting at Trenton for about a Fortnight past, and I
 am told have come to a Resolution of raising Ten
 Thousand Pounds in order to support a Body of Mili-
 tia in this Province, which they propose to have well
 disciplined and ready for immediate Service. Of this,
 however, I have no certain Account, as they have not
 yet published their Proceedings. Enclosed is a Copy,
 I have just obtained, of a Circular Letter and Associ-
 ation which they have ordered to be sent to every
 Township. It has been proposed by the Committee
 of Newark, that the Provincial Congress shall appoint
 and commission the Commandant of the Militia and
 all the Field officers, and the County Committees ap-
 point the Captains and Subalterns.¹ There are many

¹ Minutes of the Provincial Congress, etc., 1775-6, 151.

other Regulations proposed by that Committee, of a similar Nature, several of which will probably be adopted. In short, all Government is nearly laid prostrate, and the public Officers from the highest to the lowest are now only on Sufferance, as it were. We may think ourselves well off if we are permitted to continue so. I have no doubt but it is their Intention, in case General Gage should get the better in any Engagement with the Provincials, to seize upon all the Governors and other principal Officers, and make them Hostages for the Release of Prisoners, &c. &c. There is not even a single Ship or Sloop of War in New-Jersey, on Board of which an Officer might receive Shelter or Protection.

All Parties are united, at least in Appearance. Even two of the Gentlemen of the Council (M^r Parker and M^r Stephen Skinner) as your Lordship will see in the public Prints, have been chosen Committee-men for this Town; but, I believe, only the first of them has acted in that Capacity. It is, perhaps, best that Gentlemen of Property and Sense should mix among these People, as they may be a means of preventing their going into some Extravagances. This, I imagine, has been the Motive with these Gentlemen.

I have already received a Number of Resignations from the Militia Officers who held Commissions under me, and I daily expect more. Their Ambition is now, it seems, to have Commissions from the Congress or Conventions.

The Treasurer of the Eastern Division has not been able to get the Justices and Freeholders to meet, in order to sink the Paper Money which ought to have been sunk last Month, according to Law. It appears they have a Design to keep it there, that it may be ready in case they should want it for any military Purpose. There is no sinking it but in their Presence, and there are no means of securing it from them, or the Committees, if they chuse to have it.

The Assembly, as your Lordship will see by the Minutes of the last Sitting, now enclosed, have taken notice of one of the Extracts of my Letters to your Lordship, published in Almon's Parliamentary Register, and have entered it on their Minutes. It is said, that they had prepared a String of furious Resolves against me on Account of that Extract, but it being suggested to them, that they ought to know first whether it was genuine, they (after it had been entered on their Minutes two Days) sent me a Message to request I would inform them whether I had wrote it.

This Circumstance gave me some Advantage, of which I availed myself, as your Lordship will see in my Answer.¹ However, I am threatened with a Renewal of the Attack at the next Session. The principal Offence, I am told, which they have taken at the Extract is that Part where it is intimated that their Approbation of the Measures of the Congress was obtained by "*artful Management*," which they look upon as a kind of Reflection upon their Understandings. It is, however, strictly true, and they must be conscious that there is not a single Circumstance mentioned in that Extract, but what is fairly represented; except that in the printed Copy a Mistake is made in putting the Words "*every Member*" (which makes it Nonsense) for "*several Members*" as it stands in my original Letter.

I send herewith a printed Copy of the Laws and Votes of Assembly of the Session held here in January and February last. The Secretary has not yet completed a Copy of the Laws and Minutes of Council; but he says I may rely on their being ready for the next Pacquet.

¹ Minutes of Provincial Congress, etc., 1775-6, 130, 133-4, 145-8.

I have the Honor to be; with the greatest Respect
and Regard,

My Lord, Your Lordship's most obedient
& most humble Servant

W^m FRANKLIN.

P. S. Mr Pownall's two Letters of the 5th of April, with the Act of Parliament, and Proclamation of the States-General,¹ are just come to hand, and will of course be published in the American News Papers.

Intelligence from N. Engl^d In Governor Frank-
lyns Letter of the 5th June N^o 23.

CAMBRIDGE May 26.

Last Sabbath about 10 o'clock A. M. an express arrived at General Thomas's quarters at Roxbury, informing him that four sloops (two of them armed) were sailed from Boston, to the south shore of the bay, and that a number of soldiers were landing at Weymouth. Gen. Thomas ordered three companies to march to the support of the inhabitants. When they arrived, they found the soldiers had not attempted to land at Weymouth; but had landed on Grape-Island, from whence they were carrying off hay on board the sloops. The people of Weymouth assembled on a point of land next to Grape Island; the distance from Weymouth shore to said island, was too great for small arms to do execution; nevertheless,

¹ The Act of Parliament entitled "An Act to restrain the Trade and Commerce of the Provinces of Massachusetts Bay, & New Hampshire, and Colonies of Connecticut & Rhode Island & Providence Plantation in North America, to Great Britain, Ireland, and the British Islands in the West Indies, and to prohibit such Provinces & Colonies from carrying on any Fishery on the Banks of Newfoundland, or other places therein mentioned, under Certain Conditions & Limitations." The order of the States General prohibited the "Exportation of Arms and Ammunition from their Dominions in British Ships, or in their own ships without leave of their College of Admiralty."—*Penn. Archives*, IV., 616, 617.

our people frequently fired. The fire was returned from one of the vessels with swivel guns, but the shot passed over our heads, and did no mischief. Matters continued in this state for several hours, the soldiers polling the hay down to the water side, our people firing at the vessel, and they now and then discharging swivel guns. The tide was now come in, and several lighters which were aground, were got afloat, upon which our people, who were ardent for battle, got on board, hoisted sail, and bore directly down upon the nearest point of the island. The soldiers and sailors immediately left the barn, and made for their boats, and put off from one end of the island whilst our people landed on the other. The sloops hoisted sail with all possible expedition, whilst our people set fire to the barn, and burnt 70 or 80 tons of hay, then fired several tons which had been polled down to the water side, and brought off the cattle.—As the vessels passed Horse Neck, a sort of promontory which extends from Germantown, they fired their swivels and small arms at our people pretty briskly but without effect, tho' one of the bullets from their small arms, which passed over our people, struck against a stone with such force, as to take off a large part of the bullet. Whether any of the enemy were wounded, is uncertain, though it is reported three of them were. It is tho't they did not carry off more than one or two tons of hay.

Lieut. Gold, who was taken by the Provincials, in the engagement of the 19th ult. was a few days since exchanged for an old man named Breed, who has a large family—he was taken by the Regulars in the same engagement. Lieut. Gold has a fortune of £.1900 per annum. 'Tis said, when first taken that he offered 2000*l.* for his ransom.

Extract of a letter from the Camp at Cambridge, dated May 18, 1775.

“We hear from Halifax, that the people have at last, shewn they have spirits.—It seems the agents for procuring forage for the expected regiment of Dragoons had taken without the consent of the owner, and were shipping for Boston a great quantity of hay, on which the people set fire to, and wholly destroyed it; and when that work was finished they attempted the like by the King’s magazines, which they several times fired, but they were extinguished by the people from the ships of war lying there, who made a brisk fire on the people, and prevented them from effecting their design. The fugitives from Boston are gone to Halifax, but the people say, no d——d Tories shall be allowed to breath in their air, so that these d——ls can’t find a resting place there, which was the only place on the Continent that they even dared to hope they might stay in.

HARTFORD, May 29.

(Extract of a Letter from Ticonderoga, May 23.)

“I shall endeavour to give you a very concise journal of matters here, since the 12th. instant.

“*May 11th* We set sail from Skeensborough, in a schooner belonging to Major Skeene, which we christened *Liberty*.

Sunday 13. Arrived at Ticonderoga, from whence after some preparation, we set sail for Crown point.

Monday 14. Contrary winds retarded our voyage, and the day drew to a close when we anchored at Crown-point.

Tuesday, 15. Contrary winds. Col. Arnold with thirty men took the boat, and proceeded on for St. John’s

leaving to Capt. Sloan the command of the vessel with the Sailors; and to me the command of the soldiers on board: About 12 o'clock, while beating down, we espied a boat, sent out our Coxwain to bring her in, it proved to be the French Post from Montreal, with Ensign Moland on board, we examined the Mail, and among other things, found an exact list of all the regular troops in the northern department, amounting to upwards of 700.

Wednesday, 16. A fair gale, we overtook Col. Arnold in the boat, took him on board, and at night arrived within thirty miles of St. John's when the wind fell, and the vessel was becalmed. We immediately armed our two boats, manned them with 35 men, and determined by dint of rowing to fetch St. John's and take the place and the king's sloop by surprise at break of day.

Thursday, 16. After rowing hard all night, we arrived within half a mile of the place at sunrise, sent a man to bring us information, and in a small creek, infested with numberless swarms of gnats and muskitoes, waited with impatience for his return.

The man returning, informed us they were unap-
prised of our coming, though they had heard of the taking of Ticonderoga and Crown-point. We directly pushed for shore, and landed at about sixty rods distance from the barracks; the men had their arms, but upon our briskly marching up in their faces, they retired within the barracks, left their arms, & resigned themselves into our hands.

We took fourteen prisoners, fourteen stands of arms, and some small stores. We also took the king's sloop, two fine brass field pieces, four boats. We destroyed five boats more lest they should be made use of against us. Just at the completion of our business, a fine gale arose from the north; we directly hoisted sail, and returned in triumph. About six miles from

St. John's we met Col. Allen with four boats, and ninety men, who determined to proceed and maintain the ground. This scheme Col. Arnold thought impracticable, as Montreal was near, with plenty of men and every necessary for war; Nevertheless, Col. Allen proceeded, and encamped on the opposite side of the lake (or river, as it is there called) the next morning he was attacked by two hundred regulars, and obliged to de-camp and retreat.

Friday, 18. Returned again to Crown-point from thence to Ticonderoga.

Saturday, 19. Encamped at Ticonderoga. Since that time, nothing material has happened. It is Col. Arnold's present design, that the sloop *Enterprise*, (as she is called) and the schooner *Liberty* shall cruize on the lake, and defend our frontiers, till men, provisions and ammunition are furnished to carry on the war."

Intercepted Letter, dated

MONTREAL, 6th May, 1775

*Dear Finlay,*¹

"Since your departure we have had many disagreeable things happen here, & news of worse from Boston, which has given me great uneasiness on your account, for fear you should fall into their hands, and be detained 'till matters are settled between them and the mother country, which desired event, I am afraid, is now far distant, since hostilities are commenced, but I hope you heard the shocking news in time to take such measures as to avoid any danger.

"In the night of the 30th of April, some malicious and mischievous person or persons disfigured the king's

¹ Query: Hugh Finlay, Deputy Postmaster-General in North America, appointed February 25, 1774 ("in the room of Dr. Franklin removed"), and continued in office till the severance of the Colonies from Great Britain.—*Dodsley's Annual Register* for 1774, 845; *Journal kept by Hugh Finlay*, 1773-4, Brooklyn, 1867, XXIII, XXIV.

bust, on the parade, by blacking it's face, hanging a chaplet of potatoes about it's neck, with a wooden cross, and a label, on which was wrote, "Le Pape de Canada on le Sot Anglais," with an intent, no doubt, of creating jealousies, animosities and disturbances amongst the people, particularly between the English and Canadians, and I am sorry to tell you, they have met with great success. Early the next morning when it was discovered, the commanding officer sent two serjeants to clean the bust and take off the chaplet, label and cross. The new judges and conservators of the peace, were then consulted, but they took no immediate measures on the occasion, except sending an account of the transaction to the governor; the military first took up the matter, and blamed the English inhabitants, throwing many reflections on them, particularly the committee, who, some amongst them, absolutely charged with the fact, which has occasioned great uneasiness, and, I am afraid, will be attended with bad consequences; the Canadians also point them out as the authors, so that you may judge what confusion we are in.—In the evening, a subscription of £.100 sterling was entered into by the merchants, &c. at the coffee-house, as a reward to any person who should discover the offender; the military gentlemen also subscribed 50 guineas for the same purpose; and advertisements were made out and published by both parties the next day, by beat of drum; in the course of the publication, two frays happened. Mr. Belestre was standing at a corner of a street, with a number of others, when the advertisement was read, and he observed that whoever did it, deserved to be hanged, upon which young Franks observed, they did not hang people for such trifles, and that it was not worth the trouble, which incensed Belestre, who abused Franks, and took him by the nose, which Franks returned with a blow that knocked him down, and cut

his forehead, somebody then interposed, and parted them; both parties applied to the judges, but neither could get satisfaction: Belestre being the aggressor, could not get Franks bound over, and he could not Belestre, but for what reason I cannot tell. The next day Franks was apprehended and committed to prison, not for the assault, but on Belestre's affidavit, for the expressions he made use of about the crime, which I mentioned before, and bail was refused; however, the day following, the judges sent him notice, that upon consideration they had agreed to take bail, but he refused to give any, and is now in prison, waiting for an answer from the governor, to a state of the case he sent to his father. The other affair happened between Ezekiel Solomons, the Jew, and de Pallieur, the latter accused the Jews of having disfigured the bust, upon which some words ensued, and Solomons knocked him down; he has been apprehended, and he has given bail."—

LEXINGTON, April 23, 1775:

I THOMAS FESSENDEN, of lawful age, testify and declare, that being in a pasture near the Meeting-house, at said Lexington, on Wednesday last, at about half an hour before sun rise, I saw a number of regular troops pass speedily by said Meeting-house, on their way towards a company of Militia of said Lexington, who were assembled to the number of about 100 in a company, at the distance of 18 or 20 rods from said Meeting-house; and after they had passed by said Meeting-house, I saw three officers on horse back advance to the front of said regulars, when one of them, being within six rods of the said Militia, cried out, "disperse you rebels immediately," on which he brandished his sword over his head three times; mean while the second Officer, who was about two rods behind him, fired a pistol, pointed at said Militia, and the regulars kept huzzaing till he had finished brandish-

ing his sword, and when he had finished thus brandishing his sword, he pointed it down towards said Militia, and immediately on which the said regulars fired a volley at the Militia, and then I ran off as fast as I could, while they continued firing till I got out of their reach. I further testify, that as soon as ever the Officer cried “disperse you rebels” the said Company of Militia dispersed every way as fast as they could, and while they were dispersing, the regulars kept firing at them incessantly. And further saith not.

THOMAS FESSENDEN.

LINCOLN, April 23. 1775.

I JOHN BATEMAN, belonging to the fifty-second regiment, commanded by Colonel James, on Wednesday morning, on the nineteenth day of April instant, was in the party marching to Concord, being at Lexington, in the county of Middlesex, being nigh the meeting-house in said Lexington there was a small party of men gathered together in that place, when our said troops marched by, and I testify and declare, that I heard the word of command given to the troops to fire, and some of said troops, did fire, and I saw one of said small party lay dead on the ground nigh said meeting house; and I testify that I never heard any of the inhabitants so much as fire one gun on said troops.

JOHN BATEMAN.

I EDWARD THOROTON GOULD, of his Majesty's own Regiment of foot, being of lawful age, do testify and declare, that on the evening of the 18th instant, under the orders of Gen Gage, I embarked with the light infantry and grenediers of the line, commanded by Colonel Smith, and landed on the marshes of Cambridge, from whence we proceeded to Lexington; on our arrival at that place, we saw a body of provincial troops armed to the number of sixty or seventy men, on our approach they dispersed and soon after firing began,

but which party fired first I cannot exactly say, as our troops rushed on shouting, huzzaing, previous to the firing, which was continued by our troops so long as any of the provincials were to be seen. From thence we marched to Concord, on the hill near the entrance of the town, we saw another body of provincials assembled, the light infantry companies were ordered up the hill to disperse them, on our approach they retreated towards Concord. The Grenediers continued the road under the hill towards the town, six companies of light infantry were ordered down to take possession of the bridge which the provincials retreated over; the company I commanded was one, three companies of the above detachment went forward about two miles, in the meantime the provincial troops returned to the number of about three or four hundred, we drew up on the Concord side of the bridge, the provincials came down upon us, upon which we engaged and gave the first fire: This was the first engagement after the one at Lexington, a continued firing from both parties lasted thro' the whole day; I myself was wounded at the attack of the bridge, and am now treated with the greatest humanity, and taken all possible care of by the provincials at Medford.

EDWARD THOROTON GOULD

Lieut. King's own Regt.

MEDFORD, April 25, 1775.

All the above sworn to before Justices of the Peace, and duly attested to by Notaries Public.

HANNAH BRADISH of that part of Cambridge, called Menatomy, and daughter of Timothy Paine, of Worcester, in the county of Worcester, Esq, of lawful age, testifies and says, That about 5 o'clock on Wednesday last, afternoon being in her bedchamber, with her infant child, about 8 days old, she was surprised by the

firing of the King's troops and our people, on their return from Concord. She being weak and unable to go out of her house, in order to secure herself and family, they all retired into the kitchen in the back part of the house. She soon found the house surrounded with the King's troops; that upon observation made, at least seventy bullets were shot into the front part of the house; several bullets lodged in the kitchen where she was, and one passed through an easy chair she had just gone from. The door of the front part of the house was broke open; she did not see any soldiers in the house; but supposed, by the noise, they were in the front part. After the troops had gone off, she missed the following things, which, she verily believes, were taken out of the House by the King's troops, viz. one rich brocade gown, called a negligee, one lutestring gown, one white quilt, one pair of brocade shoes, three shifts, eight white aprons, three caps, one case of ivory knives and forks, and several other small articles.

HANNAH BRADISH.

WORCESTER, April 26, 1775.

PROVINCE OF THE MASSACHUSETTS-BAY.

WORCESTER, SS., April 26. 1775.

Mrs. Hannah Bradish, the above deponent, maketh oath before us the subscribers, two of his Majesty's Justices of the Peace for the county of Worcester and of the quorum, that the above deposition, according to her best recollection, is the truth. Which deposition is taken in perpetuam rei memoriam.

THOMAS STEEL, TIMOTHY PAINE.

Eighty six other deponents, have sworn to nearly similar affidavits; but want of room obliges us to omit them.

Copy of an intercepted letter, from Sam. Peters, now in England.

HERALDS OFFICE, Feb. 25. 1775.

Rev. Sir,

I Have been sick ever since 20th of last October, owing to a Cold, which together with my troubles in being drove from my Home, my Relations and Friends drew on a melancholy temper, which was increased upon the news of my Brother and Mr. Newcomb being robb'd of these letters (one of which was directed to you) by Governor Trumbull's Mob or Committee of Safety: a specie of Liberty peculiar to the four New England Colonies, and the Infernal world. I blame myself more for my foolishness than the world can blame me. I need not have mentioned Names, nor sent as I did, but so it has happened, and my Repentance is like Esau's, a bitter repentance, and too late. I am killed with the tho'ts of my foolishness. I have not slept two hours in 24, since I have heard of the robbery; I mourn all my time with fervent prayer to God to protect my injured friends from the violence of evil Men, and from the danger I unwillingly exposed them to. Could my life and estate (if any I have) atone for my folly and secure my friends I so much abus'd by mentioning their names, I would have secur'd you long ago. I hope I am the only sufferer in this sad affair; and surely I am on this side the water the only sufferer, for no one here suspected you, or any nam'd in my letter, capable of such business, as the publishing said letters; the cabinet well knew that they were surreptitiously taken by the rebels in an Oliverian manner; and my brother almost killed; indignation burns in their breast for the unworthy deed, and New England will pay dearly for their violences in general. The public here have no

knowledge yet of this affair; news-papers are silent here; if any thing is published here about me, or those letters, I hope I shall be able to clear up all things, and establish the truth.—I know you have reason to complain and blame me; as this is the first and only thing I ever did in all my life, of which I am ashamed, because I know the villainy of the saints, and yet guarded not against their satanical ways. But alas! I miss'd my reason, my way, and now my comfort. Still I hope and wish for the pity and forgiveness of you, your very worthy brother, and all I have unwillingly injured; I will endeavour to keep out a good watch for the future, and not bury what common sense I have. When I think of them letters, and the consequences attending my friends and benefactors, I wish my second breath had ended my days on earth—I never tasted of affliction so keen as the present; it drinks up my spirits, & I am fading away like the mow'd grass; If your dangers and characters are secured against, I may be able to live; here your characters suffer not; the names mentioned in my letters, are considered by the majority of the C—s. and House of L—ds and the — as friends of government, whom they seem zealously bent to protect, at the expence of their lives and fortunes. I hope New-York will agree to the explanatory article of the minister, the consequence will be (as 'tis whispered) Connecticut River will be their easternmost bounds. If New-York don't submit, the consequence will be horrible beyond expression; as this offer has well united the people here, except the Wilkites, who never will be satisfied.—New York has a good character with the majority, and I hope they will not lose it. The right of internal taxation is justly given to the colonies, as I ever thought it was their due; but the regulating of duties, customs &c. arising from navigation, &c. is still vested in the crown. The supremacy of

parliament in all cases whatever is still an article of political faith. You will have the papers in ship, so I omit any thing of public nature. So many are here complaining of abuses, and seeking for places and redress, and the fear of more coming, if anything is done for, these present ones, that government is waiting on futurity in this matter, & wholly attends upon American affairs; but will by and by attend upon complaints.—The Bishop of London is in hopes, that the persecution of the church in New England will abate, and no more of the clergy be obliged to come to England. The fleet and army will be able soon to put a stop to that intolerant spirit peculiar to New England Rebels, and reward some of their leaders in such a manner as will please a distressed man. Fortune is no man's steady friend; men act upon motives, and as new motives advance every day, men differ as much; and tho' I have been well received here upon some body's account, and nothing gloomy yet appears; yet I view myself in a very bad situation; for I see others deserted after being promised; so from this, I value one deed of gift to be worth 10,000 promises. I imagine my return will not be serviceable ever hereafter to Hebron, or New-England; but if my friends think it safe, I will return by and by. I have not heard from my mother and brothers and children. Am inform'd Trumble's Junto has voted tar and feathers to them, if they write to me. The clergy of Connecticut can send letters safely to me by way of New-York, covered and directed to Mr. Palmar, in the Heralds Office, London.—I hear the Puritan Teachers have wrote over here abusing me with the epithets of being tory, and a zealous churchman, and a friend to the supremacy of parliament; but the Presbyterian ministers and people here are guilty of two of these crimes of which I am accused—I am not afraid of any things the saints can accuse me of.—

Trumbull set on the mobs upon me. Before I apply'd for protection of him, Dr. Payne told me of it three times with a loud voice, after they had taken me out of my house and stripped me, in these words, Governor Trumbull will not protect you, for he told us this morning to come and give it to you, Sept. 8th. the Governor own'd it to me, and added, that he told Payne not to hurt my person or interest.—I wish to hear from my mother, but dare not write.—I am informed that my life is to be taken away if ever I am seen in Connecticut—I want all those kindly things.—A fresh piece of news rejoices my heart. The clergy and churches of Connecticut would have been ruined had not your letters been intercepted; their attention was turned on you as well as their rage; they considered a little what would be the consequence of their using you as they did, and out of fear they treat the clergy tolerable, with a design to kill you with their weapons.—If this be true good comes out of my foolishness, and God be praised. I am obliged to gentlemen I cannot name, if you know them and present my due respects, it will add joy to,

Rev. Sir. Your afflicted Friend,

who will ever mourn for his folly,

SAM. PETERS.

To Dr. Auchmuty. New York.

