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ARCHIVES
OF THE
STATE OF NEW JERSEY.

FIRST SERIES.

Vol. II.



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 :

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2 New Jersey Historical Society 3

DOCUMENTS

RELATING TO THE

COLONIAL HISTORY

OF THE

STATE OF NEW JERSEY,

EDITED BY

WILLIAM A. WHITEHEAD.

Corresponding Secretary of the New Jersey Historical Society; Author of East Jersey Under the Proprietary Governments; Contributions to the Early History of Perth Amboy and the Surrounding Country; Editor of the Papers of Lewis Morris, and of an Analytical Index to the Colonial Documents of New Jersey, etc., etc.

VOLUME II.

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New Jersey Historical Society Library.

West Jersey Records, Secretary of State's Office, Trenton.

Manuscripts of William A. Whitehead.

*The Grants and Concessions and Original Constitutions of
the Province of New Jersey, by Aaron Leaming and
Jacob Spicer.*

East Jersey Records, in Secretary of State's Office, Trenton.

Secretary of State's Office, Albany, New York.

Pennsylvania Archives.

ERRATA.

Page 93.—Instead of "From the New Jersey Col. Docts." read *New York Col. Docts.*

Page 136.—In heading, read "*East and West Jersey.*"

Page 229.—In heading, for "privates" read *pirates*.



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NEW JERSEY
COLONIAL DOCUMENTS.

Commission from East Jersey Proprietors to Samuel Winder, John Campbell and Miles Forster, to confer with the Governor of West Jersey, relative to running the line between the two provinces.

[From the original among West Jersey Line papers in New Jersey Historical Society Library, Vol. 4, No. 6.]

East New Jersey.



To all *X*pian people to whom these p^rsents shall Come or whom the p^rmises shall or may Concerne.—
Wee whose names are hereunder subscribed send greeting *fforasmuch* as the Governour and Divers of the propriet^r of East and west Jersey the better to Settle the Line of partition betweene the two provinces att a meeting held at Milstone River the Eight day of January last past Did by mutuall Consent of both p^rtyes Submitt and Referr the whole matter of Difference to bee Determined by one William Emly and John Reid as Arbitrato^r vpon

w^{ch} submission the said Arbitrato^s the day yeare and place above said Did Determine and award that the said Line of Partition should Runne from the north Side of the mouth or Inlett of the [?] of Litle Egge Harbour on a streight Line to Delaware River north north west and fifty minutes more westerly according to a Naturall position and not according to magnett whose variation is nine Degrees westward **Now Know Ye** That wee have nominated and appointed and by these p^rsents doe Authorize nominate and appoint Sam^l winder^l John Campbell and myles ffoster gentlemen or any two of them wth all Convenient Speede to Repaire to the province of west Jersey and there give notice to their Governor and others Concerned to meete the Surveyor generall or other Artistes (to bee by vs Commissioned and appointed) at the north Side of the mouth or Inlett of Litle Egge Harbour upon the the Twenty-Sixth day of this Instant Month of Aprill in order to Runne and Ascertaine the Said Line of partition in p^rformance of the Said Award made as afores^d: **Given** under the Seale of the Said province att perth Amboy this ffourteenth Day of Aprill Anno Dom^l one thousand six hundred Eighty and Seven Annoq^e the Jacobi Rei [. . .?....]

THOMAS GORDON,
JOHN BARCLAY,
RO: FULLERTOWN,
THO: WARNE.

AND. HAMILTON.
GAWEN LAWRIE.



¹ The first mention of this gentleman is in 1678, when he was appointed Register under John Fenwicke, but in 1681, having purchased some land from the Indians on Raritan River, he removed to

East Jersey, and about 1683 married Margaret, daughter of Deputy Governor Rudyard, of that province, and became a resident of Middletown, in Monmouth county, and died there. In 1686 he was appointed one of the Council of Governor Lord Neill Campbell. It is thought that he came to New Jersey from Staten Island.