Speech of His Excellency William Franklin Esquire, Captain-General, Governor and Commander in Chief in and over the Province of New Jersey, and Territories thereon depending in America, Chancellor and Vice-Admiral of the same, &c.

To the General Assembly of the said Province, convened at Burlington:

Gentlemen of the Council, Gentlemen of the Assembly,

The sole Occasion of my calling you together, at this Time is to lay before you a Resolution of the House of Commons, wisely and humanely calculated to open a Door for the Restoration of that Harmony between *Great-Britain* and her *American Colonies* on which their mutual Welfare and Happiness so greatly depend.

This Resolution having already appeared in the publick Papers, and a great Variety of Interpretations put upon it, mostly according to the different Views and Dispositions by which Men are actuated, and scarcely any having seen it in it's proper Light, I think I cannot, at this critical Juncture, better answer the gracious Purposes of His Majesty, nor do my Country more essential Service, than to lay before you as full an Explanation of the Occasion, Purport, and Intent of it as is in my Power. By this Means you, and the good People you represent, will be enabled to judge for yourselves how far you ought or ought not to acquiesce with the Plan it contains, and what Steps it will be prudent for you to take on this very important Occasion.

You will see in the King's Answer to the joint Ad-

dress of both Houses of Parliament on the 7th of *February*, how much Attention His Majesty was graciously pleased to give to the Assurance held out in that Address, of the Readiness of Parliament to afford every just and reasonable Indulgence to the Colonies; whenever they should make a proper Application on the Ground of any real Grievance they might have to complain of. This Address was accordingly soon after followed by the Resolution of the House of Commons now laid before you. A Circumstance which afforded His Majesty great Satisfaction as it gave Room to hope for a happy Effect, and would, at all Events, ever remain an Evidence of their Justice and Moderation, and manifest the Temper which has accompanied their Deliberations upon that Question which has been the Source of so much Disquiet to the King's Subjects in *America*.

His Majesty, ardently wishing to see a Reconciliation of the unhappy Differences by every Means thro' which it may be obtained, without Prejudice to the just Authority of Parliament, which His Majesty will never suffer to be violated, has approved the Resolution of his faithful Commons, and has commanded it to be transmitted to the Governors of his Colonies, not doubting that this happy Disposition, to comply with every just and reasonable Wish of the King's Subjects in *America*, will meet with such a Return of Duty and Affection on their Part, as will lead to a happy Issue of the present Dispute, and to a Re-establishment of the publick Tranquility on those Grounds of Equity, Justice and Moderation which this Resolution holds forth.

What has given the King the greater Satisfaction in this Resolution, and the greater Confidence in the good Effects of it, is his having seen that, amidst all the Intemperance into which a People, jealous of their Liberties, have been unfortunately misled, they have never-

theless avowed the *Justice*, the *Equity*, and the *Propriety* of Subjects of the same State contributing, according to their *Abilities* and *Situation*, to the *publick Burdens*, and this Resolution it is thought holds no Proposition beyond that.

It would probably be deemed unjust to suppose that any of the King's Subjects in the Colonies can have so far forgot the Benefits they have received from the Parent State as not to acknowledge that it is to her Support, held forth at the Expence of her Blood and Treasure, that they principally owe that Security which hath raised them to their present State of Opulence and Importance. In this Situation, therefore, Justice requires that they should, in Return, contribute according to their respective Abilities to the *Common Defence*; and their own Welfare and Interest demand that their *Civil Establishment* should be supported with a becoming Dignity.

It has been the Care, and it is the firm Determination of Parliament, to see that both these Ends are answered, and their Wisdom and Moderation have suggested the Propriety of leaving to each Colony to judge of the *Ways* and *Means* of making due Provision for these Purposes, reserving to themselves a discretionary Power of approving or disapproving what shall be offered.

The Resolution neither points out what the *Civil Establishment* should be, nor demands any *specific Sum* in Aid of the *publick Burdens*. In both these Respects it leaves full scope for that Justice and Liberality which may be expected from Colonies, that, under all their Prejudices, have never been wanting in Expressions of an affectionate Attachment to the Mother Country, and a zealous Regard for the general Welfare of the *British Empire*, and therefore the King trusts that the Provision they will engage to make for the Support of *Civil Government* will be adequate to

the Rank and Station of every necessary Officer, and that the Sum to be given in Contribution to the *Common Defence* will be offered on such Terms, and proposed in such a Way, as to *increase* or *diminish* according as the publick Burdens of Great-Britain are from Time to Time *augmented* or *reduced*, in so far as those Burdens consist of Taxes and Duties which are NOT a Security for the *National Debt*.

By such a Mode of Contribution the Colonies will have full Security that they can never be required to tax themselves without Parliament's taxing the Subjects in *Great Britain* in a far Greater Proportion, and it may be relied upon that any Proposition of this Nature made by any of the Colonies, and accompanied with such a State of their Faculties and Ability as may evince the Equity of the Proposal, will be received with *every possible* Indulgence; provided it be at the same Time unaccompanied with any *Declarations*, and unmixed with any *Claims* which will make it impossible for the King, consistently with his own Dignity, or for Parliament, consistently with their Constitutional Rights, to receive it. But it is not supposed that any of the Colonies will, after this Example of the Temper and Moderation of Parliament, adopt such a Conduct; on the contrary, the pleasing Hope is cherished that the Public Peace will be restored, and that the Colonies will enter into the Consideration of the Resolution of the House of Commons with that Calmness and Deliberation which the Importance of it demands, and with that Good-will and Inclination to a Reconciliation which are due to the Candour and Justice with which Parliament has taken up this Business and at once declared to the Colonies what will be ultimately expected from them.

It has been already observed, that the King entirely approves the Resolution of the House of Commons, and I have His Majesty's Commands to say, that a

Compliance therewith by the General Assembly of *New Jersey* will be most graciously considered by His Majesty, not only as a Testimony of their Reverence for Parliament, but also as a Mark of their Duty and Attachment to their Sovereign, who has no Object nearer to his Heart than the Peace and Prosperity of his Subjects in every Part of his Dominions. At the same Time, I must tell you, His Majesty considers himself as bound by every Tie to Exert those Means the Constitution has placed in his Hands, for preserving that Constitution entire, and to resist with Firmness every Attempt to violate the Rights of Parliament, to distress and obstruct the lawful Commerce of his Subjects, or to encourage in the Colonies Ideas of Independence inconsistent with their Connexion with *Great-Britain*.

Here, Gentlemen, you have a full and candid State of the Disposition and Expectations of His Majesty and the Parliament. They require nothing of *America* but what the Colonies have repeatedly professed themselves ready and willing to perform. A late Assembly of this Province in their Petition to the King in 1766 express themselves thus, "As no Danger can approach *Britain*, without giving us the most sensible Alarm, "so your Majesty may be assured, that with filial Duty we shall ever be ready to afford all the Assistance in our Power, and stand or fall with that Kingdom, from which we boast our Descent, and to which we are attached by the strongest Ties of Duty, Gratitude and Affection" And in a subsequent Petition they say, "*Very far* it is from our Intentions to deny our *Subordination* to that august Body [the Parliament] "or our *Dependance* on the Kingdom of *Great-Britain* : In these Connexions, and in the Settlement of "our Liberties, under the auspicious Influence of your "Royal House, we know our Happiness consists: and "therefore to confirm those Connexions, and to

“strengthen this Settlement, is at once our Interest,
“Duty and Delight.”

Similar Declarations have been repeatedly made in other Colonies. The following Vote was passed in the Assembly of *Pennsylvania* many Years ago, *to wit*,
“The House taking into Consideration the *many Taxes*
“their Fellow Subjects in *Great-Britain* are obliged
“to pay towards supporting the Dignity of the Crown,
“and defraying the *necessary* and *Contingent Charges*
“of Government, and *willing* to demonstrate the Fidelity, Loyalty and Affection of the Inhabitants of
“this Province to our gracious Sovereign, by *bearing*
“*a Share of the Burden of our Fellow Subjects, proportionable to our Circumstances*, do, therefore,
“cheerfully and unanimously resolve, That *Three Thousand Pounds* be paid for the Use of the King,
“his Heirs and Successors, to be applied to such Uses
“as he, in his Royal Wisdom, shall think fit to direct
“and appoint.” And the said 3000 Pounds was afterwards paid into His Majesty’s Exchequer by the Agent of the Province accordingly.

Nor can I avoid mentioning what was done in the Convention of Committees from every County in *Pennsylvania*, who met in *July* last for the express Purpose of giving Instructions to their Representatives in Assembly on this very Subject. Several of these Instructions manifest such a Candor and Liberality of Sentiment, such just Ideas of the Importance of our Connexion with *Great Britain*, and point out so rational a Method to be pursued for obtaining Redress for the supposed Grievances (previous to any Attempts to distress the Trade of that Kingdom) that it is greatly to be regretted that the Conduct of *America* in a Matter of such vast Importance to its future Welfare, had not been regulated by the Principles and Advice they suggested. In those Instructions, speaking of the Powers Parliament had claimed and lately

exercised, the Convention say, “We are thoroughly
“convinced they will prove unfailing and plentiful
“Sources of Dissentions to our Mother Country and
“these Colonies, unless *some Expedients* can be
“adopted to render her *secure* of receiving from us
“every Emolument that can in Justice and Reason be
“expected, and us secure in our Lives, Properties,
“and an equitable Share of Commerce. Mournfully
“revolving in our Minds the *Calamities*, that, arising
“from the *Dissentions*, will *most probably* fall on us
“and our Children, we will now lay before you the
“*particular Points* we request of you to procure, if
“possible, to be finally decided; and the *Measures*
“that appear to us *most likely* to produce such a desir-
“able Period of our Distresses and Dangers.” Then,
after enumerating the particular Acts of Parliament
which they consider as Grievances, and desire to have
repealed, they add, “In case of obtaining these Terms,
“it is our Opinion, that it will be reasonable for the
“Colonies to engage their Obedience to the Acts of
“Parliament, commonly called the Acts of Naviga-
“tion, and to every other Act of Parliament declared
“to have Force, at this Time, in these Colonies, other
“than those above-mentioned, and to confirm such
“Statutes by Acts of the several Assemblies. It is
“also our Opinion, that taking Example from our
“Mother Country in abolishing the *Courts of Wards*
“and *Liveries*, *Tenures in Capite*, and by *Knight’s*
“*Service and Purveyance*, it will be reasonable for
“the Colonies, in case of obtaining the Terms before
“mentioned to *settle a certain annual Revenue* on His
“Majesty, his Heirs and Successors, *subject to the*
“*Controul of Parliament*, and to *satisfy all Damages*
“done to the *East-India Company*. This our Idea of
“settling a Revenue, arises from a Sense of *Duty* to
“our Sovereign and of *Esteem* for our Mother Coun-
“try. We *Know* and have *felt* the *Benefits* of a sub-

“*ordinate Connexion* with her. We neither are so “*stupid* as to be *ignorant* of them, nor so *unjust* as to “*deny* them. We have also experienced the Pleasures of *Gratitude* and *Love* as well as *Advantages* “from that *Connexion*. The Impressions are not yet “erased. We consider her *Circumstances* with *tender* “*Concern*. We have not been wanting, when constitutionally called upon, to assist her to the utmost “of our Abilities; insomuch that she has judged it “reasonable to make us *Recompences* for our over- “strained Exertions: And we now think we *ought* “to *contribute* more than we do to the *Alleviation* of “her *Burdens*. Whatever may be said of these Proposals on either Side of the Atlantic, this is not a “Time either for *Timidity* or *Rashness*. We perfectly know that the great Cause now agitated, is “to be conducted to a happy Conclusion, only by that “well tempered Composition of Counsels, which “Firmness, Prudence, Loyalty to our Sovereign, Respect to our Parent State, and Affection to our Native Country, united must form.”—In Case of War, “or in any Emergency of Distress, we shall also be “ready and willing to contribute all Aids within our “Power. And we *solemnly declare*, that on such Occasions, if *we* or our *Posterity* shall *refuse*, *neglect* “or *decline* thus to *contribute*, it will be a *mean* and “*manifest Violation* of a *plain duty*, and a weak and “wicked *Desertion* of the *true Interests* of this Province, which *ever have been* and *must be* bound up “in the *Prosperity* of our Mother Country. Our Union, “founded on *mutual Compacts* and *mutual Benefits*, will be indissoluble, at least more firm than an “Union perpetually disturbed by disputed Rights and “retorted Injuries.” I could quote several more Passages from these Instructions which are expressive of the same honest and generous Sentiments with Regard to *Great-Britain*, but I shall only make one

more Extract, and that respecting the *Mode* which they recommended to be pursued for the Redress of Grievances, viz. "But other Considerations have Weight with us. We weigh every Mark of Respect to be paid to His Majesty's Administration. We have been taught from our Youth to entertain tender and brotherly Affections for our Fellow Subjects at Home. The Interruption of our Commerce must *greatly distress* great Numbers of them. This we *earnestly desire to avoid*. We therefore *request*, that the Deputies you shall appoint may be instructed to exert themselves at the Congress, to induce the Members of it to consent to make a full and precise State of Grievances, and a decent, yet firm Claim of Redress, and to wait the Event, before any other Step is taken. It is our opinion that Persons should be appointed and *sent Home* to present this State and Claim at the Court of *Great-Britain*." After mentioning their Confidence in the intended general Congress, and their Resolution to abide by their Determinations for the Sake of Unanimity, they declare that it is with a strong *Hope and Trust* that they will not *draw this Province* into any Measure judged by us, who must be better acquainted with its State than Strangers, *highly inexpedient*. Of *this Kind*, we know any other Stoppage of Trade, but of that with *Great-Britain*, will be. Even *this Step*, we should be *extremely afflicted* to see taken by the Congress *before the other Mode* above pointed out is tried."

Happy would it have been at this Day, in all Probability, if some such healing Measures had been pursued. Some Plan of Union or Proposal of "a mutual Compact" for "mutual Benefit" was the grand Object which every honest Man in the Colonies had at Heart. An imperfect one (if not too glaringly so) was better than none, as it would, if it had answered no

other Purpose, have laid a Foundation for Negotiation and Treaty. It has been lately observed in Parliament, "That it does not appear the Colonies were "seriously inclined to come into any reasonable Terms "of Accommodation, as nobody was authorized to "make any Proposals to that Effect."

However, it can be of little Avail now to animadvert on past Transactions. Who has been most in the right or most in the wrong can never be satisfactorily decided. Many Things will ever happen, in the Course of a long continued Dispute, which good Men of both Parties must reflect on with Pain, and wish to have buried in Oblivion. In the present Situation of Affairs we should only look forward, and endeavour to fall on some Expedient that may avert the impending Danger. To effect this desirable Purpose a Plan is now formed, and recommended to you by His Majesty, containing Terms greatly corresponding with the avowed Sentiments of many of the Colonies, and which, I think, can only want to be rightly understood in order to be generally adopted: It does not require from the People of this Country any formal Acknowledgment of the Right of Taxation in the Parliament. It waves all Dispute on that Head, and suspends the Exercise of it for ever, if so long the Colonies shall perform their Part of the Compact. It does not even require, as a Preliminary, that the Non-Importation and Non-Exportation Agreements shall be abolished. It comes before you in the old accustomed Manner, by Way of Requisition; being approved and adopted by the King, who has directed his several Governors to signify to the respective Assemblies his Desire that they should grant such Aids for the Common Defence, and the Support of Government within the Colonies, as shall appear to them just and equitable, and proportionate to their Abilities. His Majesty and the Parliament, 'tis true, are to judge

whether the Aids which each Colony may offer are worth Acceptance, or adequate to their respective Abilities, as they did during the Course of the last War, very much to the Satisfaction of those Colonies who exerted themselves, often making them a Compensation “according as their active Vigour and strenuous Efforts respectively appeared to merit.” The Necessity of some such Supreme Judge is evident from the very Nature of the Case, as otherwise some Colonies might not contribute their due Proportion. During the last War, I well remember, it was ardently wished by some of the Colonies that others, who were thought to be delinquent, might be compelled by Act of Parliament to bear an equal Share of the publick Burdens. It appears by the Minutes of Assembly, in *March* and *April* 1758, that some of the neighbouring Colonies thought *New-Jersey* had not at that Time contributed its due Share towards the Expences of the War, and that President *Reading* (the then Commander in Chief of the Colony) was of the same opinion. And since my Administration, when the Assembly in 1764 was called upon to make Provision for raising some Troops on Account of the *Indian* War, they declined doing it for some Time, but “on Condition a Majority of the Eastern Colonies, as far as to include *Massachusetts-Bay*, should come into His Majesty’s Requisition on the Occasion.” But, as none of the Assemblies of the *New-England* Governments thought themselves nearly concerned, nothing was granted by them; and the whole Burden of the Expeditions then carried on fell upon *Great-Britain* and three or four of the middle Colonies; with which this Colony was dissatisfied, and the Assembly complained of it in one of their Addresses to me on the Occasion.—But what fully Evinces that there is no Design of Oppression or Extortion in the proposed Reservation in His Majesty and his Parliament of the

Right of approving the Aids which may be offered by the Colonies, is, His Majesty's gracious Assurance that the Propositions on this Head will be received with *every possible* Indulgence.—The Monies raised by the several Colonies as their Proportion to the *common Defence* is made subject to the Disposal of Parliament, as in Justice it ought, as they furnish the *whole* Sum which may be wanted for that necessary Purpose, according to the Estimates annually laid before them by the Crown, besides making Provision for the Civil List and National Debt, towards which the Colonies are not asked to contribute. The Army and Navy Establishment it is well known is necessarily increased since the Extension of the *British* Dominions in *America*. The whole *American* Civil and Military Establishment, as paid by *Great-Britain*, after the Peace of *Aix la Chapelle* was, it is said, only £70,000 Sterling; but since the last Peace it amounts to upwards of £350,000. As this great additional Expence was chiefly incurred on an *American* Account, it cannot but be reasonable that *America* should pay some Part of it. To remove every Objection that other Taxes may be raised upon *America*, under the Colour of Regulations on Commerce, the Produce of all such Duties is to be carried to the Account of that Province where it is to be levied.

We have now, thank Heaven, a happy Opportunity of getting entirely rid of this unnatural Contest, by only complying with what, I think, has been fully proved and acknowledged to be our indispensable Duty. Wherever a People enjoy Protection, and the other common Benefits of the State, nothing can be more reasonable than that they should bear their Share of the common Burden.

It is much to be lamented that there is so much Truth in the Observation, That Mankind generally act not according to Right, but according to present In-

terest, and most according to present Passion. In the present Case, there are no Difficulties but what may be easily surmounted, if Men come together sincerely disposed to serve their Country, unbiased by any sinister Views or improper Resentments. This, Gentlemen, I trust, will be found to be your Disposition in this most alarming Situation of publick Affairs. Let me conjure you, however, not to come to any precipitate Resolutions respecting the Plan of Accommodation now communicated to you. I have no Objection to give you any Time you may think necessary for the due Consideration of it. It is, indeed, a Concern of a more interesting Nature than ever before came under the Consideration of an *American* Assembly. If it is adopted, all will yet be well. If it is totally rejected, or nothing similar to it proposed, or made the Basis of a Negotiation, it will necessarily induce a Belief of what has been lately so often mentioned in Publick, “That it is not a Dispute about Modes of Taxation—“but that the *Americans* have deeper Views, and “mean to throw off all Dependance upon *Great-Britain*, and to get rid of every Controul of their Legislature.” Should such Sentiments ever prevail, they cannot but have the most fatal Effects to this Country. I am, however, fully convinced that the Body of the People in the Colonies do not even entertain a Wish of the Kind. Rather than lose the Protection of *Great-Britain*, *America*, were it ever so constitutionally and allowedly independent, would find it for its Advantage to purchase that Protection at an Expence far beyond what *Great-Britain* would ever think of requiring while we show her that Regard and Obedience to which she is justly entitled, and which our own Interest and Safety should prompt us to shew if there were no other Considerations.

Taxation being the principal Source of the present Disorders, when that important Point is once settled,

every other Subject of Complaint which has grown out of it will, no Doubt, of Course be removed. For you may rely, Gentlemen, that notwithstanding the many inimical and oppressive Designs which the Jealousies and Suspicions of incensed People have attributed to Government, yet it is evident from the whole Tenor of the Letters which I have had the Honour to receive from the King's Ministers, that His Majesty and They have nothing more at Heart than to have these unhappy Differences accommodated on some just and honourable Plan, which shall at the same Time secure the Liberties of the People without lessening the necessary Power and Dignity of Parliament.

God grant that the Colonies may manifest the same laudable Disposition, and that a hearty Reconciliation and Harmony may take the Place of the present Confusion and Dissention.

WM. FRANKLIN.

COUNCIL CHAMBER May 16, 1775.

To His Excellency William Franklin Esquire,
 Captain General, Governor and Commander in Chief in and over His Majesty's Colony of Nova-Cæsarea or New Jersey, and Territories thereon depending in America, Chancellor and Vice-Admiral in the same &c—

The Humble Address of the Representatives of the said Colony in General Assembly convened.

May it please Your Excellency.

We, His Majesty's loyal and dutiful Subjects, the Representatives of the Colony of *New-Jersey* in Gen-

eral Assembly convened, have taken under our Consideration Your Excellency's Speech at the Opening of the Session, together with the Resolution of the House of Commons accompanying the same, containing a Proposition for accommodating of the unhappy Differences at present subsisting between our Parent Country and the Colonies.

As the Continental Congress is now sitting to consider of the present critical Situation of *American* Affairs, and as this House has already appointed Delegates for that Purpose, we should have been glad that Your Excellency had postponed the present Meeting until their Opinion could be had upon the Resolution now offered for our Consideration, and to which we have no Doubt that a proper Attention will be paid, more especially as we cannot suppose you to entertain a Suspicion that the present House has the least Design to desert the Common Cause, in which all *America* appears to be both deeply interested and firmly united, so far as separately and without the Advice of a Body, in which all are represented, to adopt a Measure of so much Importance. Until this Opinion is known we can only give Your Excellency our present Sentiments, being fully of Opinion that we shall pay all proper Respect to, and abide by, the united Voice of the Congress on the present Occasion.

Your Excellency is pleased to tell us, That this Resolution "has had a Variety of Interpretations put on it."—"that scarcely any have seen it in its proper Light"—and you proceed to give us that Explanation of the Design and Occasion which you apprehend will enable us and our Constituents to judge how far the Plan it contains ought to be acquiesced in, and what Steps it may be prudent to take in the present Situation. We confess that Your Excellency has put a Construction on the Proposition which appears to us to be new and if we could be of the Opinion that the

Resolution “holds no Proposition beyond the avowal of the Justice, the Equity and the Propriety of Subjects of the same State, contributing according to their Abilities and Situation to the publick Burden,” and did not convey to us the Idea of submitting the Disposal of all our Property to others in whom we have no Choice, it is more than probable that we should gladly embrace the Opportunity of settling this unhappy Dispute.

Most Assemblies on the Continent have, at various Times, acknowledged and declared to the World their Willingness, not only to defray the Charge of the Administration of Justice and the Support of the Civil Government, but also to contribute, as they have hitherto done, when constitutionally called upon, to every reasonable and necessary Expence for the Defence, Protection and Security of the whole *British* Empire; and this Colony in particular hath always complied with His Majesty’s Requisitions for those Purposes: And we do now assure Your Excellency that we shall always be ready, according to our Abilities, and to the utmost of our Power, to maintain the Interests of His Majesty and of our Parent State. If then your Excellency’s Construction be right, and if a Proposal “of this Nature” will, as you are pleased to inform us, be received by His Majesty with every possible Indulgence, we have Hopes that the Declaration we now make will be looked on by His Majesty and his Ministers not only to be similar to what is required from us, but also to be a “Basis of a Negotiation” on which the present Differences may be accommodated—An Event which we most ardently wish for.