Instructions from the Council of Proprietors of East Jersey to Samuel Winder and others.

[From New Jersey Historical Society Library West Jersey Line Papers, Book 4. No. 4.]

Perth Amboy, Ap. 16, 1687—

{ *privat in their hands to Mr. Sa: Winder & com-*
 } *panie on ther negotiation with W. Jersey.*


Imp: That you require Governor Skene, & the rest who signed the bond,¹ toto give orders that the line be run conform to the last award.

If they shift & only passively say that they consent for themselves not to take it for and answer for that they are obliged to shew ther Consent by some act viz and order to the surveyor for themselves & in name of the power that they had lodged in them.

If they refuse, that some legall attest be taken upon the refusal which afterward (if occasion be) may be and evidens to prove the breach of ther bond.

If they desire a Copie of the power you have from us to require them to run the line, tell them That it being a publick paper you cannot deny it, & desire them in exchange to give you a Copie of ther protest or any other publick papers touching the line. If the day named be too short it is in your discretion to Name another day, in caise they consent to join

By order of Council



¹ See Volume I, p. 522.—Ed.

*Letter from Daniel Coxe to the Council of Proprietors
of West Jersey.*

[From Smith's History of New Jersey, pp. 190 and 546.]

Governor Coxe to the Council of Proprietors of
West New Jersey. *Greeting.*

After Mr. Bylling's decease, (1) his heirs were greatly ignorant of his concerns relating unto West Jersey, and therefore resolved to sell his interest both in government and property; and that they had begun to treat with a person who would probably have made the condition of the proprietors and inhabitants very uneasy: I and another of the chief proprietors having together a very great share of the country, applied ourselves for advice unto the lawyers, being assured by the most eminent that however Byllinge's concessions might in conscience bind him during his life; they were not always obligatory to a purchaser or successor, because said concessions were made before his right of government was granted; we thereupon consulted with several proprietors and others, well wishers to your colony, amongst whom it was agreed and resolved to be for the good of your country, and our own security, that one amongst us should purchase from the heirs of Mr. Byllinge, all his, and their interest in property and government; and because my proportion of land was greater, or that they apprehended me capable of serving them, or to have more money at command, or because they had ever perceived me to be zealous and active to promote the good of the province: I was earnestly

(1) The precise date of Byllinges' death has not been met with. Judge Clement, in his interesting paper "On the West New Jersey Society," read before the Surveyors' Association of West Jersey, gives it as occurring on 16th day of the 11th month, 1684. But Byllinge in 1685 appointed John Skein his deputy and executed an agreement with the Governor of East Jersey September 14th, 1686. (New Jersey Archives I p. 520.) It is presumed that he died in the early part of 1687—Mulford's New Jersey, p. 248.—Ed.

pressed and requested to make a purchase of the government and properties annexed thereunto, wherewith having complied, that I might demonstrate the disinterestedness of my undertaking; and that I did primarily propose the welfare and benefit of the people, and prefer it to my private advantage. I did many times proffer Mr. Penn, Mr. Ford and others, who pretend to understand most of your minds, what was for your good, and to be as it were kind of trustees for you: That if they would contrive any method, whereby the government might be legally and severally invested in the proprietors, or people without a governor; or if they would find any person more fit to discharge the office of government, or who might prove more acceptable to the people than myself; I was willing to consign or reconvey all my estate, power, authority as I had received it and upon the same condition, not desiring the least advance beyond what they all know I had disbursed; but not finding any proposal to meet with any other return, than an invitation to proceed, and good wishes that I might therein prove successful; and finding that all the proprietors in or near London, whom I could convene, were greatly satisfied with my conduct, encouraging me to expect they would meet with like acceptance from the proprietors and inhabitants of West Jersey: I thereupon thought fit to recommunicate unto you the whole transaction of this affair; as likewise what I expect from you the proprietors and inhabitants of West Jersey: and what you may reciprocally challenge from me: I do therefore hereby give you to understand, that whereas all the gentlemen of the law, who have been hitherto consulted, do unanimously agree, that the government of the province of West New Jersey, is legally in me as full as Pennsylvania in Mr. Penn, or East Jersey in the proprietors there: I thereupon assumed the title of