We have considered the Resolution of the House of Commons—We would not wish to come to a Determination that might be justly called precipitate in the present alarming Situation of Affairs—But, if we mistake not, this Resolution contains no new Proposal;

It appears to us to be the same with one made to the Colonies the Year preceding the passing of the late Stamp Act, at least it is not materially different therefrom. *America* then did not comply with it, and though we are sincerely disposed to make use of all proper Means to obtain the Favour of His Majesty and the Parliament of *Great-Britain*, yet we cannot, in our present Opinion, comply with a Proposition which we really apprehend to give up the Privileges of Freemen; nor do we want any Time to consider whether we shall submit to that which, in our Apprehension, will reduce us and our Constituents to a State little better than that of Slavery.

By the Resolution now offered, if assented to, we think we shall be to all Intents and Purposes as fully and effectually taxed by our Fellow Subjects in *Great-Britain*, where we have not any Representation, as by any of the late Acts of the *British* Parliament, under which we have been aggrieved—of which we have complained—and from which we have prayed to be relieved, and that too in a much greater Degree, perhaps, than by all those Acts put together. We cannot consent to subject the Property of our Constituents to be taken away for Services and Uses, of the Propriety of which we have no Right to judge, while to us are only left the Ways and Means of raising the Money. We have always thought and contended that we had a Right to dispose of our Property ourselves, and we have always cheerfully yielded our Assistance to His Majesty in that Way, when the Exigencies of Affairs required us so to do and he has condescended to ask it from us. It is the Freedom of Granting, as well as the Mode of raising Monies which this House cannot voluntarily part with without betraying the just Rights of the Constitution. The present Resolution seems to require us to raise a Proportion which a Parliament of *Great-Britain* may at any Time think fit to grant. At this

Time we cannot form any Judgment, either of the Extent of the Proposition, or of the Consequences in which the good People of the Colony may be involved by our Assent to a Provision so indeterminate; for it appears to us to be impossible to judge what Proportion or Share the People can bear until we know what Situation they will be in when any Sum is intended to be raised.—Upon the Whole, though sincerely desirous to give every Mark of Duty and Attachment to the King, and to shew all due Reverence to the Parliament of our Parent State, we cannot, consistent with our real Sentiments, and the Trust reposed in us, assent to a Proposal big with Consequences destructive to the publick Welfare; and hope that the Justice of our Parent Country will not permit us to be driven into a Situation the Prospect of which fills us with Anxiety and Horror.

There may be much Truth in the Observation “that Mankind generally act, not according to Right, but according to present Interest, and most according to present Passion.” Yet we trust that our Conduct, on the present Occasion, is neither influenced by the one or the other; and we persuade ourselves that Your Excellency is so well acquainted with the People you govern, that it is quite unnecessary for us to make use of any Means to convince you of the Injustice of the Charge “that the *Americans* have deeper Views, and “mean to throw off all Dependence on *Great-Britain*, “and to get rid of every Control of their Legislature.”

We heartily pray that the Supreme Disposer of Events, in whose Hand are the Hearts of all Men, may avert the Calamities impending over us, and influence our Sovereign, his Ministry and the Parliament, so as to induce them to put a Stop to the Effusion of the Blood of the Colonists, who wish always to look upon their Fellow Subjects in *Britain* as their Brethren, and are really desirous to promote their in-

terest and Happiness upon any reasonable Terms; and it will give us great Pleasure to find Your Excellency amongst those who, by just and proper Representation of the Dispositions of the Inhabitants of these Colonies, shall assist in settling of the present unhappy Differences.

By Order of the House,

CORTLAND SKINNER, *Speaker.*

HOUSE OF ASSEMBLY May 19, 1775

His Excellency's Answer.

Gentlemen

I have done my Duty. I lost no Time in laying before you the Propositions I had received for an amicable Accommodation of the present unhappy Differences. I gave you as full and candid an Explanation of them as I was authorized or enabled to do. Whether those Propositions, or my Explanation of them, did or did not contain anything new is but little to the Purpose. The Question is, whether they ought or ought not to be approved, either in Whole or in Part, or be made the Ground of a Negotiation; and whether, in the latter Case, every Assembly on the Continent ought not to take some active Measures to effect an End so desirable. In stating the Matter to you, I could have no suspicion that you did not think yourselves competent to the Business, and were necessarily to wait the Determination of another Body. It was but the last Session that you assured me that you would not "suffer any of the Rights vested in you by the Constitution to be wrested out of your hands by any Person or Persons whatsoever." I shall forbear to point out the Inconsistency of this Address with that Declaration. Nor shall I aim to convince you of the wrong Ideas you have formed of those Propositions. Were they ever so rightly understood, or ever

so well approved by you, yet, to judge by your own Declarations, it could be of no Avail. The Times are indeed greatly altered. I shall be happy to see some proper Attempts to mend them. My Representations and Endeavours from the first Commencement of this unnatural Dispute to this Day, have not been nor shall they ever be wanting towards effecting a Reconciliation. I am persuaded that if a Disposition of this Sort is manifested, and the proper Steps are pursued by those who have it in their Power to take the Lead in this important Affair on the Part of *America*, it may be easily accomplished to mutual Satisfaction. His Majesty, I am sure, would wish to avoid the Shedding of the Blood of His *American*, as much as that of His *British* Subjects. They must be all equally dear to him if they are equally dutiful. The *Americans* in general have been, and I hope will ever prove as well disposed to His Majesty and His Family as the Subjects of any other Part of the Dominions.

Copy of a Resolution, Association, and Circular
Letter of the Provincial Congress of New-
Jersey May 31. 1775. (N. 4.)

NEW JERSEY, TRENTON.

IN PROVINCIAL CONGRESS May 31st 1775.

Resolved,

That Copies of the association be immediately sent to the committees of observation or Correspondence in the several counties of this Province, which have not already associated in a similar manner, in order, that the same may be signed by the several inhabitants, accompanied with a Letter from the President.

IN PROVINCIAL CONGRESS TRENTON June 1st 1775.

Gentlemen.

Anxiously desirous to promote as far as possible an Union among the Inhabitants of this Colony. We have thought proper to recommend to them the enclosed association, which we desire may be immediately signed by the good people of your Township.— That at a time when our most valuable Priviledges are invaded, we may, in a uniform manner, make our defence, And prevent the Evils to which our unhappy Situation Exposes Us.—

(Signed) HEND^K FISHER. *President*

To the Committee of observation for the Township of
———— in the County of————

We the Subscribers, Freeholders and Inhabitants of the township of — in the County of & Province of New Jersey, having Long Viewed with Concern the avowed design of the Ministry of Great Britain to raise a Revenue in America; being deeply affected with the Cruel hostilities already commenced in Massachusetts Bay for carrying that arbitrary Design into execution; Convinced that the rights and privileges of America depends, under God, on the firm Union of its Inhabitants, Do, with hearts Abhorring Slavery, and ardently wishing for a Reconciliation with our Parent State on Constitutional Principles, solemnly Associate and Resolve, under the sacred Ties of Virtue, Honour and Love to our Country, that we will personally, And, as far as our Influence extends, endeavour to support and carry into execution whatever measures may be recommended by the Continental and Provincial Congress for defending our Constitution, and preserving the same inviolate.

We Do also further Associate and agree, as far as shall be consistent with the measures adopted for the preservation of American Freedom, to support the

Magistrates and other Civil Officers in the execution of their duty agreeable to the Laws of this Colony, and to observe the directions of our *Committee* acting according to the Resolutions of the afforesaid Continental and Provincial Congresses, firmly determined by all means in our power to guard against those Disorders and Confusions to which the peculiar circumstances of the times may expose Us.

Copy of an Act of the Assembly of Connecticut
respecting the Prisoners made at Ticonde-
roga & Crown Point.

COLONY OF CONNECTICUT

Anno regni Regis Georgii tertio 15^{to}

At a General assembly of the Governor and company of the english colony of Connecticut in New England in America, holden at Hartford on the second thursday in May Anno Dom: 1775.

Whereas there is convincing evidence that a design is form'd by the british ministry, of making a cruel invasion from the province of Quebec upon the northern colonies for the purpose of destroying our lives and liberties, and some steps have actually been taken to carry said design into execution, and whereas several inhabitants of the northern colonies, residing in the vicinity of Ticonderoga, immediately exposed to incursions impell'd by a just regard for the defence and preservation of themselves and their countrymen from such imminent dangers & calamities, have taken possession of that post, and of Crown point in which were lodged a quantity of cannon and military stores, that would certainly have been used in the intended invasion of these colonies, and have also taken into their custody a number of officers & soldiers, who were keeping and holding said posts, and of their own motion have sent them into this colony, and as this

colony has no command of said posts, now in the possession of people of several colonies, it is impracticable for said officers & soldiers to return to said posts, and the dictates of humanity require that said officers and soldiers with their families, should be provided for, and supported while they remain in this colony it is therefore Resolved by this assembly that Col: Erastus Wollcott &c. &c. be and they are hereby appointed a committee, and they are order'd and instructed at the expence of this colony to take care of and provide for said officers and soldiers with their families at present, and see that they be treated with humanity kindness & respect according to their rank & station, and encourage assist & advise said soldiers in procuring such profitable labour, and business as they may be capable of wherever said soldiers can find persons willing to entertain and give them employment, untill by advice of the continental congress (or otherwise) this assembly shall take further *order* concerning them, and that the commander in *chief* make a proper return under his hand to said committee of the Corps under his command.

GEORGE WYLLYS Sec^y

Letter from the Earl of Dartmouth to Gov. Franklin, referring to the Congress in Philadelphia, and to the Skirmish near Boston.

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL 7th June 1775

Governor Franklin

Sir

I have received and laid before the King your despatches of the 18th of Feb:^{ry} 7th of March and 3^d of April N^o 19, 20, & 21.

You may with Confidence rely on the Assurance I

have already given you that whatever you may transmit of the nature you mention in N: 21, shall be communicated only to the King's Confidential Servants.

The present State of North America makes every Intelligence of that sort, more and more Important; and your continuing to transmit it to me is considered as a mark of your Duty and Attachment to the King.

It is evident now that the appointment of Delegates to the new Congress at Philadelphia could not have been prevented by any measures in your power to pursue, had it been otherways The King is persuaded you would not have failed to have shewn your Zeal on that Occasion.

We have received an Account through the Channel of a private Ship sent on purpose, as we conceive, by the Provincial Congress assembled in Massachusetts Bay of a Skirmish between a Detachment of the King's Troops and some Rebel provincials in the neighbourhood of Boston, this Account as you will readily believe is made up with a view to create alarm here and answer the ends of faction; but as we have not yet any Intelligence from General Gage I can only say with great Satisfaction that it has failed of its Object and has had no other Effect than to excite that just Indignation that every honest Man feels at the Measures adopted in North America for supporting by Acts of open Rebellion, a resistance to the Laws and Authority of this Kingdom.

I am &c^a

DARTMOUTH.

*Letter from Gov. Franklin to the Earl of Dartmouth,
giving intelligence of the movement of troops in
New Jersey and Philadelphia.*

[From P. R. O. America & West Indies, Vol. 177 (195).]

PERTH AMBOY, July 4, 1775

The Right Hon^{ble} the Earl of Dartmouth &c &c

My Lord,

I am honoured with your Lordship's Circular Dispatch of the 15th of April, and shall not fail to pay due Attention and Obedience to His Majesty's Pleasure therein signified.

The State of Affairs in this Province continues much the same as mentioned in my Dispatch (N^o 23) sent by the last Packet.—It is reported that a Thousand of the New Jersey Militia are ordered to march to the City of New York, to join the Connecticut People now there under the Command of one Wooster; but as this Report has prevailed for some Days, and I can't learn that any of our Militia appear to be in Motion, or are making preparations for a March, I suspect it to be premature.

I am just informed that 300 Rifle-Men are to march this Day from Philadelphia to join the New England Army at Cambridge; and that they are soon to be followed by 500 more. In short, ever since the Lexington Affair, as your Lordship will see by the public papers, Hostile Measures seem to engross the Attention of the whole Continent. I know nothing of the Proceedings of the Congress except what are published. But a Gentleman who was lately at Philadelphia writes to me,

“I cannot hear of any Steps taken, or likely to be

“taken, towards an Accommodation of the Dispute
“between the two Countries, in an amicable Way.
“Every thing gives us a Prospect of the direct reverse.”

I send herewith the Minutes of the Privy Council,
and Journals of the Legislative Council of this Province,
together with the Acts passed at the last Session.

I have the Honour to be, with the greatest Respect
and Regard,

My Lord, Your Lordship's most obedient &
most humble Servant

W^m FRANKLIN

*Letter from the Earl of Dartmouth to Gov. Franklin,
announcing the King's determination to crush the
rebellion, and that Gen. Gage and Admiral
Graves had received orders to exert the most vig-
orous efforts to this end.*

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL 5th July 1775.

Gov^r of New Jersey.

Sir,

Your Ideas of the Situation of the King's Affairs in
N^o America, and of the fatal effects of General Gage's
Attempt at Concord, are perfectly just, and I really
believe that if that unfortunate event had not hap-
pened, just at the time that my letter of the 3^d of
March was received by the Governors of the several
Colonies, each of those Colonies separately, or upon
some plan of communication, less dangerous than a
general Congress, would have been committed in such
a Consideration of the Resolution of the House of

Commons of the 20th of Febyry,¹ as would have led to some plan of Accommodation

That happy moment of Advantage is lost, and instead of Reconciliation all N^o America, except Quebec, Nova Scotia, Georgia, & the Floridas, is in Arms against Great Britain, & committed in Rebellion, that menaces to overthrow the Constitution.

In this Situation therefore it is the King's firm Resolution that the most vigorous Efforts should be made both by Sea and Land, to reduce His rebellious Subjects to Obedience, & the proper measures are now pursuing not only for augmenting the Army under General Gage, but also for making such Addition to Our Naval Strength in N^o America, as may enable Admiral Graves to make such a Disposition of his Fleet, as that, besides the Squadron necessary for the New England Station, there may be separate Squadrons at New York, within the Bay of Delaware, in Chesapeak Bay, & upon the Coast of Carolina.

After what has passed there can be no doubt what ought to be the Plan of Operations for the Squadron upon the New England Station, & I think it necessary to acquaint you, for your own Information, that Admiral Graves will be instructed to exert the most vigorous efforts for suppressing the Rebellion now openly avowed and supported in that Country, & to seize &

¹ The Resolution adopted February 30, 1775, by the House of Commons, and so often referred to in the foregoing correspondence, was as follows: "*Resolved, That when the Governor, Council and Assembly, or General Court of any of his Majesty's Provinces or Colonies in America, shall make provision according to the Condition, Circumstances, and Situation of such Province or Colony, for contributing their Proportion to the common Defence, (such Proportion to be raised under the Authority of the General Court, or General Assembly of such Province or Colony, and disposable by Parliament,) and shall engage to make provision also, for the support of the Civil Government, and the Administration of Justice in such Province or Colony, it will be proper, if such Proposal shall be approved by his Majesty and the Houses of Parliament, and for as long as such Provision shall be made accordingly, to forbear, in respect of such Province or Colony, to levy any Duty, Tax, or Assessment, except only such Duties as it may be expedient to continue to levy, or to impose for the Regulation of Commerce, the Nett Produce of the Duties last mentioned to be carried to the Account of such Province or Colony respectively.*" —*Penn. Col. Records*, X., 250.

detain all Ships & Vessels belonging to the Inhabitants thereof, such only excepted as are the property of Persons who are friends of Government, & have shewn an Attachment to the Constitution.

There is still some room to hope that the Colonies to the Southward may not proceed to the same lengths with those of New England, It is however his Majesty's Intentions that the Commanders of the separate Squadrons I have mentioned should be instructed to prevent all Commerce between the Colonies within their respective Stations, and any other places than Great Britain, Ireland, or His Majesty's Islands in the West Indies; That they should receive on board & give protection to any Officers of the Crown who may be compelled by the Violence of the people to seek for such an Asylum, and to proceed as in the case of a Town in actual Rebellion, against such of the Seaport Towns, being accessible to the King's Ships, as shall hereafter offer any violence to the King's Officers or in which any Troops shall be raised, or military Works erected, other than by His Majesty's Authority, or any Attempts made to seize or plunder any public Magazine of Arms or Ammunition.

With regard to the Plan of Operations to be adopted by General Gage it must depend upon his own Judgment and the opinion of the able Generals with him, & therefore I have only to add that it is His Majesty's express Command that you do exert every Endeavour & employ every means in your power, to aid & support him & Admiral Graves in all such Operations as they may think proper to undertake for carrying the King's Orders into full Execution, and restoring the Authority of His Majesty's Government.

[DARTMOUTH]

Letter from Gov. Franklin to the Earl of Dartmouth, giving intelligence of the arrest of Major Philip Skeene, and transmitting a resolution referring thereto.

[From P. R. O. America and West Indies, Vol. 177 (195).]

PERTH AMBOY, July 5, 1775

The Rt. Hon^{ble} the Earl of Dartmouth

My Lord,

A few Days ago, I received a Letter from a Gentleman in Philadelphia, in which was the following Paragraph, viz: "You have no doubt heard of Major Skeene's Capture and Imprisonment. He is now on his Parol of Honour not to depart from the City more than eight Miles, nor to pass either of the Rivers Delaware and Schuylkill. Nothing of Consequence, I am told, was found with him. His Letters of Importance, 'tis said, he threw overboard. His Behaviour has been very manly and firm."

Since the Receipt of the above mentioned Letter, a Gentleman who was lately in Philadelphia has delivered to me, at the Request of Major Skene (who he said was not at Liberty to write) the three Papers enclosed, marked N^o 1, 2, 3, which he desired I might forward by this Packet to your Lordship. The Gentleman likewise informed me that Major Skene desired I would let your Lordship know that Governor Penn told him he had laid his (the Major's) Letter before the Council, who were of Opinion that as the Congress had thought proper to take Cognizance of his Confinement, and give Directions concerning it, it was not advisable for the Governor to interfere. He has since applied for Leave to go as far as New-York, but it is

as yet uncertain whether the Congress will grant him that Permission.

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient

& most humble Servant

W^m FRANKLIN

Copies of the Resolution of the General Congress respecting Major Skeene, And of a Letter from him to Gov^r Penn, and Gov^r Penn's Answer.

N^o 1.

Resolution of the Continental Congress 10th June 1775 at Philadelphia—

“That Governor Skeene be released from his present Confinement and Suffered to go at Large any where within Eight Miles of this City between Delaware & Schuylkill on his Parole of Honour not to go without those Limits and that he will hold no Correspondence with any Person whatsoever on any political Subject.”

a true Copy of the Resolution of the Congress

CHRIST. GADSON

Pursuant to the above Resolution of the Continental Congress now sitting at Philadelphia I do hereby promise upon my being Released from my Confinement under the Custody of Centries as I now am to comply strictly with the above terms

PHILIP SKEENE

N^o 2.

PHILADELPHIA the 24th of June 1775

Sir

In Obedience to my Royal Masters Commands, I came to this Part of America, where to my very great Astonishment, I was made a Prisoner & deprived of

my Liberty, as Soon as the Vessel came to Anchor before the place of which you are the King's Representative and Commander in Chief; His Majesty was pleased to appoint me, His Lieu^t Governor of the Forts at Crown Point, & Ticonderoga, as well as Inspector into the State of all lands belonging to the Crown, within the District, of the Province of Quebec, and that part of New York, which lies upon Lake Champ-lain: I am honoured with the King's Instructions under His Majesty's Royal Sign Manual, and by the Tenor of my Warrant, all Governors, Lieu^t Governors, Justices of the Peace, Constables and all other His Majesty's Civil Officers within the Colonies & Plantations in America, are to be aiding and Assisting to, and to promote & Encourage me, and my Deputy or Deputies, in the due Execution of my and their Duty in all matters of my Warrant, as they shall Answer to the Contrary. Therefore in Justice to my Royal Master, your Honor, and myself, I make Application to you, that I may have Immediate Relief and be set at my Liberty, Or Return to England the Place of my Nativity, As I am certain that I have not transgressed any Law of the Land.¹

I have the honor to be Sir

Your most obed^t Hum. Serv^t

PHILIP SKEENE

The Honble John Penn Esq^r

N^o 3.

PHILADELPHIA 26th June 1775

Sir

I have this Day received your Letter of the 24th Ins^t acquainting me with your being made a Prisoner and deprived of your Liberty: As I am most zealously disposed to afford you every Relief in my Power, I

¹ Major Skeene was subsequently sent to Connecticut, and later was released and sent to Canada. For a biographical sketch see N. Y. Col. Docs., VIII., 415.

should be obliged to you if you will inform me in what manner you are restrained, & by whom, that I may take your case into Consideration.—I am just now under the Necessity of going out of Town, and shall return to morrow morning at a 11 o'Clock

I am Sir your most obedient Hum Serv^t

JOHN PENN

The Honble Philip Skeene Esq^r Lieu^t Governor of Crown Point &c.

Letter from the Earl of Dartmouth to Gov. Franklin, approving the speech of the latter to the Assembly.

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL 12th July 1775.

Governor of New Jersey.

Sir,

This letter serves to cover a Triplicate of my dispatch to you of the 5th instant, & tho' I have not any thing in command from the King further than what is contained in that dispatch, I must not omit to acquaint you that your Speech to the Assembly on the 16th of May is very highly approved of here.

It is very much to be lamented that they were not in a temper to receive that favorable Impression it was so well calculated to make; At the same time I think it evidently appears from their answer that they feel the force of your Arguments, & only withheld their Concurrence from the fear of the Consequences that would follow from the Appearance of separating from the other Colonies.

I hope however that unfavorable as Our Prospects are at present the time will come when Men of Sense, & friends to Peace and good Order, will see the fatal

Consequences of the Delusions which have led to the Measures the People of America are now pursuing; and that we may yet see the public Tranquility re-established on the grounds of the terms held out in the Resolutions of the House of Commons of the 20th of February.

The notice which the Assembly has taken of the publication, in the Parliamentary Register, of an Extract of one of your letters to me, is illiberal & unjust; At the same time I cannot but observe that I have, almost every day, some Occasion to regret the Necessity which the King's Servants have been under of exposing to the Public, thro' the Channel of the two Houses of Parliament, a Correspondence that, for every Consideration, ought to be secret & confidential.

[DARTMOUTH]

Letter from Gov. Franklin to the Earl of Dartmouth, announcing that Congress had declared War, and preparations were in progress for carrying it on; also inclosing a letter from Col. Coxe to Mr. Skinner.

[From P. R. O. America and West Indies, Vol. 177 (195).]

PERTH AMBOY Augst 2^d 1775

Right Hon^{ble} Lord Dartmouth

My Lord,

I am honoured with your Lordship's Circular Dispatch of the 22^d of May, mentioning the Death of the Queen of Denmark, on which melancholy Occasion I do most sincerely condole with your Lordship.

The same Disposition & the same Measures continue as mentioned in my last. A formal Declaration has been published by the Congress, & every preparation

made for carrying on a War which is in their Power, the Particulars of which I need not mention as they are printed in all the News-papers.—Enclosed is a Copy of the Declaration, and also of a Letter which M^r Skinner the Attorney General received a few Days ago from Col. Coxe one of the Members of His Majesty's Council in this Colony. The latter will shew your Lordship the Critical Situation the Officers of Government are in, having no kind of Protection. It is true that there are many Friends of Government still remaining in the several Provinces, but they are too scattered to venture forming themselves into a Body, especially as they have no places of Strength or Security to resort to.—Not that I believe there are any of the Gentlemen of the Country who would draw their Swords in Support of Taxation by Parliament; but there are many who would fight to preserve the Supremacy of Parliament in other respects, and their Connexion with Great Britain, until some Constitution should be formed for America, consistent with that idea, on just and equitable Principles. There is indeed, a Dread in the Minds of many here, that some of the Leaders of the people are aiming to establish a Republic, rather than to submit to which we have Thousands who would risk the loss of their Lives in Defence of the old Constitution, and are ready to declare themselves whenever they see a Chance of its being of any Avail.

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient
& most humble Serv^t

W^m FRANKLIN

Copy of a Letter from the Hon^{ble} Dan^l Coxe,
Esq^r to Cortland Skinner, Esq^r Attorney
Gen^l of N. Jersey.

Dear Sir

—“Such is the present infatuated Temper of the Times, and the Minds of Men daily increasing in Madness and Phrensey, that they are ready to enter upon the most daring and desperate attempts.—A prostration of Law and Government naturally opens the Door for the licentious and abandoned to exercise every malevolent Inclination—what then have men of Property not to fear and apprehend, and particularly those who happen and are known to differ in sentiment from the generality? They become a mark at once for popular Fury, and those who are esteemed Friends to Government devoted for Destruction.—They are not even allowed to preserve a neutrality, and passiveness becomes a Crime—Those who are not for us are against us is the Cry, and Publick necessity calls for & will justify their Destruction, both Life & Property. In short those deemed Tories have every thing to fear from the political persecuting Spirit now prevailing—The Lex Talionis is talked of should Gen^l Gage exercise any Severity on those Prisoners lately taken in forcing the Entrenchments on Bunker’s Hill and every man who may be deemed disaffected to the present measures of America must make attonement for their sufferings—This I can assure you is mentioned as a matter determined upon, and I doubt not in the least of its being put in Execution should the General proceed against those unhappy people as is expected he will, in Terrorem.—This is an impending Storm that ought, if possible, to be averted, and could Gen^l Gage but be informed of the probable, and, as I really believe, a certain, consequence of such a pro-

ceeding, I should imagine it might, as it ought to, be an inducement for him to suspend taking any present measures against them, otherwise than as keeping them safe as Prisoners. It is a matter of such importance to all of us that I think the General should be immediately advertised of it some how, but how is the question? Was a safe communication open by the Post I should not hesitate one moment to write to him, but that is impossible I believe.—I can think of no better method than for the Governor to write, and from whom it will come with more propriety, and, perhaps, some opportunity may be known to or contrived by him that we are ignorant of this way.—I write to you rather than the Governor as less suspicious, and beg you will communicate to him my apprehensions, they are serious and ought to be attended to.—If a Blow should be once struck anywhere, you must know that it will be a sufficient precedent to carry it through, and must come to your own door as well as your Friends and therefore think every precaution should be taken to avert the Horrid evil. I entreat you then to attend to it while it is possible, or perhaps it may be too late bye and bye.—Your own prudence will dictate to you the propriety of keeping this Letter to yourself should it get Safe to you a Risque I must run by the Post as no other opportunity offers.

I am D^r Sir

Yours sincerely, in haste,

July 4th 1775

D. C.

Circular Letter from the Earl of Dartmouth to the Governors in America, relative to employing His Majesty's Ships in sending dispatches to England.

[From New York Colonial Documents, Vol. VIII., p. 631.]

WHITEHALL 5 Sept^r 1775

As it is of great consequence to His Maj^{ty}'s service in the present state of affairs in North America, that His Maj^{ty}'s ships of war stationed there should not be employed in any other services, than those to which they are appointed by the Admiral, I am commanded by the King to signify to you His Maj^{ty}'s pleasure that you do not take upon you to send to England any such ships that may be stationed within the limits of your Government with any Dispatches unless such dispatches are of the most pressing nature and no vessel can be otherwise procured in which an Officer may be sent home with them.

I am Ettc

DARTMOUTH

Letter from Gov. Franklin to the Earl of Dartmouth, complaining that his dispatches are opened at the Post-office, and giving information that the Congress of New Jersey had assumed the command of the Militia.

[From P. R. O. America and West Indies, Vol. 177 (195).]

PERTH AMBOY 5th Sept^r 1775

Right Hon^{ble} the Earl of Dartmouth

My Lord

I am honoured with your Lordships Dispatch of the 7th of June (N^o 17) which came to me opened from the

Post Office at New York, as did likewise one some Months before. Having a Suspicion that one Bull, who is the principal if not the only Clerk in that Office, had opened the Dispatch, I immediately wrote to M^r Foxcroft, the Deputy Postmaster General there, and acquainted him with the Reasons for my Suspicion. I have not yet received any Answer from M^r Foxcroft, though my Letter was wrote on the 26th of last Month and was delivered to him either that Day or the next, and Opportunities offer every Day, besides the Post which passes three Times a Week. It is not improbable, however, that M^r Foxcroft may have wrote, and that Bull, if my Suspicion of him is well grounded has stopt the Letter. As soon as I can get further Light in this Matter I shall inform your Lordship of the Circumstances. In the mean Time I think it necessary to recommend to your Lordship that Orders be given to the Captains of the Packets to deliver all Government Dispatches to the Captain of the Man of War stationed at N. York, to be forwarded by him to the several Governors in the safest manner he can contrive; for they will certainly not be safe in passing through the Post Office.—The Method which has been used in opening the Dispatches I have received, is Rubbing or Tearing the Cover at one End, so that the Letters may be easily drawn out or slid in again; but, if the Letters were sealed (as this is) before they are put into a Cover, it may prevent their being read when drawn out, as that could not be done without breaking the seal. At present they pretend at the Post-Office, when the Cover is open, that it was rubbed so in the Mail, but in Truth the Rubbing it gets there is generally only in the corners, and not from Corner to Corner as my Dispatches have been.

We wait with Impatience for the Arrival of the July Packet from England that we may know what Line of Conduct is to be pursued in the present Situa-

tion of Affairs. I have good Reason to believe that, if our next Intelligence shews a Determination in Government to compel by a military Force the People of this Country to submit to the late Acts, the Continental Congress will immediately, in an open and formal Manner, assume the sole Government of these Colonies, and declare their present Constitutions dissolved.—I am likewise informed that General Gage has received Information of its being determined by the General and principal Officers of the Continental Army (as it is called) to make an Attack on the Town of Boston, as soon as such Intelligence shall be received, and endeavour to destroy the King's Forces there before any Re-inforcement can arrive; and that they have sent an Express to the several Provincial Congresses, or Committees, requesting that the Governors, and other Officers of Government, may be seized and detained as Hostages till the Event of the Battle is known. How it has happened that neither Governor Tryon nor I have received any Intelligence from the General respecting this Information, I know not; but that he has received it is certain, if Credit is to be given to a Letter which Governor Tryon has received from a Friend of his then at Rhode-Island and communicated to me. What Step is best to take in this critical Situation is difficult to determine. I am loth to desert my Station, as my Continuance in it is a Means of Keeping up some Appearance of Government, and Matters may possibly take such a Turn as to put it in my Power to do some service. On the other Hand it would mortify me extremely to be seized upon and led like a Bear through the Country to some Place of Confinement in New-England, as has lately happened to Governor Skeene. However, let the Event be what it may, I shall not attempt to quit the Province as long as I have any Chance of continuing in it in Safety.—I was in hopes, from the Repre-

sentation I some Time ago made to General Gage, that he would have ordered some Ship or Sloop of War to this Harbour, on Board of which the Officers of Government might have sent some of their most valuable Effects, or retreated in Case of Necessity; but perhaps none can be Spared for this Service.—I had Thoughts of sending some Things on Board the Asia at New-York, and to endeavour to secure a Retreat there if there should be Occasion; but since that Ship fired on the Town, the Inhabitants will not suffer a Boat to go on Board or to come from her without Examination, and they are constantly on the Watch for this Purpose.

The Provincial Congress which lately met at Trenton in this Colony, have taken upon them the entire Command of the Militia, appointed Officers, &c. But a Vote which was put for raising 30,000 Pounds Currency, for the Support of a Body of Minute Men, has, I hear, passed in the Negative. The Sum of Ten Thousand Pounds, which they had before ordered to be levied, for furnishing the Inhabitants with Arms and Ammunition, is now collecting, but is the Occasion of no small Confusion and Disturbance; for some absolutely refuse to pay any Part of it, and many of those who have paid it make that a Plea for not paying the Tax laid by Act of Assembly for the Support of Government, alledging that they cannot afford to pay double Taxes, and as the Governor and other Officers are now little more than Cyphers, they see no Reason why they should be paid anything. The present Support of Government, as settled by Law, will expire on the First of next Month, and I have not the least Reason to expect the Assembly will make any farther provision for that Service, until the Disputes with Great Britain are accommodated. I should be glad to know what the Officers of Government are to do in that Case; for we shall not only be deprived of

our salaries but even of the common Fees of Office (small as they are) when the Continental Congress assumes the Government, an Event which I think will soon happen. Nor have I any Doubt (if Matters are not speedily accommodated) but that they will seize upon the King's Lands, and other Property belonging to the Crown in America, and sell them under pretence of making good the Damage done by the King's Forces to the People in the Colonies.

Enclosed is a printed Copy of some Resolves which passed in the Provincial Congress at Trenton in June & August last.¹

I have the honour to be, with the greatest Respect and Regard,

My Lord, Your Lordships most obedient
& most humble Servant

W^m FRANKLIN

Letter from Samuel Holland to the Earl of Dartmouth, relative to the boundary line between New York and Massachusetts Bay

[From P. R. O. America and West Indies, Vol. 261 (279).]

PERTH AMBOY, New Jersey, 20th Sep^r 1775.

The Right Honorable The Earl of Dartmouth.

My Lord,

It was only yesterday I had the Honor of receiving Your Lordship's Favor of the 28th April last, it having made the Tour of New Hampshire, before it arrived on Board His Majesty's Ship Asia, at New York; & as our Communication with that Ship has of late been somewhat interrupted, it was not very easy to get it sooner.

¹ Minutes of Provincial Congress, etc., 1775-6, 179 94.

I am ever ready My Lord, to obey His Majesty's pleasure, & as soon as Both, or Either of the Governors of New York & Massachusetts Bay shall signify the Time most Convenient for running the Boundary Line between their Provinces, I will immediately attend & proceed on that Business conformably to the Agreement made between those Provinces, & the Instructions those Gentlemen may think proper to give me.

With my Letter N^o 12, I had the Honor of transmitting the Plan of Our last Summer's Surveys, of Boston Harbor, Martha's Vineyard, Nantucket, the Elizabeth Islands, & Narraganset Bay, by a scale of 2 Miles to an Inch; & to elucidate these Surveys I added the Sea Coast from Falmouth in Casco Bay, & included the several Townships, Claims & Patents of the Province of New Hampshire: I likewise had the Honor of transmitting a Plan of Boston Harbor & another of Plymouth Harbor, both on the large Scale: These Plans were left in the Care of Capt Vandeput of His Majesty's Ship Asia, to be forwarded by the first safe Opportunity, & I hope, are long before this, in Your Lordship's Possession.

We have been indefatigable in Drawing, as We hope soon to convince Your Lordship, & the General Map waits only for M^r Desbarres' Surveys, which I wonder he has not sent me; I hope they will be no longer delayed, as I should apprehend there ought to be no Difficulty, the Communication of them being so much for the Public Benefit.

I have had so little Assistance from the Navy this Summer, that with Difficulty, I equipped One Party, with this I have endeavored to survey the Environs of this Place, presuming that the General Good Opinion which had prevailed in Favor of my Business with all Parties, from its Evident Utility, would have supported it, untill Public Affairs should become more

Settled; I have been obliged however to desist some what sooner than I expected, & apply entirely to Drawing; of which as I observed in my Last, there is sufficient to employ Us of a long Time.

With the greatest Respect, My Lord,

I am, Your Lordship's Most Obedient

& Most humble Servant.

SAMUEL HOLLAND.

Letter from Gov. Franklin to the Earl of Dartmouth, relative to the condition of affairs in the Colonies; Lord Stirling had accepted a Colonel's commission from the Provincial Congress, and no gentleman would consent to be nominated for a place in the Council.

[From P. R. O. America and West Indies, Vol. 195.]

PERTH AMBOY, Oct^r 3^d 1775.

The Right Honorable the Earl of Dartmouth

My Lord,

By the July Packet I was honoured with your Lordship's Dispatch N. 19 enclosing a *Triplicate* of N. 18. which is the only one of that Number that I have yet received. The August Packet arrived last Week at New York, but I had no Dispatches by her, and I am informed that she brought none for any of the Governors.

It is with extreme Concern I observe the Necessity His Majesty is now under of having Recourse to a military Force to secure His Dominions in America, and to reduce His Subjects to Obedience. I was once in Hopes that all Differences would have been settled in some amicable Way, and had the Actions of the Leaders of the People in this Country corresponded with

their repeated Professions, such must have been the happy Consequence.

Were the People, even now, left to judge for themselves, and the Avenues of Information not obstructed I have no Doubt but their natural good Sense would prevent their engaging in the Support of the present hostile and destructive Measures. Matters, however, are now carried so far, that unless some Propositions should come from Great Britain (if she can condescend, for the Sake of Peace, to make any other than she has already done) calculated to bring the Dispute immediately into a Train of Negotiation, there seems little Probability of such a Change of Conduct among the People as may afford any material Assistance in counteracting the avowedly pernicious Designs of many of their Leaders. His Majesty may be assured that nothing in my Power shall be wanting to remove their present Delusions, and to give Efficacy to His Measures for re-establishing the public Tranquility.

I am happy to find that my Speech on the 16th of May has met with such high Approbation, though I can but lament with your Lordship that Circumstances prevented its having the desired Effect. It is to be hoped, however, that it has made some Impressions which may have a good Tendency should the People here be once more at Liberty to speak their undisguised Sentiments.

Whether a Publication of my Speech in England might not be of some Service in removing Prejudices there, I submit to your Lordship.

In my last Letter I informed your Lordship that your Dispatch N^o 17 came opened to my Hands, and that I had wrote to M^r Foxcroft the Deputy Postmaster General respecting my Suspicions of a Clerk in his Office. M^r Foxcroft being indisposed was prevented from answering my Letter for some Time, but at length sent me the Depositions of the Persons em-

ployed in that Office, Copies of which, with those of the Postmaster of Woodbridge and M^r Johnson (the Gentleman I had desired to call at the Post Office in New York for my Dispatches) and also of my Letters to M^r Foxcroft and his Answer, are sent enclosed.

M^r Bull, or Boel, the Clerk, declares that the Dispatch came opened in the Mail from England. If that was the Case, then it might have been opened either at the General Post office in London, or at Falmouth; or at some intermediate Office. For as to its having been rubbed open in the Carriage I am well convinced it was not, whatever might have happened to other Dispatches. It was rubbed a little at the Corners, but it was evidently broke or tore open from Corner to Corner at one End, and the ragged or indented Parts are still perfect and exactly fit each other, as your Lordship may see by the Cover enclosed; but had the Breach been made by mere Rubbing, Parts of the Paper would have been missing, as was the Case with the Corners. M^r Boel's Excuse for not delivering the Dispatch to M^r Johnson may be true, but is not so satisfactory as I could wish, as M^r Johnson asked him particularly (after receiving the Packets of Newspapers) if there were no other Packets or Letters for me, and he declared there was none.

I have been the more particular in giving your Lordship Information respecting the above Matter, as I have great Reason to believe that the Congress obtains by some Means or other Intelligence of the Contents of most of the Government Dispatches. What is passing in the general Congress at Philadelphia I cannot learn, except that it is publicly asserted that John Adams, one of the Delegates, has avowed there that he writ the Letters published as his by General Gage in Drapier's Massachusett's Gazette of the 17th of August.¹ Many People express an Abhorrence of

¹ See Works of John Adams, II., 411.

his Sentiments of Independence, &c. and it is pretended that nine Tenths of the Congress are averse to them. Were this really the Case, they would probably ere now have given the Publick a convincing Proof of it by the Expulsion or Censure of M^r Adams.

The enclosed Minutes of Council will give your Lordship an Idea of the present State of Affairs in this Province. By them you will likewise see that there is Reason to believe that Lord Stirling, tho' one of His Majesty's Council for this Province, has accepted a Colonel's Commission from the Provincial Congress of New Jersey. I have received a strange Letter from him on the Subject,¹ but if he does not give a satisfactory Answer at or before the next Meeting of the Council, to the Question put to him by the Board, he will be certainly suspended from his Seat, untill His Majesty's Pleasure shall be known.

Samuel Smith, Esq^r, has resigned his Seat in Council, on Account of his Age & Infirmities, and though I have proposed to several Gentlemen to recommend them to supply his Place, yet I have not been able to prevail on any of them to consent, by Reason of the present unsettled State of Affairs; nor do I yet know any one here willing to accept of it, whom I think qualified for the office.

The Courts are still kept open, and some Business transacted in them, though not so much as is necessary. In short we do all we can to keep up some Appearance of Government, and the Council have advised the Calling the General Assembly on the 15th of next Month, but I shall not be surprized if we are prevented from meeting.

I have the Honor to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient
& most humble Servant

W^m FRANKLIN.

¹ The letter is given in Duer's Life of Lord Stirling, 113.

Circular Letter from Secretary Pownall to the Governors in America, informing them of the discontinuance of Packet Boats between England and North America.

[From P. R. O. America and West Indies, Vol. 279.]

WHITEHALL 4th Oct^r 1775.

Circular to Governor Tryon — Franklyn —
Dep^y Gov^r. Penn — Eden.

Sir,

It having been thought fit to discontinue for the present the Packet Boats for North America, I am directed by Lord Dartmouth to desire you will continue for the future some Means of sending your Letters to his Lordship thro' the Channel of the Admiral who is instructed to give all proper Facility by means of the small Vessels under his Command to the Conveyance of Letters and Intelligence, in every possible Channel of Communication.

I am &c^a

J POWNALL

Proceedings of the Shrewsbury Committee of Correspondence.

[From New Jersey Historical Society Manuscripts.]

The Shrewsbury Committee met by appointment at the House of Mr. Bonham, 6th October, 1775, and unanimously placed Josiah Holmes in the Chair—

Ordered, that public advertisements be put up for the Officers of the Several districts in this Township to render in the names of all that still retain the province arms contrary to the sense of the advertisement published by the late committee, dated 16th Septem-

ber, 1775, for them to be proceeded against; and also a full account must be taken of all the province arms in this township into whose hands they are, by the Captains or their order of each district, and that he take receipts from all holding them that do train, and that a Copy of this order be served upon the Colonel.

Ordered, that Col. Samuel Breese ask the assessor about his assessment and acquaint the Chairman of the sum of his information.

Whereas the riotous and numerous meetings of negroes at unlicensed houses is pernicious in itself and may be of pernicious consequences; if the Col. is informed of any such meetings he is desired to use his militia, or as many as he finds necessary, to secure the Negroes, and give the names of the delinquents, to be proceeded against agreeable to Law.

Ordered, that all these proceedings be publicly advertised in two of the most public places in the township.

The business of the day being ended, the Committee adjourned to next Monday week, 16th October, 1775, to meet at Mr. Bonham's.

Members present—

Josiah Holmes,

John Little,

Jeremiah Bonham,

Cornelius Laue,

John Polhemus.

Circular Letter from the Earl of Dartmouth to all the Governors in America, except Massachusetts and North Carolina, enclosing the King's speech.

[From New York Colonial Documents, Vol. VIII, p. 642.]

WHITEHALL 28 October 1775.

Inclosed I send you by His Maj^{ty}'s command, printed copies of His Maj^{ty}'s most gracious speech to His Par-

liament at the opening of the Session on Thursday last,¹ and of the addresses in answer thereto, which I trust will have the effect to convince the Rebellious inhabitants of the Colonies, of the firm resolution of every branch of the Legislature to maintain the Dignity & authority of Parliament, as well as their desire to receive, with all proper indulgence, the submission of any Colony that shall be inclined to return to its duty and allegiance, and to make such arrangements as may restore harmony & confidence, and remove all

¹ In the course of his speech the King said: "Those who have too long successfully labored to inflame my people in America by gross misrepresentations, and to infuse into their minds a system of opinions repugnant to the true constitution of the Colonies, and to their subordinate relation to Great Britain, now openly avow their revolt, hostility and rebellion. They have raised troops, and are collecting a naval force; they have seized the public revenue, and have assumed to themselves legislative, executive and judicial powers, which they already exercise, in the most arbitrary manner, over the persons and properties of their fellow-subjects; and although many of these unhappy people may still retain their loyalty, and may be too wise not to see the fatal consequence of this usurpation, and wish to resist it; yet the torrent of violence has been strong enough to compel their acquiescence, till a sufficient force shall appear to support them. The authors and promoters of this desperate conspiracy have, in the conduct of it, derived great advantage from the difference of our intentions and theirs. They meant only to amuse, by expressions of vague attachment to the Parent-state, and the strongest protestations of loyalty to me, whilst they were preparing for a general revolt. I have acted * * hoping that my people in America would have discerned the traitorous views of their leaders, and have been convinced, that to be a subject of Great-Britain, with all its consequences, is to be the freest member of any civil society in the known world. The rebellious war now levied is become more general, and is manifestly carried on for the purpose of establishing an independent empire. I need not dwell upon the fatal effects of the success of such a plan. The object is too important, the spirit of the British nation too high, the resources with which God hath blessed her too numerous, to give up so many Colonies which she has planted with great industry, nursed with great tenderness, encouraged with many commercial advantages, and protected and defended at much expense of blood and treasure. It is now become the part of wisdom, and (in its effects) of clemency, to put a speedy end to these disorders by the most decisive exertions. * * * When the unhappy and deluded multitude, against whom this force will be directed, shall become sensible of their error, I shall be ready to receive the misled with tenderness and mercy; and, in order to prevent the inconveniences which may arise from the great distance of their situation, and to remove, as soon as possible, the calamities which they suffer, I shall give authority to certain persons upon the spot to grant general or particular pardons and indemnities, in such manner, and to such persons, as they shall think fit, and to receive the submission of any Province or Colony which shall be disposed to return to its allegiance. It may be also proper to authorise the persons so commissioned to restore such Province or Colony, so returning to its allegiance, to the free exercise of its trade and commerce, and to the same protection and security as if such Province or Colony had never revolted."—*Dodsley's Annual Register*, for 1775, 369-71.

just ground of uneasiness and apprehension in the minds of those who are really disposed to a reconciliation with the Mother Country.

I am Ette

DARTMOUTH.

Letter from Gov. Franklin to the Earl of Dartmouth, giving intelligence of the raising of troops and money in New Jersey, and enclosing a copy of a letter of Dr. Church, intercepted and delivered to Gen. Washington.

[From P. R. O., America and West Indies, Vol. 177 (195).]

PERTH AMBOY Nov^r 1. 1775.