governor, and lay claim to the powers and authority thereunto annexed; and I am resolved by the assistance of Almighty God, to exercise the jurisdiction by his royal highness, his last deed or grant unto me conveyed, with all integrity and faithfulness and diligence, for the benefit and welfare of those, over whom divine providence hath constituted me (under our sovereign) superintendent or chief overseer; always preferring publick emolument, before my own private advantage; and may I succeed in my undertakings, well or ill, according as I pursue or violate this resolution and engagement; and I am contented this my declaration be recorded, that it may continually reproach and condemn me if I ever recede therefrom. And whereas Mr. Byllinge, in his former concessions, hath given his consent, and ratified diverse laws in the said grant, stiled fundamentals; the first concerning liberty of conscience, the second, that no person shall be deprived of life, limb, estate, property, privilege, freedom, franchises, without a due trial and judgment, passed by a jury of twelve good and lawful men in the neighbourhood; the person excepting, if he please, against thirty-five, without any reason rendred, and more if he assign a just cause: I hereby declare, that I do in my heart highly approve the said fundamental laws and concessions, and am ready to confirm them; and withall, I do faithfully promise, that to the utmost of my ability, I will cause them to be most inviolably observed, as also those three fundamentals after mentioned. If your assembly shall desire the continuance of them, and that it appears, nothing is therein contained contrary to the laws of England, which extend to our colony; by the breach whereof, we inevitably expose ourselves unto the forfeiture of our charter, which, next to the blessing of God, and protection of our prince, is our greatest comfort and security; and that

you may all become fully satisfied: I do not intend to arrogate unto myself any absolute despotic power, I have thought fit to add, that whereas it is generally acknowledged by all intelligent disinterested persons, the government of England by a sovereign prince, upon weighty considerations of making or repealing laws, levying taxes, consulting with his parliament, is the best of constitutions, and diverse of our English plantations, having in imitation hereof joined with the governor an assembly or parliament: I do hereby declare my full and free approbation of such constitution in your province, and I shall confer upon your assembly, all the powers and privileges consistent with the ends of good government, the redressing grievances, and promoting the peace and prosperity of the province; and I make my request you would with all convenient speed, transmit unto me your proposals, both in order unto the establishing a regular and durable method of convening assemblies, and what power you desire should be intrusted with them: And because assemblies have been hitherto convened only annually, except upon some solemn urgent occasion, it hath been customary for the governor or his deputy, to act in affairs of importance during the recess of assemblies, with the advice of a council, I would desire you to give me to understand, how you expect and desire such council shall be chosen; whether you will acquiesce in the governor's nomination, or whether you desire the assembly should have any share in their election; also in case of succession upon decease or misbehaviour; and whether the council shall be annual, biennial or triennial, or during life; if understanding, faithful and diligent in discharging of their trust: I shall in all these, and any other particulars, which shall manifestly appear to make for publick utility, not only have a great deference for your opinion and advice, but readily