Right Hon^{ble} Lord Dartmouth

My Lord

In my last, which was dated the 3^d of October, I mentioned the Receipt of your Lordship's Letters of the 5th & 12th of July (N^o 18 & 19) since which I have not been honoured with any of your Lordship's Dispatches, nor has the Original or Duplicate of N^o 18, or the Duplicate of N^o 19, yet got to hand. If your Lordship wrote by the August packet, your Letter has miscarried, but M^r Foxcroft sent me Word that that Packet brought no Dispatches for any of the Governors.

Matters continue much in the same Situation as when I last wrote to your Lordship. The Provincial Convention of this Province, I hear, have, at the Instigation of the Continental Congress, agreed to raise two Battallions consisting of eight Companies each, and 68 Privates to a Company.¹ The Officers, I am told, are now recruiting, and 30,000^l Paper Bills of

¹ See Minutes of Provincial Congress, etc., 1775-6, 208-10.

Credit, is ordered to be immediately struck to defray the Expence. The Quota of this Province, it is said, of the three Millions of Dollars issued by the Continental Congress amounts to about 65,000£, which, with the 10,000£ already raised, and the 30,000£ now ordered, occasion many People to grumble at the Taxes they occasion. But unless the Army under Schuyler, or that under Washington should happen to be defeated or repulsed, there seems little probability but that the Inhabitants in general will implicitly follow the Continental Congress in all their Extravagancies. It seems to be generally agreed that many of that Body are for an entire separation from the Mother Country, and some of them publicly avow Sentiments of Independency. In Bradford's newspaper, published at Philadelphia, two pieces have already appeared in favour of that Design, said to be wrote by a Member of the Congress.

One D^r Church, as your Lordship will see by the publick Papers has been apprehended by Washington, and accused of acting as a Spy in his Camp. The enclosed is a Copy of a Letter said to be wrote by him to Major Cane, and intercepted at Rhode Island which a Gentleman has just obtained for me of one of the Committee in a neighbouring Town. I believe it to be genuine as received from Washington's Camp. By this it would appear that the Scheme of Independency was no new Thing amongst the Members of the Congress and some of their Adherents.

It is reported that a Boat with an Officer and 3 or 4 Men belonging to His Majesty's Sloop the Viper, has been drove ashore near Barnagat in this Province, and that the people are made Prisoners.¹ The Fate of a Transport bound from Boston to New York, likewise drove ashore on the Coast near Little Egg Harbour, your Lordship will see an Account of in the enclosed

¹ See Minutes of Provincial Congress, etc., 1775-6, 205.

Newspaper which is the only Intelligence I have yet received of that Transaction.

As I am uncertain whether this Letter will get safe on Board the Packet at New York, I cannot venture to be more particular.

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient
& most humble Servant
W^m FRANKLIN

Copy of a Letter said to be wrote by Dr Benjⁿ Church to Major Cane in Boston intercepted at Rhode Island, and delivered to Washington. Dated July 22^d 1775

I hope this will reach you. Three attempts have I made, without success in effecting The last the Man was discovered in attempting his escape but fortunately my letter was sewed in the waist band of his Breeches. he was confined a few Days during which time you may guess my feelings but a little Art and a little Cash settled the matter. It is a month since my return from Philad. I went by way of Providence to visit *Mother*. The Committee for Warlike Stores made me a formal tender of 12 p^s of Cannon 18 & 24 pounders, they having taken a previous resolution to make the offer to General Ward. To make a Merit of my Services I sent them down, & when they received them they sent them to Stoughton to be out of Danger, even tho' they had formed the Resolution as I before hinted of fortifying Bunkers Hill, which, together with the Cowardice of the Clumsy Col. Gerrish and Col. Seamans was the lucky occasion of their Defeat. This Affair happened before my return from Philad^a. We lost 165 killed then & since dead of their wounds, 120 now lie wounded, the chief will recover. They

boast to have 1400 killed & wounded in that action; you say the Rebels lost 1500, I suppose with equal Truth. The people of Connecticut are raving in the Cause of Liberty. A number from that Colony from the Town of Stamford robb'd the King's Stores at New York with some small Assistance the New Yorkers lent them. They were growing very turbulent. I counted 280 pieces of Cannon from 24 to 3 pounders at King's-Bridge which the Committee had secured for the use of the Colonies. The Jersies are not a whit behind Connecticut in zeal, The Philadelphians exceed them both. I saw 2,200 Men in Review there by General Lee consisting of Quakers and other Inhabitants in Uniform with 100 Riflemen & 40 Horse, who together made a most Warlike appearance. I mingled frequently & freely with the Members of the Continental Congress, they were united and Determined in Opposition, and appear'd assured of Success Now to come ^{Home here}. The Opposition has become formidable 18,000 men brave and determined with Washington & Lee at their Head are no Contemptible enemy. Adjutant General Gates is indefatigable in arranging the Army. Provisions are very plenty. Cloaths are manufactoring in almost every Town for the Soldiers. 20 Tons of powder lately arriv'd at Philad^a Connecticut and Providence upwards of 20 Tons are now in Camp. Salt Petre is made in every Colony. Powder Mills are erected & constantly employ'd in Philad^a & New York Volunteers of the First Fortunes are daily flocking to the Camp, & 1000 Riflemen are expected in 2 or 3 Days. Recruits are levying to augment the Army to 22,000 Men. 10,000 Militia are appointed in this Government to appear on the first Summons. The Bills of the Colonies circulate freely and are readily exchanged for Cash. Add to this, that unless some plan of Accommodation takes place immediately their Har-

bours will swarm with Privateers, an Army will be raised in the Middle Colonies to take possession of Canada. For the sake of the miserable convulsed ^{*Country} _{Empire} solicit Peace, *Repeal the Acts or Britain is undone.* This advice is the result of a Warm Affection ^{for} to my King & the Realm. remember I never deceived you: every article here sent you is sacredly true. The papers will announce to you that I am a Member for Boston: you will there see our Motley Council, A General Arraignment of Officers will take place except the Chief which will be suspended but for a little while to see what part &c Great Britain ^{acts} _{takes} in Consequence of the late Continental Petition. A View to Independenc^y grows more & more general. should Britain declare War against the Colonies they are lost for ever. Should Spain declare War against England the Colonies will declare a neutrality which will doubtless produce an offensive & Defensive League between them. For God's sake prevent it by a speedy Accommodation:—Writing this has Employ'd a Day.—*I have been to Salem to reconnoitre, but could not escape the Geese in the Capitol.* To morrow I set out for Newport on purpose to send you this.—I write you fully, it being scarcely possible to prevent discovery—I am out of place here by Choice therefore out of pay and am determined to be so unless some thing is offered in my Way.—I wish you could contrive to write me largely in Cyphers by way of Newport, Addressed to *Tom* (*Thomas*) Richards Merchant inclosed in a Cover to me, intimating that I am a perfect stranger to you but being recommended to you as a Gentlemen of Honour you took the Liberty to inclose that Letter intreating me to deliver it as directed, the person as you are informed living at Cambridge; sign some Fictitious Name. This you may send to some confidential Friend at New-

* In one Copy handed about it is *Country* & in another *Empire*.

port to be delivered to me at Watertown. Make use of every precaution or I perish.¹

July 22^d 1775.

B. CHURCH.

Letter from Gov. Franklin to the Earl of Dartmouth, transmitting the Governor's address to the Assembly.

[From P. R. O. America and West Indies, Vol. 178 (196).]

BURLINGTON, Dec^r 3, 1775

Right Hon^{ble} the Earl of Dartmouth, &c &c

My Lord,

I have the Honour to transmit to your Lordship, Copies of my Speech at the Opening of the present Session, the Council's and Assembly's Addresses, and my Answer; together with a Message to them on the Support of Government, and a Proclamation for suppressing Rebellion and Sedition; also an Extract of a Letter from a Gentleman in Philadelphia to a Gentleman in this Town, containing some late News from Virginia.

These Papers will serve to give your Lordships some Idea of the Business transacted at this Session, and of the present Situation of Affairs. On my Return to Amboy, which I expect will be this week, I shall write your Lordship fully respecting them.

I have the Honour to be, My Lord,

Your Lordship's most obedient

& most humble Servant

W^m FRANKLIN

¹ Dr. Church made a bungling and insincere explanation of this letter when it was published, and after some difficulty gained his freedom. "He then embarked in a vessel bound for the West Indies, which never reached its destination."—*Works of John Adams*, II., 182, n.

Letter from Lord Germain to Gov. Franklin, announcing the King's concern that his subjects in New Jersey had submitted to the dictates of the Continental Congress.

[From P. R. O. America and West Indies, Vol. 177 (195).]

WHITEHALL Dec^r 23^d 1775.

Governor Franklin,

Sir,

Your Dispatch to Lord Dartmouth of the 1st Novemb^r was received by the Halifax Packet which arrived a few days ago, & I have not failed to lay it before the King, who sees with Concern that His Subjects in New Jersey have submitted in the full Extent of Obedience to the Dictates of the Continental Congress.

His Majesty at the same time approves your zealous Endeavours for His Service, and relies upon a continuance of them under all the difficulties which surround you, trusting that the time is approaching when the united strength of the Nation will have its Effect to restore the public Tranquility.

I am &c^a

GEO: GERMAIN

Letter from Gov. Franklin to the Earl of Dartmouth, relative to the sentiments of the people and the proceedings of the Assembly; the Earl of Stirling suspended from the Council; general belief that Congress will have the assistance of France.

[From P. R. O. America and West Indies, Vol. 178 (196).]

[Secret and Confidential]

PERTH AMBOY Jan^{ry} 5. 1776

Right Hon^{ble} the Earl of Dartmouth

My Lord,

I did myself the Honour to write to your Lordship on the 3^d of last Month from Burlington, and to enclose Copies of my Speech, and the Council and Assembly's Addresses, at the Opening of the Session of General Assembly, together with sundry other Papers. The Minutes of the Assembly not being yet printed, I enclose the written Copy of them which I received daily from the Clerk during the Session.

Several petitions were presented to the Assembly praying them to discourage any attempt to promote an Independency on Great Britain, and that they would grant the Support for His Majesty's Government in this Colony as usual. Their Resolves, respecting the first your Lordship will see in their Minutes of Nov^r 28,¹ which are nearly similar to those before passed in the Assembly of Pennsylvania on the like Occasion. It seems, indeed, to be the general Opinion of those with whom I converse, that the Majority of people in both Provinces are greatly averse to an Independency; and, if they could be once con-

¹ See Minutes of the Provincial Congress, etc., 1775-6, 300.

vinced that their present Leaders have such Intentions, would immediately unite to oppose them in every such Attempt. But the Danger seems to be that the Design will be carried on by such Degrees, and under such pretences, as not to be perceived by the People in general till too late for Resistance. That some have such Designs is too evident from the Publications in the Newspapers, which are more immediately under the Influence of the Congress and their Adherents, if not by the System of Measures which have been uniformly pursued by them. Some of those Papers I enclose for your Lordship's Perusal.

The Assembly granted the usual Support of Government; but they evaded complying at present with His Majesty's Requisition to them on that Subject, communicated in my Message of the 21st of November. The Reasons they thought proper to give for their Non-compliance are contained in their Message of the 6th of December, which being the Day they were to be prorogued, agreeably to their and the Councils Request, I did not think it expedient to delay the Session longer merely on that account, or I should have pointed out the absurdity and Insufficiency of those Reasons.—However, I shall not fail doing it at the next Session, when perhaps, it may be of some Service, which there is no Probability of its being at last.

By the Minutes (Dec^r 5) your Lordship will perceive that the Assembly had it in their Intentions to petition His Majesty again on the Subject of the present unhappy Disputes. But after the Draft of an Address was prepared, which would probably have passed the House, a Committee of the general Congress at Philadelphia came in great Haste to Burlington desired Admittance into the Assembly, which being granted, they harrangued the House for about an Hour on the Subject, and persuaded them to drop their Design.

That your Lordship may have some Idea of the Arguments they used on this Occasion, I have obtained a Copy of the Notes taken by a Gentleman present, which contain the Substance of the Speech of M^r Dickinson of Philadelphia. The other Members of the Committee were M^r Jay of New York and M^r Wyth of Virginia. I have not seen the Draft of the Address, but I am told it contained some Plan or Proposals for an Accommodation, and that it was this Part which alarmed the Congress, and occasioned them to take so extraordinary a Step to prevent its being sent; they being of Opinion that no Colony ought to presume to make Separate Proposals, or to take Separate Measures on the present Occasion, but to leave the whole to their Management.

A Day or two before the End of the Session I received a very unexpected Attack from the Council. The Pretence was an Expression in my Reply to their Address, but as the Expression alluded to was very far from warranting any such Interpretation, I cannot but imagine it was pretended merely *ad Populum*. However, if that was their Aim, they have been greatly disappointed; for the Purport and Language of their Message is much disapproved by all Ranks of People. Even one of the Members of Assembly, who is far from being a Friend of mine, speaking of it in the House, called it "an unwarrantable, ungenerous and ungentlemanly attack on the Governor." The Truth is, as I have Reason to believe, that three of the leading Members of the Council are strongly inclined to favour the Measures of the Congress, and that the rest who were present have a Leaning the same way, except two, or three at most; and even those think it necessary to their Safety to observe a kind of trimming Conduct, a seeming Difference therefore with the Governor, who publickly and privately avowed his Disapprobation of those Measures,

would be likely to answer their Purpose at such a Time as the present. My Situation is, indeed, somewhat particular, and not a little difficult, having no more than one or two among the Principal Officers of Government to whom I can now speak confidentially on public Affairs.

Notwithstanding the Declarations of the Council and Assembly in their Addresses, with regard to the perfect Safety of the Officers of the Crown in this Province,¹ yet, in less than a Fortnight after the Session was over, two Judges and one Justice of the Peace who live in three different Counties, have been seised by Order of Committees, and one of them is a Member of the Assembly. What is to be their Fate I know not, but I cannot learn that they are even charged with having taken any active part against the Measures of the Congress, though they have refused signing Associations, and spoke against some of their Proceedings.

I have suspended William Alexander, Esq^r (claiming to be, and commonly called Earl of Stirling) from the Council, until His Majesty's Pleasure shall be known. The Reasons will appear in the Minutes of Privy-Council now copying, and which will be transmitted by the next Packet. If His Majesty shall think proper to remove him, I shall then recommend such person as I may think most suitable to serve the Crown in that Capacity.

Since Correspondence by Letter is become so precarious, and indeed dangerous, I obtain very little more Intelligence of publick Matters than what is to be found in the Newspapers. But I find it generally believed that the Congress have well-grounded Assurances of Assistance from France, if not from Spain; and that they are determined to apply for foreign Aid,

¹ Minutes of Provincial Congress, etc., 1775-6, 309-10.

if they find Government likely to employ foreign Troops against them. It is certain that they meet with little or no Difficulty in getting Powder, &c. from the French Islands, and I have Reason to think it is with the Connivance of the French Governors there. It is also suggested that the French Ambassador in England has immediate and full intelligence of what passes in the Privy or Cabinet Council, and conveys the same to some Persons in London connected with America. It has likewise been intimated that a French Fleet is expected in the River S^t Lawrence as early as the Season will admit; and we have certain Intelligence of a considerable Body of French Troops being arrived in the West-Indies.

Enclosed is a Copy of a Paper said to be wrote in New England, and sent to all the Sea Coasts in North America, to persuade the People to suffer their Towns to be destroyed rather than supply the King's Ships with Provisions.

In Sussex County in this Province there are, I am told, a considerable Body of People who are called Tories; and it is said they have been lately furnishing themselves with Arms & Ammunition, and that the Committee of Safety are to meet next Tuesday at Princeton, to consult on Measures for disarming them, &c.

The Provincial Congress here have given Leave to some Persons to export Country Produce, on Condition of importing the Value in Powder, and other military Stores. A Copy of one of their Resolves for that Purpose is enclosed.—I have no Doubt but a great Quantity will be smuggled into some of the Harbours on the New-Jersey Shore from Sandy-Hook to Cape May, particularly into Barnegat, Little and Great Egg-Harbour, unless prevented by the King's Ships.

Two of the New-Jersey Delegates to the Continental Congress (Mess^{rs} Kinsey and De Hart) have resigned their seats on pretence of Inconveniency, but it

is generally attributed to Apprehension of Danger. I enclose a Copy of the latter's Resignation that your Lordship may have an Opportunity of seeing what extravagant Ideas of the Measures of Government, these Men endeavour to instil into the Minds of the People.

For farther information respecting the publick Transactions in this and the other Colonies, I must beg leave to refer your Lordship to the enclosed News-papers, and to the printed Journal of the Proceedings of the Congress sent herewith.

The Assembly did not think proper to make any farther Attack on me, on Account of the Extract of my letter to your Lordship, printed in the Parliamentary Register; for which they have given some Reasons (probably not the true ones) in their Minutes of Nov: 30. But I am told that they have obtained a Copy of the whole of that Letter, though only a part was laid before Parliament. By what means this has been done I cannot learn, but I find it is suspected that it has been obtained by some management of M^r De Berdt, and that this has been one Reason for the Assembly appointing him their Agent.¹ I think it proper to give your Lordships this Hint, as it is represented by his Friends here that he has some Share of your Lordships Confidence and Regard, though, perhaps, without any just Foundation. At any Rate, as I have no Doubt but some Measures will be, if they are not already taken to influence Clerks in Office, I hope this Letter will be communicated only to His Majesty's most confidential Servants.

I have the 'Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's, most obedient
and most humble Servant

W^m FRANKLIN.

¹ Dennis De Berdt, father-in-law of Joseph Reed. He was appointed November 24, 1775.—*Minutes of Provincial Congress, etc.*, 1775-6, 295.

In Gov^r. Franklin's (N^o 31) of 5th Jan^y 1776

ELIZABETH TOWN Novb^r 13th 1775

Gentlemen of the Gen^l Assembly of the Colony of New Jersey

Your Resolution of the 24th of January past haveing Appointed me with others, to Attend the Continental Congress of the Colonies then intended to be held at Philadelphia in May following with Instructions to propose and agree to Every Constitutional measure for the accommodation of the unhappy Difference then Subsisting between our Mother Country & the Colony's. In obedience to the said Resolution with the other Gent^l., I attended the said Congress but have not been able by any Reasonable & Constitutional measure to obtain that accommodation so ardently wished for by the House, on the contrary his Majesty Seemeth to have turned a deaf ear, to all the Supplications of his Loyal Colonists & his Ministers & Parliament have denounced vengeance ag^t all those in America who refuses absolute Submission to Acts of Parliament, in all cases whatsoever, & have caused the Blood of numbers of his Majesty's most Loyall American subjects to be Spilled which with other Arbitrary & Barbarouse Actions hath Compelled the Colonies to arm in their own defence & hath brought them to the verge of a civill Warr with the Parent State so that all prospect of procuring an accommodation by Constitutional Measures Seemeth to be nearly at an end.

The Peculiar circumstances of my family hath Prevented me from attending the Congress for some time past, & the same yet continuing renders it uncertain when I shall be able to attend. This & other reasons needless to be mentioned induces me earnestly to desire & request that the Honorable House, will now be

pleased to appoint Another to Attend the Continental Congress in my stead

I am Gentⁿ your most obliged &
most ob^t humble Servt

J. DE HART.

1st The inconsistency of fitting out Privateers at a Great expence to intercept Ships laden with Provisions for the Enemy, & at the same time recommending it to each particular Sea Port Town to furnish, at least not to prevent them from furnishing the Men of War with all Provisions & Necessaries is so manifest that it would be idle to dwell upon it.

2nd Is it to be said that it is Prudent by this act of compliance to save the Towns from Cannonade, it may be answer'd the Men of War will certainly make further demands, & on the same principles their demands must be Complied with.

3^d Is it not reasonable to suppose when the Ministerial Instruments reap such fruits from their menaces, that they will point out to their Masters, the weak part of America, and consequently that they will be encouraged to persist in their Plan.

4th Is it not probable, or almost certain, if one Town bids them defiance, that the rest would be ashamed not to follow the example? and vice versa, if the Sanction of the Congress is given to any degree of Compliance and Submission to their terms is it not probable that some one Town will avail itself of the Sanction & Extend their Complacence in proportion to the magnitude of the threats? then another & another will plead precedent, & thus ultimately the Enemy will be enabled by our own assistance to continue the War to our destruction?

5^{thly} Is it not certain that if once the spirit prevails of denying every kind of refreshment to the Ships of War they cannot possibly keep their Station, that dis-

eases & desentions of the Crews would in a Short time unman the fleet, & Consequently the distresses of America be brought to speddy issue? but if it becomes an established rule to furnish the Ships with necessaries may not the war & distresses of America be prolonged ad infinitum?

6^{thly} Is it in fact a clear Case that Ships of war can with so Great facility destroy Sea port Towns? If indeed they have force Sufficient to Land they may effect this distruction but those who suppose it can be done by dint of Canonade, must be very little acquainted with the effects of Cannon. Cannon makes a formidable nois to ears unused to the sound, but towns will receive inconsiderable damage from the utmost fury of any Ships of War which can come into our Harbours.

But in our present circumstances (taking it for granted that Ships & Cannons can work all this mischief) is it not necessary to enculcate the principal of making partial Sacrifices for the General good? for if this Principal is not established, could a poor defenceless Town be censured for Submission to any Terms which their Lords may choose to dictate.

Would any Circumstance so effectually reduce the Ministry to despair as showing an indifference about the existance or destruction of ower Towns?

In Gov^r Franklyn's—(N^o 31) of 5th January
1776.

Application having been made in this Congress by M^r Richard Westcott of Gloucester County for Leave to freight a Vessel to some foreign Port with the Produce of this Colony to purchase Gunpowder & other military Stores for the use of this Province, offering to give Sufficient Security that the net Proceeds of such Produce shall be laid out in the Purchase of such Powder & Military Stores, the whole thereof to be

landed in this Colony (the Danger of the Seas and Enemies only excepted) and that this Congress or the Committee of Safety, are to have the election to purchase the same: And this Congress having taken the said Proposal into Consideration and the same appearing not to be repugnant to, but strictly consistent with the Spirit & Design of the Resolution of the Continental Congress for encouraging the Importation of those necessary Articles; and Proposals of this Nature under certain Restrictions as to the Number of Vessels to be employ'd on this Occasion, appearing to this Congress to be of publick utility at this Critical Time; It is therefore unanimously Resolved that M^r Westcott's Proposals be accepted, Provided that sufficient security be given to the Committee of the County of Gloucester that the same be punctually & duly complied with (Subject nevertheless to the above exceptions) and that no other Goods or Merchandise of any sort be imported in such Vessel.

M^r Richard Somers having made the same Proposals subject to the same Conditions as above, It is therefore resolved unanimously that M^r Somers's Proposals be also accepted.

Copy of an oath impos'd on the Inhabitants of Newport Rhode Island by G^t Lee

here in the presence of Almighty God, as I hope for Ease, Honour & Comfort in this world, & happiness in the world to come, most earnestly devoutly and religiously Swear that I will neither directly or indirectly assist the wicked Instruments of ministerial Tyranny & Villainy, commonly called the King's Troops and Navy, by furnishing them with provisions and refreshment of any Kind, unless authorized by the Continental Congress or Legislature at present established of this particular Colony of Rhode Island.

I do also swear by the tremendous and Almighty God that I will neither directly or indirectly Convey any intelligence, nor give any advice to the aforesaid Enemies described, and that I pledge myself if I should by any accident get Knowledge of such treason, to inform immediately the Committee of Safety and as it is justly allowed that when the Rights and sacred Liberty of a Nation or Community are invaded, Neutrality is not less base & Criminal, than open & avowed hostility. I do further swear & pledge myself, & as I hope for eternal Salvation, that I will when ever called upon by the voice of the continental Congress, or that of the Legislature of this particular Colony, under their authority to take up Arms & subject myself to Military discipline in defence of the Common Rights & Liberty of America So help me God.

An Act or Law Made & Passed by the General Court, or Assembly of His Majesty's English Colony of Connecticutt in New England in America, holden at New Haven by Special Order of the Governor of said Colony, on the 14 Dec^r 1775.

An Act for Restraining & Punishing Persons who are inimical to the Liberty's of this, and the rest of the United Colonies and for directing Proceedings therein.

Be it Enacted by the Governor, Council & Representatives in general Court assembled, and by the Authority of the same That if any Person within this Colony, shall directly or Indirectly supply the Ministerial Army or Navy with Provisions, Military or Naval Stores, or shall give any Intelligence to the officers, Soldiers or Mariners belonging to said Army or

Navy, or shall Enlist or procure any others to Enlist into the service of said Army or Navy, or shall take up Arms against this, or either of the United Colonies or shall undertake to Pilot any of the Vessels belonging to said Navy, or in any other ways shall aid or assist them, and be thereof duely convicted before the Superior Court, shall forfeit all his Estate, which shall be accordingly Seized by Order of said Court, for the use of this Colony: and such Person shall be further punished by Imprisonment, in any of the Goals in this Colony, at the discretion of said Court, for a Term, not exceeding three Years.

And be it further Enacted by the Authority aforesaid That if any Person by Writing or Speaking, or by any overt Act shall Libel or defame any of the Resolves of the Hon^{ble} ——— Congress of the United Colonies, or the Acts & proceedings of the General Assembly of this Colony made, or which hereafter shall be made, for the defence or Security of the Rights & Privileges of the same, and be thereof duly convicted before the Superior Court, shall be disarmed, and not allowed to have, or keep any Arms, and Rendered Incapable to hold or serve, in any office Civil or Military, and shall be further punished either by Fine, Imprisonment or Disfranchisement, or find Surety of the Peace & good behaviour, as said Court shall order, and shall pay the cost of Prosecution.

And be it further Enacted by the Authority aforesaid That on Complaint being made to the Civil Authority, Select Men, and Committee of Inspection of the Respective Towns in this Colony, against any Person or Persons Dwelling or Residing in such Town or any adjoining Town in the same County where there is not a Committee of Inspection, that he or they are inimical to the Liberty's of this Colony, and the other United Colonies in America, it shall be the duty of such Civil authority, Select Men & Committee to

cause every such Person or persons to appear before them, to be examined, and if on Examination they shall not be able to Satisfy the said Authority, Select Men, and Committee, or the Major part of them, that they are not Inimical to this or the other United American Colonies; then such Person or Persons shall be by Order of said authority, Select Men & Committee, or the Major Part of them, Disarmed & not allowed to have or Keep any Arms Untill they shall satisfy said Authority, Select Men and Committee, or the Major Part of them that such Person or Persons are friendly to this and the other United Colonies.

And for the more effectual Carrying into Execution this Act according to the true intent and meaning thereof.

Be it further Enacted by the Authority aforesaid

That when any Person shall be duely convicted & ordered to be disarmed as aforesaid, the Superior Court, or Civil Authority, Select Men, & Committee aforesaid, as the case may happen, are hereby Impowered, & fully authorized to Issue a Warrant, signed by the Clerk of the Superior Court, or by one or more of said Civil Authority, directed to the Sheriff of the County, his deputy, or to the Constables of the Town, wherein such Person or Persons dwell, directing and ordering such Officer forthwith to disarm such Person or Persons and in case, he or they shall refuse to Resign up his or their Arms, said Officer, by & with the advice of any one Assistant and Justice of the Peace, or two Justices of the Peace, is hereby authorised to Raise the Militia of the County, or so many of them, as they shall Judge Needful for the purpose of carrying into Execution such Warrant; and all Military Officers & Soldiers being duely required, who shall refuse or neglect to obey the Command of such Sheriff, his Deputy, or Constable, shall be subject to the same penalty, as by Law is provided for Commission Officers & Soldiers

who Refuse to Obey the Sheriff in the Execution of his Office.

And all Informing Officers are directed to Inquire after, and due presentment make of all the Breaches of foregoing Paragraphs of this Act.

And be it further Enacted by the authority aforesaid. That on Information being made to any of the County Courts within this Colony by the Select Men, of any Towns, or the Major part of them, that there are real Estates in such Towns belonging to any Person or Persons, who have since the making of this Act or shall Continue to hold & screen themselves under the Protection of the Ministerial Army or Navy, or have aided or assisted in carrying into Execution the present Ministerial measures against America, such County Courts within this Colony wherein such Estate lyeth are hereby authorised and Impowered to Issue a Warrant to attach such Estate an attested copy thereof With the Officers doings thereon shall be left at the last usual place of abode, of such Person or Persons if within this Colony, at least twelve days before the Sitting of next County Court in such County, and if on Inquiry by said Court, said Information shall be found true, Said Courts are directed to order said Estate so attached to be held under the care of such Person or Persons as said Courts shall appoint who shall Improve said Estate or Estates for the Use of this Colony & be Accountable for the Rents & Profits thereof.

Notes of what M^r Dickinson said before the House of Assembly of New Jersey.

[The Words in italic are his own Words]

He began with informing the House, That the Congress *alarmed at the Reports of the House going to petition the King* had taken the *Matter into their Seri-*

ous Consideration. The Result was, that he & his Colleagues were deputed by Congress to wait on the House—He then began with the first Congress—their first meeting to appease the Disorders occasioned by oppressive Acts of Parliament—Their *humble Petition and Declaration of Rights*, which was approved by all America, particularly by this House, which adopted in great Part the very Words—but the Congress Petition was rejected, and *Britain prepared for War.* She had been taught to believe *we were a Rope of sand and would not fight*—To divide us the Resolution of the 20th of February was sent out, which Congress rejected, Pennsylvania rejected, and this House, to their *Honour*, in a most *manly Manner*, in their *excellent Address to their Governor*.—In the Spring Gen^l Gage sent a Detachment to Lexington, which, *without Cause*, put to Death some Americans, but in the End were forced *to retreat shamefully*.—When the new Congress met a general Ferment was through the Colonies, and *an universal Union.* *Had the Congress then drawn the Sword and thrown away the Scabbard, all Lovers of Liberty, all honest and virtuous Men would have applauded them*, but they again *humbly petitioned*, sent it by the *Hon^{ble} M^r Penn* [which he would not have the House believe was rejected because no Answer was given—said no Answer was ever given to Petitions unless received on the Throne—said that the Conduct of Parliament & Administration would be the only Answer—suggested that it was received, and some Proposals or an Act of Parliament would be the Consequence]—He then went on—But it was *necessary to convince Britain that we would fight, and were not a Rope of Sand*—Therefore *an Army was formed, &c—Expedition against Canada, &c—Success attended us everywhere.—The Savages, who were to be let loose to murder our Wives and Children, were our Friends—The Canadians fought in our*

Cause—and Canada, from whence Armies to overrun us is conquered in as few Months as it took Britain Years. We have nothing to fear but from Europe, 3000 Miles distant—but a Country so united cannot be conquered.—The Eyes of all Europe are upon us;—until this Controversy the Strength & Importance of this Country was not known—The Nations of Europe look with jealous Eyes on the Struggle—Britain has natural Enemies, France and Spain—should we be unsuccessful in the next Campaign,—France will not sit still and suffer Britain to conquer.—He then bragged of our Success & Courage—said nothing would bring Britain to Terms, but Unity and Bravery—That all Britain wanted was, to procure Separate Petitions which we should avoid. It would break our Union, we would become a Rope of Sand.—He repeated, as if to frighten, That neither MERCY nor JUSTICE was to be expected from Britain.—He again complimented the House on their former Petition and noble Answer to the Governor in their Address on the Resolution of the 20th of Feb^r and intreated us not to petition, but rest on our former Petition, and that of UNITED AMERICA.

He spoke more than half an Hour.

Mr Jay—Said We had nothing to expect from *the Mercy or Justice* of Britain—That *Petitions* were now not the *Means, Vigour & Unanimity* the only Means—That the *Petition of United America* presented by Congress ought to be relied on,—others unnecessary—and Hoped the House would not think otherwise.

He spoke about 12 or 15 Minutes

Mr Wythe spoke about 8 Minutes to the Same Purpose.

Articles of Confederation and perpetual Union
entered into by the Delegates of the several

Colonies of New Hampshire &c in General
Congress met at Philadelphia May 10th 1775¹

ARTICLE 1st,

The Name of this Confederacy shall henceforth be the United Colonies of North America.

2^d,

The said United Colonies hereby severally enter into a firm league of Friendship with each other, binding on themselves & Posterity, for their common Defence against their Enemies, for the security of their Liberties and properties, the safety of their persons & families.—and their mutual & general Welfare.

3^d

That Each Colony shall enjoy & retain, as much as they think fit of their present Laws, Customs Rights, Privileges & peculiar jurisdictions, within its own limits, and may amend its own Constitution, as shall seem best to its own Assembly or convention.

4th

That for the more convenient management of general interests, Delegates shall be annually elected, in each Colony to meet in general Congress at such time and place, as shall be agreed on, in the next preceding Congress, only where particular Circumstances do not make a deviation necessary it is understood to be a rule that each succeeding Congress to be held in a dif-

¹ This is the plan proposed by Dr. Franklin in the Congress which met May 10, 1775. It was brought forward July 21, but was never acted upon, as it was apparent to most that such a plan was actually the setting up of an independent Government, and Congress was as yet averse to a separation from the mother country. The copy here given differs slightly in some articles from that carefully revised and edited by Mr. Sparks; because this copy has not been revised nor edited it is all the more valuable, as likely to be more accurate.—*Works of Franklin*, V., 91; *Pitkin's Hist. U. S.*, I., 348; *Otiss Botta's Hist. Revolution*, I., 224. And see the debate on confederation in July, 1776, and October, 1777.—*Works of John Adams*, II., 492-502.—[W. N.]

ferent Colony, till the whole number is gone through, & so in perpetual rotation, and that accordingly the next Congress after the present shall be held at Annapolis in Maryland.

5th

That the Power & duty of the Congress shall extend to the determining on War & Peace,¹ the entering into alliances—the reconciliation with Great Britain.—the settling all disputes & differences between Colony & Colony, if such should arise.—And the Planting of New Colonies where proper.—The Congress shall also make such general ordinances as may be thought necessary to the general Welfare, which particular Assemblies cannot be competent to.—these that may relate to our General Commerce or general Currency, to the Establishments of Posts—The Regulation of our common forces—the Congress shall also have the appointment of all Officers, civil & military appertaining to the General Confederacy such as General Treasurer, Secretary &c &c

6th

All charges of War, and other general expences to be incurred for the general Welfare, shall be defrayed out of a Common Treasury, which is to be supplied by each Colony in proportion to its number of male Polls between 16 and 60 years of Age, the taxes for laying that proportion are to be laid & levied by the laws of each Colony.

7th

The number of Delegates to be elected and sent to the Congress by each Colony shall be regulated from time to time by the Number of such Polls returned, so as that one Delegate be allowed for every 5,000 Polls, and that the Delegates are to bring with them to every congress, an authenticated return of the number of

¹ In Sparks's copy the words [the sending and receiving ambassadors] are here inserted.

Polls in their respective Colonies, which is to be taken for the purposes above mentioned.

8th

At every meeting of the Congress, one half of the returned exclusive of Proxies, shall be necessary to make a Quorum, and each Delegate at the Congress shall have a vote in all Cases, and if necessarily absent, shall be allowed to appoint any other delegate from the same Colony to be his Proxy to vote for him.

9th

An Executive Council shall be appointed by the Congress out of their own body consisting of Twelve Persons, of whom in the first appointment one third viz^t Four shall be for one Year—four for two Years, & four for three Years—and as the said term expires the Vacancies shall be filled by appointment for three Years, whereby one third of the number will be changed annually, and each person that has served the said term of three Years a Councillor, shall have a respite of three years before he can be elected again. This Council of whom two thirds shall be a Quorum, in the recess of the Congress is to execute what shall have been enjoined thereby to manage the General Continental Business and Interest.—to receive applications from foreign Country's—to prepare matters for the Consideration of the Congress—to fill up protemp^y continental Offices that fall vacant and to draw on the General Treasurer for such money as may be necessary for general services and appropriated by the Congress to such Services.

10th

No Colony shall engage in an offensive War, with any Nation of Indians without the Consent of the Congress or great Council above mentioned who are first to consider the Justice and Necessity of such War.

11th

A Perpetual alliance offensive & defensive is to be entered into as soon as may be by the Six¹ Nations—Their Limits ascertained, and to be secured to them, their Lands not to be encroach'd on, nor any private or Colony Purchases made of them hereafter to be held good, nor any Contract for Lands, to be made, but between the great Council of the Indians at Onondaga and the general Congress.—The boundaries & Lands of all their Indians shall be ascertained and secured to them in the same manner—and Persons be appointed to reside among them in proper districts, who shall take care to prevent injustice in the trade with them, and be enabled at our general Expence by occasional small supplies to relieve their personal Wants and distress—And all Purchases from them shall be by the Congress for the general advantage and benefit of the United Colonies.

12th

As all new institutions may have imperfections, which only time and experience can discover, it is agreed that the General Congress from time to time propose such amendments of this Constitution as may be found necessary which being approv'd by the majority of the Colony Assemblys shall be equally binding with the rest of the articles of this Confederation.

13th

Any and every Colony from Great Britain upon the Continent of North America, not at present engaged in our association, may upon application and joining the said Association be received into the Confederation Viz² Quebec, S^t Johns, Nova Scotia, Bermuda, and the East & West Florida's, And shall thereupon be entitled

¹ I. e., with.

² In the draft given by Sparks, Ireland and the West India Islands are here inserted.

to all the advantages of our Union—mutual Assistance & Commerce: These Articles shall be proposed to the several Provincial conventions or Assembly's, to be by them considered, and if approved, they are advised to empower their Delegates to agree and ratify the same in the next ensuing Congress, after which the Union thereby established, is to continue firm till the terms of reconciliation proposed in the Petition of the last Congress to the King are agreed to, till the Acts since made restraining the American Commerce & Fisheries are repealed, till reparation is made for the Injury done to Boston, by shutting up its Port—for burning Charlestown, and for the Expences of the unjust War—and till all the British Troops are withdrawn from America—On the arrival of these Events, the Colonies are to return to their former connections and friendship with Great Britain, But on failure thereof this Confederation is to be perpetual.

Whereas it hath pleased God to bless these Countries with a most plentiful harvest whereby much corn and other provisions can be spared to foreign Nations who may want the same Resolved that after the expiration of Six Months from the 20th day of July instant, being the day appointed by a late Act of Parliament of Great Britain for restraining the Trade of the Confederate Colonies, all the custom houses therein (if the said Act be not first repealed) shall be shut up, and all the Officers of the same be discharged from the execution of the several functions—and all the Ports of the said Colonies are declared to be thenceforth open to the Ships of every Port and State in Europe that will admit our Commerce and protect it: who may bring in, and expose to Sale, free of all Duty their respective produce and manufactures & every Kind of merchantdize excepting Teas, the Merchantdize of Great Britain, Ireland & the British West India Islands.—Resolved that we will to the utmost of our Power main-

tain & support this freedom of Commerce for two Years certain after its commencement—any reconciliation between us and Great Britain notwithstanding, and as much longer beyond that term as the late Acts of Parliament for restraining the Commerce, Fishing and Altering the Laws & Charters of any of the Colonies shall continue unrepealed.

Message to the Governor, in Answer to his Message on the Support of Government, dated Nov^r 21.—December 6, 1775.

HOUSE OF ASSEMBLY Dec^r 6. 1775

Ordered

That M^r Hinchman and M^r Mehelm do wait on his Excellency and in Answer to his Message of the 21st of November inform Him That this House have taken the same into their serious Consideration, and altho' they entertain the most grateful Sense of the Attention that has been shewn to the Wishes of the Colony in the Allowance of the Loan Act, and of his Majesty's gracious Inclination to give "every Indulgence that can consist with the true Principles of Commerce and the Constitution" and are Sincerely disposed to grant his Majestys Requisitions as far as the Circumstances of the Colony will allow, Yet at this Time the House cannot think it prudent to go into any Increase of the Salaries of the Officers of Government, nor do they apprehend that it will be beneficial for his Government over us to settle them longer than for the usual Time, or expedient to erect Buildings at present, better to accommodate the Branches of the Legislature.—

That the House hopes when it is Considered that on his Excellencys Arrival to this Government the Salary was raised from 1000 to £1200 p Annum which has been continued ever since, that £60 a year has con-

stantly been granted to provide a House for his Excellency's Residence, that the Salaries of the Justices of the Supreme Court have been lately raised from 50 to £150 *per annum*, that the other Crown Officers either have Salaries given to them or Fees equal to the Importance of their Service, That there are Places provided for the Legislature to meet and do the publick Business at Perth Amboy, and that altho such Provision is not made at Burlington yet no considerable Inconvenience has attended it. When his Excellency considers these Matters he will, we hope, be of Opinion with us that the House has shewn a Disposition to make such suitable Provision for the Support of Government as from Time to Time was in their Power, which Nothing has retarded more than the Inconvenience of Two Seats of Government, a Circumstance they sincerely wish was removed, But the House assure his Excellency that at a future Day when this Inconvenience shall be remedied, and the unnatural Controversy now subsisting, is happily settled, they will shew their Readiness to comply with every just Requisition, and demonstrate that they ever mean their Actions shall correspond with their Professions.

By Order of the House

RICH^d SMITH, Clerk

Letter from Gov. Franklin to the Earl of Dartmouth, giving an account of his arrest by Col. Winds, also of the entering and searching the house of Mr. Skinner.

[From P. R. O. America and West Indies, Vol. 178 (196).]

PERTH AMBOY, Jan^y 8, 1776

Right Hon^{ble} the Earl of Dartmouth, &c

My Lord,

I Yesterday writ to your Lordship informing you that my Dispatch of the 5th Instant was seized by

Lord Stirling.¹ Soon after, about Noon, I had Intelligence that he had sent his Lieu^t Col. W^m Winds, with a Party of Provincial Soldiers, to join a Party which had been for some Weeks before at the Barracks of this City. He gave out that he came to wait on the Governor on some particular Business; however, I heard nothing from him until about two o'clock that Night, when I was awaked with a violent knocking at my Door, which alarmed my Wife so much that I was not without Apprehensions of her Dying with the Fright. Looking through the Chamber Window I perceived that a Number of armed Men had invested the House. My Servant going to the Door received a Letter from a Man who told him it was from Col. Winds, and that he must have an immediate Answer. —The Letter is in these Words, viz^t

“His Excellency William Franklin, Esq?”

“I have Hints that you intended to leave the Province if the Letters that were intercepted should be sent to the Continental Congress, as I have particular Orders concerning that Matter, I desire that you will give me your Word and Honour that you will not depart this Province till I know the Will & Pleasure of the Continental Congress concerning that Matter.

“From Your humble Servant

“WILLIAM WINDS.”

To which I returned the following Answer.

“Sir, Being conscious that my Letter which has been intercepted contained nothing but what was my Duty to write as a faithful officer of the Crown (being a mere Narrative of such Facts and Reports as had come to my Knowledge concerning publick Transactions) I have not the least Intention to quit the Province, nor shall I unless compelled by Vio-

¹ See Duer's Life of Lord Stirling, 118.

“lence. Were I to act otherwise it would not be consistent with my Declarations to the Assembly, nor my Regard for the good People of the Province.”

“Your humble Servant,

“WILLIAM FRANKLIN.”

Soon after a Number of Centinels were posted at different Places round the House till towards Day Light, when they were all withdrawn, excepting one at my Front Gate, who still continues there.¹ And I have just received Intelligence that two of the Officers were overheard to declare that they are determined to seize me at the Barracks till the Determination of the Congress is Known.

Mr Skinner's House was invested the same Night when they obtained an Entrance and searched the House through for him, but without Effect, as he had the Precaution to leave the Town in the Morning, in order to endeavour to make his Escape across Staten Island to one of the King's ships at New York, where, from what I have since heard, he is probably arrived safe.

Winds, I understand, has sent my Letter to Lord Stirling at Elizabeth Town, and waits farther Orders from him. He has just assured a Servant of mine who met him in the Street, that he was extremely concerned for the Disturbance he had given me and Mr^s Franklin at such an improper Time of the Night, but that he could not avoid it, his Orders being positive to send his Letter to me at that Time. So that it seems I have no Body to blame but Lord Stirling for that Transaction.

I find it is conjectured that the Congress will order me to be seized and sent to the Interior Part of the Country, that I may not have an Opportunity of

¹ For the peppery correspondence between Gov. Franklin and Lieut. Winds on this occasion, see Duer's *Life of Stirling*, 120-1.

transmitting any more Intelligence to your Lordship. This has occasioned me to make another Copy of the Letter which was intercepted, in hopes of having some safe Opportunity of conveying it to New York in Time for the Ship.—Some of the Newspapers, &c. sent in the Original I have no Duplicates of.

M^r Dashwood Secretary of the General Post Office has been kind enough, on hearing of the Disaster which befel my Dispatch to send off a Man belonging to the Office at New-York for any Letters I may have for England; but as I find there are Centinels placed at all the Ferries, and in many other Places, it will not be prudent to trust him with this Dispatch.

Whatever may happen I am determined that nothing shall influence me to swerve in the least from that Loyalty and Duty, which I owe His Majesty which has been the Pride of my Life to demonstrate upon all Occasions.

I have the Honour to be, with the greatest Respect and Regard,

My Lord, Your Lordship's most obedient
& most humble servant
W^m FRANKLIN

Report of Richard Jackson, Esq., on an Act passed in the Province of New Jersey in September, 1772, for the relief of Richard Stevens with respect to the imprisonment of his person.

[From P. R. O. B. T., New Jersey, Vol. 10, L. 39.]

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

May it please your Lordships

In obedience to your Lordships Commands Signified to me by M^r Pownall, I have perused and consid-

ered An Act passed by the Governor Council and Assembly of New Jersey in September 1772 Intitled,

An Act for the Relief of Richard Stevens with respect to the Imprisonment of his Person.

And I see no material objection in point of Law to the same

Which is humbly submitted by

My Lords, Your Lordships' Most Obedient,

Most Humble Servant,

22^d February 1776

R^p JACKSON

Letter from Gov. Franklin to Secretary Lord George Germain, giving an account of the Seizure of his person by order of Lord Stirling.

[From P. R. O. America and West Indies, Vol. 178 (196).]

PERTH AMBOY March 28th 1776

Rt. Hon^{ble} Lord George Germain.

My Lord,

I am honoured with your Lordship's Dispatch N^o 1. and a circular Dispatch dated the 23rd of December.

I cannot have a stronger Inducement to persevere in my zealous Endeavours for the King's Service, than to find they are approved by His Majesty. It is this Consideration which has incited me to hold up under the present surrounding Difficulties and to risk all impending Dangers.