comply with all your just reasonable expectation and requests.—Thus having without reserve or disguise, declared unto you my sentiments concerning government, I proceed to affairs of another nature; but of little less moment: It is the fixed persuasion of diverse intelligent persons, that your province hath deeply suffered, and is stunted in its growth for want of ascertaining its limits, and fixing a boundary between it, East Jersey and New-York; that thereupon a subdivision might be made of the country, into one hundred proprietaries, as was originally agreed, thereby appropriating unto every good purchaser his portion in specialty; I have inclosed an account of my transactions with the proprietors of East Jersey, (1) many of whom being persons before well affected unto me, I have highly disobliged, upon my refusal to comply with their claim, upon the last pretended agreement; all which, and much more, if like occasion should require. I shall readily conflict with, and cheerfully undergo, for the good of our little, yet unto me, dear community, which I shall love, cherish, and endeavour to support and maintain, as if they were members of my own private family: Lastly, I do confirm all those persons who were appointed by Mr. Byllinge, or chosen by the people in their respective places and employments, until I further learn from you the state of your colony, unless by some new advice and very extraordinary motives I should be obliged to make an alteration, which should it happen, you may all rest assured, I shall have a tender regard unto your welfare and satisfaction: And now nothing remains besides our supplicating with united minds, the allwise God, to grant us the wisdom which is pure and peaceable, to enable us methodically to order our affairs with discretion;

(1) See succeeding document.—Ed.

that we may act industriously, regularly, cheerfully, in the several stations and employments his divine providence hath allotted us, considering we are one body, and members one of another; that no injury can happen to a part which will not redound in some to the hurt of the whole: For my own particular, I can appeal unto the searcher of hearts, that I do sincerely and primarily design the prosperity of your province, in its peace, security and plenty; and that it may be so settled, as that you may not only live happily during my administration, but that it may not be in the power of any future governor, deriving from me, even to hinder the due execution, much less to repeal those laudable constitutions, which with your advice and assistance I hope to establish: And on your parts, I expect and promise myself a ready compliance with whatsoever shall be proposed for the publick good: That instead of factions and divisions, there be a generous emulation amongst you, who shall promote the welfare of our community: That you be mutually tenderly affectioned one towards the other; and though you may differ in opinions, concerning things of lesser moment, yet continue united in affection, as being servants to the same God, subject to the same prince, and having one common interest; often remembering, that by unanimity and concord, diverse nations have been advanced from contemptible beginnings, unto great wealth and power; whereas by discord, mighty empires have been broken and ruined, without the accession of external force: That the God of peace and love would unite, preserve and prosper you, is the frequent, fervent, and shall continue to be, the constant request, of your most affectionate friend,

DANIEL COXE.

September the 5th, 1687.

Governor Caxe's Narrative Relating to the Division Line, enclosed in the foregoing.

I was desired to give a meeting to the proprietors of East-Jersey, where were present, governor Berkeley, lord Campbell, lord Melford, secretary of state for Scotland, mr. Penn, mr. Ward, and six or eight more; they presented me the original of an agreement between the commissioners of both Jersies, in order to run the partition point; and withal a map; whereby it is obvious at the first glance, that above a third part of that land, which was ever accounted to belong to West-Jersey, is allotted to, and comprehended within the limits of East-Jersey: They desired my concurrence to this agreement, as being first in its own nature a most just and equal division or quantity: Secondly, agreed on by commissioners, on both sides: Thirdly, according to mr. Byllinge's instructions, who had impowered his commissioners to make an equal division: I answered in behalf of your colony and of myself, that first, the division was very unjust in its own nature; and secondly, that if it were otherwise; yet I did apprehend, they, who made the agreement, were not legally or sufficiently impowered.

And first, as to the injustice of the division; I declared, I thought they ought to have regard unto the letter of the agreement between sir George Carteret and mr. Edward Byllinge; the line was to run from Little Egg-Harbour, unto the most northerly branch of Delaware river, in forty one degrees forty minutes: They denied there was any such branch; I showed them in their own map, made by mr. George Keith, a river running into Delaware, whose head is near another of Esopus river; they urging that to be a most unconscionable division, and that it would cut off two thirds of their country; that in the map printed from that original, whereon the partition line was drawn, they had a far greater scope of land; I offered them