My Letters to Lord Dartmouth of the 7th & 8th of Jan^{ry} will give your Lordship some Idea of my then disagreeable Situation. I have not at present sufficient Leisure to give a particular Detail of the several Occurances since that Time; but as I have kept a regular Diary of the principal Transactions, and the Treatment I received in consequence of the Interception of

my Dispatches, I have it in my Power to furnish a full Account of them should it ever become necessary or expedient. It may suffice at this Time to inform your Lordship that, as I absolutely refus'd to give my *Word and Honour* to Lord Stirling's Lieu^t Col. Winds not to leave the Province until further Orders from the Congress, and as I wrote him a Letter commanding him to remove the Guard placed about my House as he would answer the contrary at his Peril, Winds was ordered by Lord Stirling to seize my Person and send me under a Strong Guard to Elizabeth-Town, a Place about 16 Miles from hence, where his Lordship had his Head Quarters.¹ Accordingly I was made Prisoner by a Party of about 100 Soldiers, headed by four or five Officers, it not being in my Power in the present Situation of Affairs to make the least Resistance. But while I was getting myself ready to go with them, the Chief Justice who resides in this Town, came in and informed me, that being greatly alarmed at hearing of my being made a Prisoner, and apprehensive for the Ill Consequences that would ensue to the Province in general, and to this Town in particular, should I be demanded by one of the King's Ships now Stationed at New York, he had, before he left his House sent a Message to Winds, then at Amboy Barracks, requesting he would countermand the Orders he had given for sending me to Elizth Town, and from Winds's Answer he had reason to think that he was disposed to comply with his Request—that he had therefore come to desire the officers would not remove me from my House until they should hear further from Winds, to whom he was then going. As I express'd myself perfectly indifferent whether I was sent to Elizth Town or not, and that I should consider the Insult I

¹ "I have provided good genteel private Lodgings for the Governor, at Mr. Boudinot's which I expect he will occupy this afternoon, and where I intend he shall remain untill I have directions from Congress what to do with him," wrote Lord Stirling from Elizabethtown, January 10, 1776.—4 *American Archives*, VI., 596.

had received equally the same, and as the officers intimated their Doubts whether Winds could dispense with the Orders he had receiv'd from Lord Stirling, the Chief Justice again repeated his Request that we would not depart from my House till he had seen Winds. My Answer was, that I certainly had no Inclination to be taken from Home, especially as I must leave M^{rs} Franklin in so dangerous a State as she had been thrown into by her Fright on the Occasion, yet, as they had presumed to come with an armed Force and make me a Prisoner, I was determined to ask nothing that should have the Appearance of a Favour to myself, nor would I at all interfere in the Matter, but should be ready to go in a Quarter of an Hour wherever they might think proper to take me. However the Officers consenting to wait till the Chief Justice should go to the Barracks, I got myself ready, and, after waiting about an Hour, finding the Officers seemed uneasy that he did not return so soon as they expected, and I having particular Reasons why I wish'd not to delay the Journey longer if I was to undertake it, I told them I was ready to set out whenever they thought proper. On which they desired me to get into my Coach, then waiting at the Door, and I set out, accompanied by M^r Stephen Skinner, one of His Majesty's Council, whom I had desired to go with me, in order to be Witness to what might pass between me and Lord Stirling. But I had not gone above 2 or 3,00 yards before I met the Chief-Justice, accompanied by one of Wind's officers, who directed my Guard to stop, and informed them that Col. Winds had consented to my remaining at my own House, until the Chief Justice should return from Elizth Town, where he had promised to go in order to represent the Impropriety of my Removal, and to prevail on Lord Stirling to recall his Orders. I was accordingly brought back to my House, where Winds soon after came, and I

told them that as to sending to Lord Stirling, I desired they would remember that it was a Matter entirely between themselves; for that I considered myself as in illegal Confinement, and should therefore neither approve nor disapprove the Measures. The Result was, that the Chief-Justice went to Lord Stirling—the Guards were soon after his Return removed from my House, and I have continued unmolested ever since'.—I have heard, indeed, that many of the Members of the Continental Congress disapproved of Lord Stirling's Conduct toward me, tho' they have not as a Body censured him on that Account; but it is not improbable that it is in a great Measure owing to this Circumstance that I have not yet experienced any farther Effects of his Resentment for my Suspension of him from the Council.—On the whole I should have been better pleased that the Chief Justice had not interfered between us, (tho' he probably did it from the best Motives) as the Congress, had I remained a Prisoner at Elizabeth Town, would have been under a Necessity of giving some Orders respecting me, and I much wanted to see how they would have behaved on the Occasion. . It has long appeared to me, that they, or some of them at least, wanted to have the King's Governors to quit the Colonies, that they might have a Pretence for forming them into separate Republics, as they have already done in New Hampshire, where they alledge the Governor's absenting himself to be one of their principal Reasons for establishing a new Form of Government. This Consideration determined me to remain here as long as possible, that they might not have the same Pretence for assuming and altering the Government in this Province, tho' it has been often

¹ Lord Stirling reported to Congress: "Chief Justice Smyth, thinking if possible to put the matter upon an easier footing for the Governor, prevailed on him to give his parole not to depart from his house on any pretence whatever, not even if a rescue should be attempted by Captain Parker, or any other person."—*4 American Archives*, VI., 622; *Duer's Stirling*, 121-2.

recommended to me to retreat in Time. Perhaps, if there had been a King's Ship stationed in the Harbour at Amboy, on Board of which I might have resided as Gov^r Tryon had done, and yet still consider myself as in my Province, and execute the Powers of Government, I might, during the Time I was so ill-treated, have contrived to have gone on Board; but as that was not the Case, my Language has constantly been — *You may force me, but you shall never frighten me out of the Province.*

M^r Cortland Skinner (the Attorney-General & Speaker of the Assembly) whom I mentioned in a former Letter, as having taken Refuge on Board a Man of War, is now with Governor Tryon on Board the Duchess of Gordon; nor can he, consistently with Prudence, yet venture to return, as much Pains have been taken to represent his Letter as highly inimical to the Liberties of America. I much regret his Absence, as he is a Gentleman in whom I could put the utmost Confidence in whatever respected His Majesty's Service; he having uniformly, from the first of the present unhappy Disputes, bore his public Testimony against the outrageous Conduct of the Americans. His Absence is likewise of great Detriment to his Family, he having a Lady and thirteen Children whose support in a great Measure depends on his Practice. I cannot therefore but recommend his Case to His Majesty's most gracious Consideration.

It has been intimated to me, that I shall probably have some Difference with the Council at their next Meeting, on Account of that Paragraph of my intercepted Dispatch (N^o 31) which respects their Conduct at the late Session. I have long had a great Esteem for most of the Gentlemen of the Board, and we have hitherto done Business together with great Harmony. The greatest Part of those present were brought into the Council on my particular Recommendation, and I

flattered myself were my particular Friends. However, they thought proper to send me, without any just Pretence, what, I think, will appear to every Man of Sense and Candour, an angry illiberal Message. I returned them an Answer with as much Temper as I was Master of. As these Messages were of course to be transmitted to His Majesty's Secretary of State, it was necessary that I should give my Opinion as to the Cause and Intention of so unprovoked an Attack. This I did to the best of my Judgment at the Time I wrote my Letter, nor have I yet any Reason to attribute their Conduct to any other Motives than what I there suggested. If I ever should have Reason to think myself mistaken on that Head, I shall deem it my Duty to inform your Lordship of it. I am convinced that there are some Members of the Council who reprobate most of the Measures which have been adopted by the Congress as much as I do, tho' they have at Times been under a Necessity, for the Preservation of themselves & Families, in these Times of Violence, to appear to entertain Sentiments of a different Nature. I am likewise persuaded that there are others who do really approve the Measures of the Congress, and who do not scruple to publicly indicate them in some of the most important Points. I do not believe, however, that these were aware of the pernicious & destructive Tendency of those Measures; on the contrary, I have no doubt but that their Approbation was founded on a full Persuasion they had, that the Congress meant what they professed—a Reconciliation with the Mother Country on the Principles of the English Constitution. Nor do I imagine they would have given any Countenance to the Proceedings of the Congress had they suspected a Design in them or their Leaders of widening the Breach for the Sake of a more easy Admission of Independency.

And, indeed, I cannot but think, it is not only doing the Gentlemen of the Council, but the greatest Part of the Members of the Continental Congress, Justice, to believe that they are averse to Independency, notwithstanding that the Majority have incautiously suffered themselves to be led by some designing Men among them into a System of Measures which, if successful, can have no other Effect.

I have been told that a Majority of the Provincial Congress which lately met at Brunswick, appeared inclined to adopt an Independency, should it be recommended by the Continental Congress at Philadelphia; but I do not imagine that would be the Case with the present Members of the New-Jersey Assembly, notwithstanding it must be allowed that the Minds of a great Number of the People have been much changed in that respect since the Publication of a most inflammatory Pamphlet in which that horrid Measure is strongly and artfully recommended. This Pamphlet, however, has had one good Effect, which will in some Degree counteract the Mischiefs it was intended to promote. It has been the Means of opening the Eyes of many People of Sense & Property, who before would not believe that there were any Persons of Consequence, either in or out of the Congress who harboured such Intentions. Those are now alarmed—see their Danger—and begin to venture to express their Fears & Apprehensions. Several Pieces in the Newspapers, and one Pamphlet, in Answer to Common Sense, have already appeared in Philadelphia. Another Answer was printed in New York, and ready to be published, but a Committee of that City, I hear, has seized & destroyed all the Copies in the Printer's Hands, and see no Inconsistency in professing themselves, at the same Time, Champions for the Liberty of the Press.—The two Pamphlets, *Common Sense* & *Plain Truth* I send

enclosed for your Lordship's Perusal. The latter is very incorrectly printed, probably owing to the Author's being at a Distance, and the Ignorance of the Printer. I have likewise enclosed a Newspaper containing Pieces for & against seizing the Commissioners expected from England immediately on their Arrival.

I most sincerely wish that so wise and lenient a Measure, as the sending out Commissioners, may effect a lasting Reconciliation and Union between the two Countries. But, if we may judge from the Temper manifested in some late Publications, nothing in the Power of some of our artful and designing Men will be omitted to counteract the merciful & benevolent Intentions of the supreme Legislature in this respect. They already, as your Lordship will see, represent Reconciliation and Ruin as nearly related.

The Act of Parliament inclosed in your Lordship's Circular Dispatch I shall not fail paying all the Attention to in my Power.

I send herewith Copies of the Votes of the House, and of the Acts passed at the last session of General Assembly; also Copies of the Minutes of the Legislature & Privy Councils. In the latter [Dec: 2^d] Your Lordship will see the Reasons which induced me to suspend Lord Stirling from his Seat in the Council of this Province, until His Majesty's Pleasure shall be Known—and I shall be glad to Know His Majesty's Determination as soon as may be convenient.

I likewise send Copies of my Speech, and the Addresses and Messages of the last Session; Also the printed Extracts from the Journals of the Provincial Congress of New-Jersey. They have not yet published any Account of the Proceedings at their late Meeting at Brunswick.

The enclosed Acts of Assembly containing nothing

Requisition of Jonathan Deare by order of the Committee of Safety upon Captain Heathcote Johnston, for four men from Middlesex County.

[From New Jersey Manuscripts, Vol. II., No. 37.]

To Captain Heathcote Johnston

S^r

By an order of the Committee of Safety and Gen^l Dickinson 100 Draught are ordered from Middlesex County to go to New York four of which men are to be Drafted from your Company to be at Woodbridge next Wednesday which men you are to have ready by that time.

I am S^r Y^r Hble Serv^t

JONA DEARE.

Agreeable to the above order the men have been fairly Draughted and fell to the lott of Philip Kearny Francis Burke John Higgins and John Robs who are ordered to hold themselves in Readiness or find a man in their room

HEATHCOTE JOHNSTON.

Order in Council, approving a draft of a Commission for the Lord High Admiral of England, to proceed upon all seizures, etc., of ships taken from the Colony of New Jersey and other Colonies.

[From P. R. O. America and West Indies, Vol. 112.]



AT THE COURT AT S^T JAMES'S THE 25TH
DAY OF APRIL 1776.

PRESENT

The King's most Excellent Majesty in Council.

Whereas there was this Day read at the Board, the annexed Draught of Instructions for the Commanders

of His Majesty's Ships and Vessels of War, with respect to the Seizing and proceeding after seizure of the Ships and Vessels belonging to the Colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pensilvania, the three Lower Counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present Rebellion within the said Colonies respectively His Majesty taking the said Draught of Instructions into Consideration, was pleased with the Advice of His Privy Council to Approve thereof, and to Order, as it is hereby Ordered, that the Right Honourable Lord George Germain, One of His Majesty's principal Secretaries of State, do cause the said Instructions to be prepared for His Majesty's Royal Signature.

Instructions for the Commanders of Our Ships and Vessels of War in consequence of An Act passed in this present Session of Parliament prohibiting all Trade and Commerce with the Colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pensilvania the three lower Counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present Rebellion within the said Colonies respectively and enacting that all Ships and Vessels belonging to the Inhabitants of the said Colonies, together with their Cargoes Apparel and Furniture which shall be found trading in any Port or Place of the said Colonies or going to trade or coming from trading in any such Place shall be forfeited to Us as if the same were the Ships and Effects of Open Enemies and shall be so adjudged deemed and taken in all Courts of Admiralty and in all other Courts whatsoever and by Virtue of Our Commission granted under the Great Seal of Great Britain bearing date the 2 day of May 1776, Given at Our Court at St James's

the Second day of May 1776 in the Sixteenth Year of Our Reign.

1. That by Virtue of the above mentioned Act of this present Session of Parliament and of our Commission aforesaid The Commanders of Our Ships and Vessels of War are Authorized and required to set upon by Force of Arms and Subdue and take the Ships and Vessels of or belonging to the Inhabitants of the said Rebellious Colonies together with their Cargoes Apparel and ffurniture which shall be found trading in any Port or Place of the said Colonies, or going to Trade or coming from trading in any such place and all such other Ships, Vessels, and Goods as are or shall be liable to Confiscation by the several Statute Laws of the Realm or pursuant to the respective Treaties between Us and other Princes States—and Potentates or the Law and Usage of Nations but so as that no Hostility be committed nor Prize attacked seized or taken within the Harbours of Princes and States in Amity with Us, or in their Rivers or Roads within Shot of their Cannon, unless by permission of such Princes or States or of their Commanders or Governors in Chief in such places.

2. That all Ships carrying Soldiers, Arms, powder, Ammunition or any Naval or Warlike Stores or Provisions or other Goods, Wares. Merchantdizes or Effects to any of the said Rebellious Colonies for the Use Benefit or Advantage or on Account of the Inhabitants thereof shall be seized as prizes except Ships and Vessels retained or employed in our Service or Ships and Vessels laden with Provisions or other Stores for the Use of Our Fleets Armies or Garrisons or for the Use of the Inhabitants of any Town or place Garrisoned or possessed by any of Our Troops or of any Colony or Province, County, Town, Port District or place which may or shall be proclaimed by lawful Authority to be at the peace of His Majesty or except

as in the said Act of the present Parliament is excepted.

3. That our said Commanders of our Ships and Vessels of War shall bring such Ships, Vessels and Goods as they have seized or shall seize and to take to such Port of this Our Realm of England or some other Port of Our Dominions as shall be most convenient for them in Order to have the same legally adjudged in our High Court of Admiralty of England or before the Judges of such other Admiralty Court as shall be lawfully Authorized within our Dominions except as in the said Act is excepted.

4. That after such Ships Vessels and Goods shall be taken and brought into any Port—The taker or one of his Chief Officers or some other Person present at the Capture shall be obliged to bring or send as soon as possibly may be three or four of the principal of the Company (whereof the Master Mate or Pilot to be always two) of every Ship or Vessel so brought into Port before the Judge of Our High Court of Admiralty of England or his Surrogate or before the Judge of such other Admiralty Court within Our Dominions as shall be lawfully Authorized as aforesaid or such as shall be lawfully Commissioned in that behalf to be Sworn and Examined upon such Interrogatories as shall tend to the discovery of the Truth touching the Interest or property of such Ship or Ships Vessel or Vessels and of the Goods Merchantdizes or other Effects found therein and the taker shall be further Obligated at the time he produceth the Company to be Examined to bring and deliver into the Hands of the Judge of the High Court of Admiralty of England his Surrogate or the Judge of such other Admiralty Courts within Our Dominions as shall be lawfully Authorized or others Commissioned as aforesaid all such Papers Sea Briefs, Charter Parties, Bills of Lading Dockets Letters and other Documents and Writings as shall be delivered up or found on Board any such Ship The

said taker or one of his Chief Officers or some other person who was present at the Capture and saw the said Papers and Writings delivered up or otherwise found on board at the time of the Capture making Oath that the said Papers and Writings are brought and delivered in as they were received or taken without any Fraud Addition Subduction or Embezzlement.

5. That such Ships or Vessels Goods Wares Merchandizes and Effects taken by any of our Ships or Vessels of War shall be kept and preserved and no part of them shall be sold spoiled wasted or diminished and that the bulk thereof shall not be broken before Judgment be given in our high Court of Admiralty of England or some other Court of Admiralty lawfully authorized in that behalf the [that] said Ships or Vessels Goods Wares Merchandizes and Effects are lawful prize.

6. That no Commander or other Officer of any of Our Ships or Vessels of War shall unless in Case of the greatest necessity ransom any Ship or Vessel taken as prize when such Ship may be brought into some Port of Our Dominions (except the Ports of the said Rebellious Colonies or Plantations) and in Case any Ship or Vessel taken as Prize shall be Ransomed the Reasons of Ransoming any Ship or Vessel and any Persons on board the same and the Conditions of such Ransom shall be transmitted to the Lords Commissioners of the Admiralty and to the Judge of the High Court of Admiralty and preparatory Examinations upon the standing Interrogatories shall be taken as in Cases of Prize and a Condemnation of such Ransom shall be had according to the Ancient Course and Practice of the Admiralty.

7. That no Commander or other Officer of any Our Ships or Vessels of War do presume upon any pretence whatsoever to Ransom or release any Prisoners

unless such as may be necessary to navigate the Ship which shall be taken and ransomed.

By His Majestys Command

STEPHEN COTTRELL

Articles of Association of the Freeholders and Inhabitants of Pequannock, in the County of Morris, pledging themselves to sustain the action of the Continental and Provincial Congresses, in defending the Constitution, signed by 180 persons.

[From New Jersey Historical Society Manuscripts.]

[MAY] 1776.

We the subscribers, freeholders and inhabitants of the township of Pequannock, in the County of Morris, and province of New Jersey, having long viewed with concern the avowed design of the Ministry of Great Britain to raise a revenue in America, being deeply affected with the cruel hostilities already commenced in Massachusetts Bay for carrying that arbitrary design into execution, convinced that the preservation of the rights and privileges of America depends under God, on the firm union of its inhabitants, do, with hearts abhorring slavery, and ardently wishing for a reconciliation with our parent State on constitutional principles, solemnly associate and resolve under the sacred ties of virtue, honor and love of our country, that we will personally, and so far as our influence extends, endeavour to support and carry into execution whatever measures may be recommended by the Continental and Provincial Congresses for defending our Constitution and preserving the same inviolate, according to the resolutions of the aforesaid Continental and Provincial Congresses, firmly determined by

all means in our power to guard against the disorders and confusions to which the peculiar circumstances of the times may expose us.

We do also further associate and agree, as far as shall be consistent with the measures adopted for the preservation of American freedom, to support the magistrates and other civil officers in the execution of their duty agreeable to the laws of the colony, and to observe the directions of our Committee acting.

Robert Gaston, John Munson, Moses Tuttle, John Gould, Joseph Conger, Edward Jackson, Elijah Leonard, Benajah Danels, Samuel Martin, Joseph Hoff, Garrett Hoff, John Hoff, Charles Hoff, jr., Robert Wilson, Samuel Blair, Alexander Bates, John Reynolds, Benjamin Fairchild, James Coulter, Jonathan Johnson, John Cardy, Charles Crawley, John Robeson, sen., John Robeson, jr., David Vanderpool, Peter Johnson, Eliphalet Lyon, William Cough, Gershom Wiggins, James Nox, John DeBow, John White, William Upham, John Wilson, John Galloway, Richard Van Cock, James Cardiff, Joseph Holmes, Gillis McPherson, James Ronal, Thomas Price, George G. Barr, John Magie, James Norton, William Edwards, John Browne, John Wilson, Isaac Miller, Peter Little, Edward McRanke, Jonathan Salsbury, Hugh Quigg, Charles Stuart, John Lee, Samuel Harris Christian Hoffman, John Biard, John Davis, Ada Showen, J. Jackson, William Rose, Louis Demorest Dunzoy, James McUrdy, James Mitchell, James Daily, Henry Stock, Hugh Davis, John Richardson, Henry Link, Jan Bigelow, James Tharp, Daniel Talmage, Jonathan Carrington, John Wilson, Joshua Moore, Mark Walton, William Ross, David Beman, Isaac Vanduyne, Joseph Harriman, Richard Harriman, Josias Goldsmith, William Drummon, John King, Samuel Lindley, Joseph Porter, Aaron Willis, Job Allen, Stephen Jackson, Israel Youngs, Ebenezer Tuttle, Jabez

Biglow, David Allen, Henry Berry, jr., Joseph Rogers, Seth Mahurin, Silas Hathaway, Joseph Hull, Aaron Biglow, John Harriman, Aaron Hedden, Joseph Bedford, Isaac Ross, John Pierson, Daniel Jackson, William Fisher, Josiah Biglow, John Miller, Michael Montgomery, John McConnel, Peter Hyler, Josiah Beman, William Price, Daniel Biglow, Josiah Beman, Isaac Kelly, William Howard, Helmer Kent, Hiram Howard, James Hindes, Arthur Young, Jacob Lyon, John Peer, Luman Robeards, Benjamin Wankle, John Marinus, Daniel Hayward, Moses Stiles, Phineas Farrand, Philip Price, jr., Peter Francisco, Philip Dorman, John Doremus, Philip Hiler, Samuel Farrand, Jake Harrison, Henry Young, Samuel Price, Humphrey Davenport, Thomas Welshear, Martin Frederick, Abraham Loughenner, John Essler, Mouris Mourison, Peter Hiler, jr., Brant Jacobus, Philip Holenkous, Abraham Jacobus, Cornelius A. Jacobus, Henry Hennion, John Cone, Martin Frederick, sen., Hinery Mourison, James Jacobus, Nathan Cone, Coon Vreeland, Henery Van Houten, John Pear, John Parlamen, Abraham Peer, Nicholas Hiler, Edmund Kingsland, John Hiler, Henry Lowerus, Cornelius Jacobus, James Jennings, Peter Tice, John Nix, Conrod Esler, Martin Young, Jacob Vanduyne, Jacob Hoppon, James Shane, Garrett Farrall, Peter Roburds, Jacob Hiler, John Miller, jr. of jrs.

*Letter from Governor Franklin to the Legislature of
New Jersey.*

[From the New York Gazette and the Weekly Mercury, Monday, February 3, 1777.]

To the Honorable the Gentlemen of His Majesty's Council and to the Gentlemen of the House of Representatives of His Majesty's Province of New Jersey

HAVING by Proclamation summoned you to attend a meeting of the General Assembly of the province, on the 20th instant, in order that I might communicate to you matters of great importance to the public welfare, and as there now seems little probability that I shall have it in my power to meet you, agreeable to my intentions, it is necessary that I should acquaint you with the cause of the disappointment, that you may act such a part on the occasion as you may think the nature and exigency of the case requires.

Between nine and ten o'clock this morning, Mr. Nathaniel Heard, of Woodbridge, and Mr. Jonathan Deere of this place, called at my house, and on my enquiring of Mr. Heard, what his business was, he delivered into my hands a paper, of which the following is a copy.

"I WILLIAM FRANKLIN, being apprehended by an order of the Provincial Congress of New Jersey, do promise and engage on my word and honour and on the faith of a Gentleman to depart within two days from hence to ————— in the province of New-Jersey, being the place of my destination and residence, and there, or within six miles thereof; to remain during the present war between Great Britain and the said United Colonies, or until the Congress of the said United Colonies, or the Assembly, Convention, or Committee or Council of Safety of the said colony shall order otherwise, and that I will not directly or indirectly, give any intelligence whatsoever to the enemies of the United Colonies, or do, or say any thing in opposition to, or in prejudice of the measures and proceedings of any Congress for the said colonies, during the present troubles, or until I am duly discharged. Given under my hand this

Day of

A. D. 1776."

After perusal of this paper I desired to know of Mr. Heard, by what authority he tendered it to me; on which he produced the two following papers, viz:

“TO COLONEL NATHANIEL HEARD,

“The Provincial Congress of New-Jersey reposing great confidence in your zeal and prudence, have thought fit to entrust to your care the execution of the enclosed Resolves. It is the desire of Congress that this necessary business be conducted with all the delicacy and tenderness which the nature of the service can possibly admit of.

“For this end you will find among the papers the form of a written parole, in which there is left a blank space for you to fill up, at the choice of Mr. Franklin, with the name of Princeton, Bordentown, or his own farm at Rancocus. When he shall have signed the parole, the Congress will rely upon his honour for the faithful performance of his engagements: But should he refuse to sign the parole, you are desired to put him under a strong guard and keep him in close custody until further orders of this Congress.

“Whatever expence may be necessary for this service will be cheerfully defrayed by the Congress. We refer to your discretion what means to use for that purpose; and you have full power and authority to take to your aid, whatever force you may require.

By order of Congress,

SAMUEL TUCKER, *Pres.*

“IN PROVINCIAL CONGRESS, NEW JERSEY, BURLINGTON, June 15, 1776.”

“IN PROVINCIAL CONGRESS, NEW JERSEY.

BURLINGTON, June 15, 1776.

Resolved, That in the opinion of this Congress the Proclamation of William Franklin, Esq; Governor of New-Jersey, bearing date on the thirtieth day of May last, in the Name of the King of Great-Britain, appointing a meeting of the General Assembly, to be held on the 20th day of this instant, June, ought not to be obeyed.

Resolved, That in the opinion of this Congress the said William Franklin, Esq; by such his proclamation has acted in direct contempt, and violation of the Resolve of the Continental Congress of the 15th day of May last.

Resolved, That in the opinion of this Congress, the said William Franklin, Esq; has discovered himself to be an enemy to the liberties of this country, and that measures ought to be immediately taken for securing the person of the said William Franklin, Esq;

Resolved, That in the opinion of this Congress, all payments of money on account of salary or otherwise, to the said William Franklin, Esq; as Governor, ought from henceforth to cease. And that the Treasurer or Treasurers of this province, shall account for the monies in their hands to this Congress, or to the future Legislature of this colony.

By order of the Congress,

SAMUEL TUCKER, *President.*”

To be represented as *an Enemy to the Liberties of my Country*, (one of the worst characters) merely for doing my duty in calling a meeting of the legal Representatives of the People, to lay before them matters of the utmost concern to their future happiness and safety, was, as you may imagine, sufficient to rouse the indignation of any man not dead to human feelings, and occasion him to express his resentment in terms suitable to such unmerited provocation. It is needless, however, to trouble you with all that passed. Suffice it to say, that I rejected the written parole (as they term it) with that contempt such an insult deserved from one who has the honor to represent his Majesty.

To you, Gentlemen,—to every individual in the province can I safely appeal to vouch for me, that in no one instance have I ever manifested the least inimical disposition towards this colony. Your journals and minutes will shew, that from the first commencement of the present unhappy disputes, I have been uniformly for having them accommodated by negotiation and treaty; from a full conviction that America might thereby obtain a fixed Constitution, which would afford every reasonable security for the enjoyment of British Liberties.

If in the opinion of those who stile themselves a Provincial Congress, my summons of the General Assembly “*ought not* (as they say) “*to be obeyed*,” it was equally in their power to have prevented the meeting, by enjoining you to pay no regard to the Proclamation, as it was to make me a prisoner; and they certainly would have done that, had they not meant a personal affront to me, or designed to wound the dignity of the Crown through my person.

But it is pretended that “by such Proclamation I have acted in direct contempt and violation of the Resolve of the Continental Congress of the 15th of May

last." Were this even the case, it surely could not be any crime in me, nor justify such treatment as I have received, and am likely yet to suffer. But the fact alledged is false, and must appear glaringly so to every man who has read the Resolve alluded to, and is capable of understanding it. The Continental Congress, after a preamble declaring their opinion "that the exercise of every kind of authority under the Crown should be totally suppressed, "do *therefore* Resolve, that it be *recommended* to the respective *Assemblies* and Conventions of the United Colonies *where no governments sufficient to the exigencies of their affairs has been hitherto established*, to adopt such Government as shall, in the opinion of *the Representatives of the People*, best conduce to the happiness and safety of their Constituents in particular, and America in general." How any persons can construe and represent my calling a meeting of the *Assembly*, at the very time when such an important matter was *recommended* by the Continental Congress to the consideration of *the Representatives of the People*, to be a "direct contempt and violation" of the above Resolve is difficult to conceive, supposing them possessed of common sense and common honesty.—The Assembly of Pennsylvania have met since that Resolve, and I believe are still sitting, under an authority derived from the Crown. They, no doubt, have had the Resolve under their consideration; nor can any good reason be given why the Assembly of New-Jersey should not likewise be permitted the opportunity of giving their sentiments (if they should think it necessary or expedient) on a matter of such infinite importance to them and their Constituents. If when you met, you had thought it proper to adopt or comply with the Resolve, either in whole or in part, it is well known that I could not have prevented it, whatever my inclination might have been. In other Colonies, where a change of

Government has been made, one of the reasons assigned in excuse for such measure has been, that the Governor has either abdicated his Government, appeared in arms against the people, or neglected to call a meeting of their Representatives. But I do not recollect an instance, where neither of these circumstances existed, and the Government could be carried on in the usual way, in such essential points as meetings of the Legislature, passing of Laws and holding Courts of Justice, that any material alteration has been made in such Government by a Convention; nor that any Convention has before presumed to attempt a business of that importance, where an Assembly existed, and were not hindered from meeting. Most probably, had I not called the Assembly, I should have been much blamed by these very men for the omission, (especially as matters of such consequence were in agitation) and accused of not exercising the prerogative vested in me for the good of the people, as I ought to have done. But however that may be, sure I am, that it is the evident meaning of the Resolve of the Continental Congress, that where Assemblies can meet they are to consider the propriety of the measure recommended, and *not* a Convention; consequently as the Assembly of New-Jersey could have met, the Provincial Convention, who have attempted to prevent them, have "acted in direct contempt and violation of the Resolve of the Continental Congress of the 15th day of May last," and, of course, are, according to their own principles "*Enemies to the Liberties of this Country.*"

Their last Resolve which respects the stoppage of my salary is, I must say, an instance of meanness, which I never expected to have experienced from any body of men in New-Jersey. When I first came among you, Gentlemen, I declared, that "whatever was granted for the support of Government, should,

so far as related to myself, be made use of for the honour and credit of the province." My conduct has been strictly conformable, both to the letter and spirit of this declaration. Those who best know me and my affairs know that if I were to quit this province to-morrow I should not retire one farthing the richer for any thing acquired by means of my office. The income has at no time been more than sufficient to barely support the dignity of the station, and of late years it has been by no means adequate to the increased expences of living. However, as I did not enter into His Majesty's service from mercenary motives, which I think I may justly say make no part of my character, I have acquiesced with the allowance granted by the Representatives of the people, in hopes that the time would come when they could be induced to increase it from a proper sense of their own dignity. To put it in their power to do this, and to defray all other expences for the support of government, without any burthen to their constituents, I recommended the passing of a Loan-office Act and last year obtained His Majesty's allowance of it, by which means the province is now in the actual receipt of about five thousand pounds a year, raised without any taxes; a sum almost double what has been usually granted for the salaries of Officers, Assembly mens wages, and the other common expences for the support of government. Of this the Assembly, at their last session, seemed to have a somewhat grateful sense, and gave intimations that they should, at a future session, make a more adequate allowance to the public Officers. But now it seems, a body of men are got together, who, actuated by illiberal motives, think to make a merit with the people in robbing me of even a pittance of the salary which their legal Representatives had granted me by law, and which they have no more right to deprive me of, than to take my money

out of my pocket-book. If the people at large should approve of this unworthy treatment of a man who has done his duty faithfully by them during a thirteen years administration, I own it would give me a concern infinitely greater than the loss of my salary. But be assured, Gentlemen, that I am far from suspecting there are many persons to be found in this province capable of such a pitiful action, which, though not indeed without a precedent, will, I hope, never more be thought worthy of example. Besides—Their first endeavouring to “filch from me my good name,” by falsely calling me *an enemy to the liberties of this country*—then making that falsehood a plea for robbing me of my property—and afterwards affecting, in their orders, that they would have me treated with *delicacy and tenderness*—is such an adding of insult to injury as cannot, I am sure, but excite the detestation of every honest man throughout the country.

As you, Gentlemen, at our last meeting, intimated your desire that I would not quit the province, and as I flattered myself that by remaining quietly here I might be of some service when His Majesty’s Commissioners should arrive, in promoting the good work of peace and reconciliation, I have never attempted to remove myself, though the insult I received soon after that session would have fully justified me in taking such a step.

The occasion of my calling you together at this time, was not only to give you an opportunity of considering the present distracted state of the province, and of defending your own and the people’s constitutional rights, if you should choose it, but to communicate to you, and to consult you upon some intelligence I have received from His Majesty’s Secretary of State, respecting the business to be transacted by the Commissioners which His Majesty has graciously condescended to appoint for the purpose, among others, of “confer-

ring with proper persons upon such points as may be necessary for effecting a restoration of the public tranquillity." These Commissioners I had great reason to expect would be arrived by the time of your meeting, and I know of no persons in this province so proper to receive and to confer with them as yourselves.—

On the whole, Gentlemen, much positive good would in my opinion, have resulted to the province, had a meeting of the General Assémbly been held at this juncture. But as that now seems not likely to happen I shall take my leave of you, and the good people you represent—perhaps for the last time. Permit me, before we part, to recommend it to you to defend your constitution in all its branches. Let me exhort you to avoid, above all things, the traps of Independency and Republicanism now set for you, however temptingly they may be baited. Depend upon it you can never place yourselves in a happier situation than in your ancient constitutional dependency on Great-Britain. No Independent State ever was or ever can be so happy as we have been, and might still be, under that government. I have early and often warned you of the pernicious designs of many pretended patriots; who, under the mask of zeal for Reconciliation, have been from the first insidiously promoting a system of measures, purposely calculated for widening the breach between the two countries, so far as to let in an Independent Republican Tyranny—the worst and most debasing of all possible tyrannies. They well know that this has not even a chance of being accomplished, but at the expence of the lives and properties of many thousands of the honest people of this country—yet *these*, it seems, are as nothing in the eyes of such desperate gamesters! But remember, Gentlemen, that I now tell you, that should they (contrary to all probability) accomplish their baneful purpose, yet their government will not be lasting. It will never suit a peo-

ple who have once tasted the sweets of British Liberty under a British Constitution. When the present high fever shall abate of its warmth, and the people are once more able coolly to survey and compare their past with their then situation, they will, as naturally as the sparks fly upwards, wreak their vengeance on the heads of those who, taking advantage of their delirium, had plunged them into such difficulties and distress.

This, Gentlemen, I well know, is not language to the times. But it is better, it is honest truth flowing from a heart that is ready to shed its best blood for this country. A real patriot can seldom or ever speak popular language. A false one will never suffer himself to speak anything else. The last will often be popular because he will always conform himself to the present humour and passions of the people, that he may the better gratify his private ambition, and promote his own sinister designs. The first will most generally be unpopular, because his conscience will not permit him to be guilty of such base compliances, and because he will even serve the people, if in his power, against their own inclinations, though he be sure that he thereby risks his ruin or destruction. I am not insensible of the dangers I am likely to incur, but I do not regard them. It is the part of an ignoble mind to decline doing good for fear of evil that might follow. I bear no enmity to any man who means well, however we may differ in political sentiments. I most heartily wish you, Gentlemen, and the people of this once happy province may again enjoy peace and prosperity, and I shall ever particularly honour and esteem such of you and them as have dared, with an honest and manly firmness, in these worst of times, to avow their loyalty to the best of Sovereigns, and manifest their attachment to their legal Constitution. As to my own part, I have no

scruple to repeat at this time what I formerly declared to the Assembly—*That no Office or Honour in the Power of the Crown to bestow, will ever influence me to forget or neglect the Duty I owe my Country, nor the most furious Rage of the most intemperate Zealots induce me to swerve from the Duty I owe His Majesty.*

WM. FRANKLIN.

PERTH-AMBOY, Monday, June 17, 1776.

POSTSCRIPT

BURLINGTON, *June 22, 1776*

SINCE writing the above, I have seen a Pennsylvania News-paper of June 19, in which it appears that Mr. *McKean*¹ (one of the delegates, I suppose of the Continental Congress) laid before the Assembly of the three Lower Counties a certified Copy of the Resolution of Congress of the 15th of May last, which being taken into consideration by that House on the 15th instant, they resolved among other things that “*the Representatives of the People in THIS ASSEMBLY met, ALONE can and ought at THIS TIME to establish such temporary authority,*” meaning the authority they had before determined to be expedient in the present exigency of affairs “*until a new Government can be formed.*” This Assembly met, as well as that of Pennsylvania, under an authority derived from the Crown, and so far from considering such meeting as a contempt or violation of the Resolve of the Continental Congress, they resolved they were the *only* proper persons to take that Resolve into consideration, and to *establish such authority* as was deemed adequate to

¹ Thomas McKean, at this time a resident of Philadelphia, but at the same time a member of the Legislature of Delaware (“the three Lower Counties” of Pennsylvania), and a delegate in Congress from that Colony. He was subsequently President of Delaware, Chief-Justice of Pennsylvania twenty-two years, and Governor of Pennsylvania for three terms.

the occasion. The Assembly of New-Jersey might certainly, with equal propriety, have done the same, had they been allowed to meet.

It likewise appears by the newspapers, that the Governor of Maryland, on the 12th instant had "issued a *Proclamation* for dissolving the General Assembly of that Province, and to order Writs of Election to be issued to *call a new Assembly* returnable the 25th day of July next." But there is not the least surmise, that the Provincial Convention of that Province have taken any offence at such Proclamation, or so much as pretended to think the Governor had thereby acted in direct contempt and violation of the Resolve of the Continental Congress and was therefore such an enemy to the Liberties of this country, as that he ought to be seized and imprisoned. Yet the Maryland Convention have shewn as much spirit and regard for the Liberties of America, as any body of men on the continent. But they, it seems, are for Peace, Reconciliation, and Union with Great-Britain on constitutional terms, and have too much sense and virtue to declare a Governor an enemy to the Liberties of this country, merely because he is an enemy to the Liberties some designing men are disposed to take with the old constitutional Government.

But as the ostensible reason for seizing and confining my person, does not seem to satisfy such people as are capable of thinking and judging for themselves, hints are now throwing out that the Provincial Congress are in possession of an intercepted Letter of mine, which contains evident proof of my inimical disposition to the Liberties of this Country. I know of no Letter of mine which has fallen into their hands but the one taken by Lord Stirling on the 7th of January last. That Letter was known to the former Provincial Congress (which met at Brunswick on the 31st of January and sat till the 2d of March) and though

they thought proper to pass a censure on Mr. Skinner's private Letter to his Brother, intercepted at the same time, yet they let mine pass unnoticed, which it is not likely they would have done had they conceived they could have censured it with any tolerable face of propriety. It is well known that I have publickly and repeatedly declared that they were very welcome to publish that Letter, provided they would publish the whole of it together. It cannot therefore, I think, be the one to which they allude; but I remember to have heard Mr. Chief Justice mention that Mr. Kinsey told him, at the last supreme Court, that he had a copy of a Letter which was circulated as a second intercepted Letter from me to the Ministry, that it was well wrote, and seemed to be the performance of some person who was well acquainted with the affairs of the province, but that he was sure it was not genuine. I asked the Chief Justice if he had got a Copy of it; for if it was genuine I should have no scruple to acknowledge it. His answer was that he did not think it worth while to ask for a Copy, or even to see it, as Mr. Kinsey spoke of it as being a forgery. Now, whether this is the Letter, or whether the ingenious author has wrote another to suit the present purpose of the Congress, or if it be a real Letter of mine I know not. But I have no objection to its publication, be it what it will—and all the favor I ask is, if it should be published that I may not have the Press shut against any remarks or observations I may have to offer in my own justification. This every honest man must allow I have a right to insist on, if not as a Governor, yet, as a native of America, and a freeholder of New-Jersey

I have the more reason to require this piece of Justice, from what has happened to me since my being brought here. Finding that the Provincial Congress had published some of their resolves respecting me,

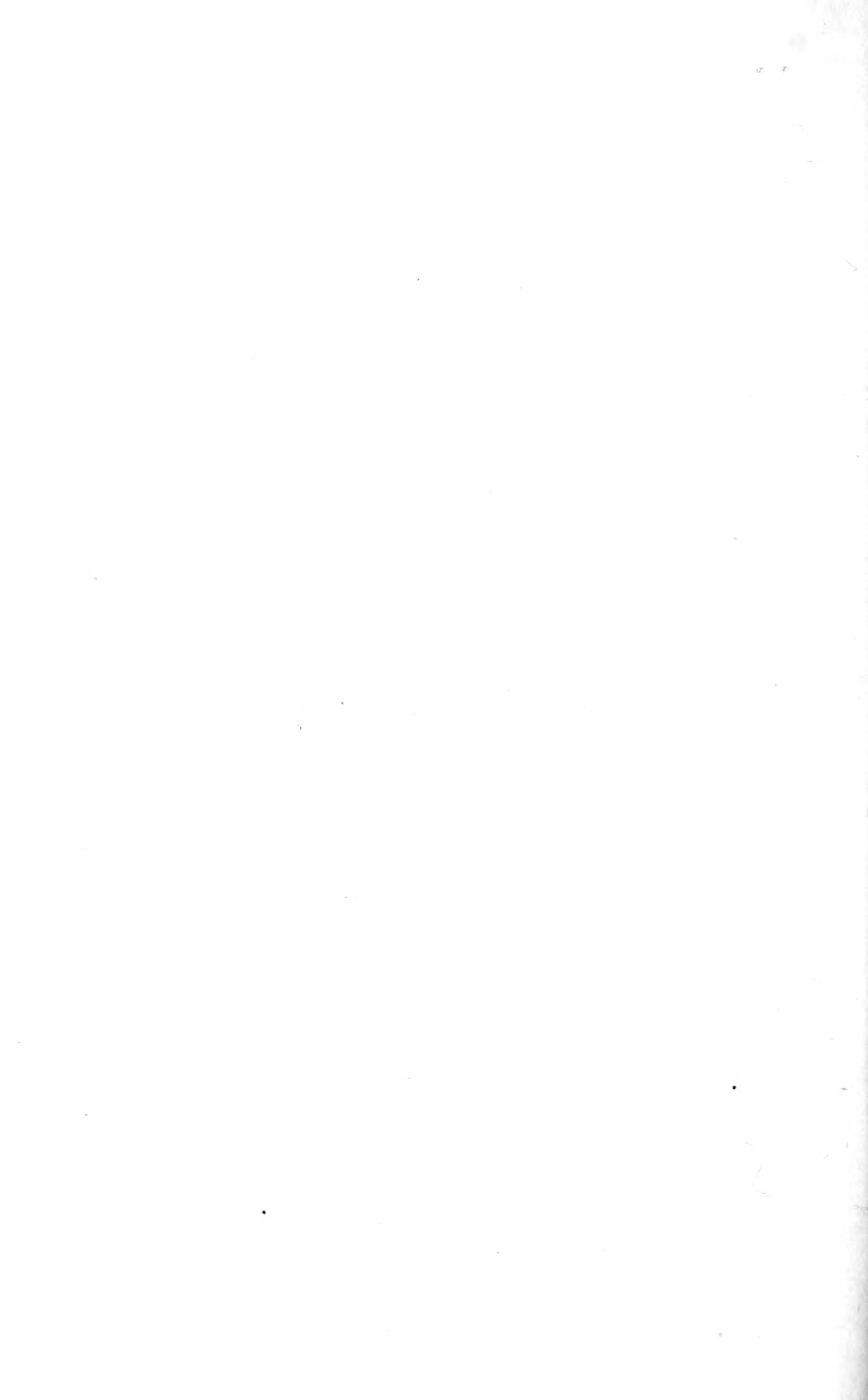
but kept back others, I determined to publish my Letter to you which contained the whole of them, at least all which had come to my hands. For this purpose, I sent a Copy to a Mr. Isaac Collins, who holds a Commission as Printer to his Majesty for this province. But though he at first gave me expectations that he would do his duty (as all good Officers ought to do, or resign their commissions) he afterwards returned it, declaring that he was afraid of offending the Provincial Congress, and that he did not doubt but he should be killed if he should print it for me, with many more excuses of the like nature. I desired a person to tell him that my name, being subscribed in my own hand to the paper, would be a sufficient justification for him, and ought to remove all his fears of personal danger; and as to myself I was perfectly indifferent to the consequences it being a rule with me to do the duty of my station and leave the event to Providence. Whether he thought, from the specimen the Congress had already given in my Case, that he ought not to trust to either their reason or justice, and that the more honestly he acted the greater would be the offence and punishment, or whether he has a secret bias towards their measures, I cannot say: But certain it is, that no argument could prevail, and he returned the copy. I have since heard that he (contrary to my express orders) communicated it to some persons, by which means it came to the knowledge of the Congress, who passed a Resolve this day, prohibiting the printing any thing for me,—Poor men! They can no more bear the light of truth, it seems, than Owls can endure the light of the sun!

There are, however, no doubt, among the persons who compose the Provincial Congress, men, who having honest intentions themselves, and not much experience of the world, suspect no ill designs in those whom they suffer to take the lead in these transac-

tions. But surely there is not the least shadow of reason for considering the voice of this Congress as the sense of the people, when it is notorious that they are not elected by a Twentieth part of the Freeholders of the province, and, probably, not even by a tenth part of the Associators themselves. To this it may, possibly, be said, that those Freeholders and Associators who did not vote, have no one to blame but themselves—they might have voted if they chose it, and silence must be presumed to give consent. But the truth is, as I have strong reason to believe, that a great Majority of the inhabitants were averse to having at this time any Provincial Congress at all—and therefore, would not attend the election, or vote for any of the candidates, by which means it happened in some counties that the number of electors did not exceed fifty or an hundred, and in one case, I am credibly informed only about thirty appeared. Now, it is scarcely possible, but that five men of almost any sort, might find in any county such a number to give them their voices for any purpose; consequently, the deputies of such a minority ought not to presume to rule over the whole people.

WM. FRANKLIN.

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