to calculate the proportion of land in both Jerseys, from the map or chart; and upon the division, they should have a like proportion unto what was therein allotted them; which would have been about the third of the whole: They approved not thereof: I proffered lastly, to comply with the second line, which was proposed by our arbitrators, whereby we gave them a large tract of land, whereunto they had no right; which shewed, that we were both willing to come to an agreement, in our demands, moderate, favourable and friendly, in our concessions: I added, that the lands actually in their possession, or sold unto others before the line was agreed to be run, should be annexed unto, and for the future, accounted part of their country; which, according to their own confession, were some of the most rich, beautiful, and pleasant tracts of land in either Jerseys: Neither would this please; they insisted upon the agreement, and would either have it performed or sue the bond: I was somewhat perplex'd how to preserve our own right, and secure our friends from harm; but being willing, as I have been, to deny myself any private benefit for publick utility, when they pressed they had either power or not: If power, then all were obliged; if not, they in particular: I answered, they might apprehend themselves to have power, but really had it not; as appears by the protestation of the body of the proprietors and inhabitants of West-Jersey, wherewith the lord Campbell had acquainted me: And they themselves are likewise sensible, that they proceeded not only beyond but contrary to their commission; and as for the bonds, they could not be sued, so long as they did upon no overt-act oppose such agreement; and the very utmost they could require from them, was so much land as came to their share upon a new division, according to the deed of partition, whereunto they had signed. I then proceeded to confute their pretensions from an

equal division, showing there was not the least foot steps for such a claim in the deed of partition: I desired them to consider, that West-Jersey proprietors gave above eighteen thousand pounds for the land, which cost not East-Jersey proprietors much above four thousand pounds, and for many years last past, proprietries of West-Jersey have been valued very little below those of East-Jersey; which was merely upon the account of the opinion all persons; had the proprietors of East-Jersey, themselves not excepted, that our part exceeded theirs at least two-thirds in quantity of land: I was my self almost two years, owner of an intire propriety in East-Jersey, and continually heard their complaints; nor did I ever hear any mention of a right to an equal division, as to quantity of land, only valuing themselves upon the goodness of their land, and conveniency of harbours; which were open all the winter. And as for the pretension, that mr. Byllinge gave commission for an equal division; we could produce hundreds of witnesses, that his great argument unto all purchasers, was, that West-Jersey was three times as large as East, and equal I am a witness, that he intended only equitable according to the agreement or deed of partition; which diverse can testify. But I added withal, that if he had given a commission, I thought it not valid, without the consent and concurrence of the major part of the proprietors; before he sold the land, he might have disposed it at pleasure, and receded from his own rights; but having sold the land, the proprietors were to take charge, they had their due, according to the deed of partition; upon which terms they bought: For mr. Byllinge, when he granted the pretended commission of division, was possessed only of one single propriety, as he confessed unto diverse, having disposed of seventy, by absolute sale, and mortgaged the other twenty nine for eight thousand pounds; and tho' I was not

willing to suspect any thing of mr. Byllinge; yet let any consider whether it was fit, that an indigent person, when he had sold his land, should have it in his power to give away the moiety, under pretence of a power to adjust the division, for which he might receive a great sum of money, if favourably determined on the behalf of those with whom we contended, And therefore, no division can be accounted just and legal, which hath not the consent and concurrence of the majority of the proprietors: I declared unto them, we had thereupon appointed a general meeting, and we should acquaint them with the result of our consultation, if they complied with our proposal; and that it be likewise assented to by the majority of the proprietors in West-Jersey, it should become a final decision, and be entered in both our records, as upon such occasion is usual; on the contrary, if they would not hearken to a fair and just proposal, wherein we shall recede considerably from our right; we will declare ourselves free, and maintain the line according to the deed, until they can, either by course at common law, or by an appeal unto his majesty, make an alteration: And the owners of about forty proprietries in and about the city, do request all those who are present in West-Jersey, to lay claim unto, and account as your own just right, all that land from Egg-Harbour, to the north branch of Delaware, according to the letter of the agreement in the deed of partition, until the proprietors of East-Jersey have totally abandoned all pretensions unto this last, subtilly contrived, pretended agrément; for if they have recourse to the common law, I am very confident, above two parts of three, will become undoubtedly ours. If they appeal to the king; we have not only confidence in his common justice, and unbiassed respect unto all his subjects, but a particular hope, that his majesty will remember the time and manner, and other circumstances

of the division; how sir George Carteret assured his highness (he being duke of York) that he chose the least part, because near unto his government of New-York. It is likewise well known, and can be attested by diverse, that sir George Carteret did value his share, tho' by him acknowledged not half so large as the other; yet abundantly preferable, upon the account of its being well settled with a sober and industrious people, which would invite others to come there, Whereas the other was a desert, and so little esteemed for some time, that land in East-Jersey sold ordinarily eight, and often ten times the value which was given for land in West-Jersey: It had the advantage of seven fair towns, inhabited by 3500 people; as appears by a list I have: They well accommodated with corn and flock, able to supply at easy rates, new-comers with corn and cattle; which cost the first settlers of West-Jersey a third more: Besides the neighbourhood of New-York, a place of great trade, where they could be readily supplied with whatsoever cloaths, utensils, &c. they wanted.

I flattered myself with hopes, that Mr. Penn, a person of great ability and interest among the proprietors of New Jersey, and who hath often professed a great kindness for the inhabitants of West-Jersey, would have afforded me some assistance, and moderated at the least the violence of the current, upon the pretended agreement; but he hath frustrated my expectation, by complying with them in all things, and signed with the rest; which I confess was extremely surprising to me; and will, I doubt not, appear a little strange to divers amongst you: I could not imagine any considerate indifferent person could approve so unreasonable and surreptitious an award: But I perceive, that which most influenced him, is a persuasion that the division ought to be equal in quantity, and is confirmed therein by a passage in Mr. Byllinge's commission for

settling bounds; wherein he uses the word equal; and is persuaded, being herein influenced by Mr. Keith's false map, of which I have sent you a copy, that Mr. Reid's proposal is very fair and an exact equal division of the country. I do not herein charge Mr. Penn with any fault, who I believe acts according to his convictions; but I only acquaint you herewith, that you may understand your own misfortune; for had not Mr. Penn embraced our interest, we should probably have made a more speedy and advantageous agreement; the proprietors being mightily fortified by his countenance and authority, to adhere to the late award, only as a great argument of their moderation and justice: They have made an order signed likewise by Mr. Penn, that if upon a new survey, it appears this agreement give them the greater moiety, they will refund so much as may reduce it to an exact quantity. It was a great defect on your part, to agree upon a division either with New-York or East-Jersey, until you had a most exact survey of the country; they of New York and East Jersey, have in this respect, exercised the highest prudence, knowing the whole country to a little, and thereby have both overreached you. I have seen their draughts, than which nothing can be more exact; but they dare not yet print them, till they have adjusted the affair with you, lest their own maps should rise up witness against them: And considering how curiously and diversely Rariton south, and Passaick river are branched, I judge their country, quantity for quantity, double the value of ours: I never yet saw any maps of West-Jersey, in the least comparable to these of East-Jersey: I have sent you a pattern of one part of their country, tho' they have a draught of every parcel, and ten times more large and particular than this. I do therefore make it my serious advice, and earnest request, that you will, with all speed, cause a very particular map to be made of

your country; I do not mean of every propriety or plantation, but a true account of the length, with a note, if any part of the country be extraordinary barren; where those barrens are, and of what extent: I had almost forgot to tell you a pretty policy of Mr. Keith and John Reid, I suppose by direction from some of their superiors: The draughts they produce for division, are not in the least according to truth, nor according to those they sent their proprietors. whereof I having been two years of East Jersey, have most certain knowledge, and exact copies of their own draughts, to compare them; but in those maps they produce for division, they make our country towards the sea and bay, near double the bigness it really bears, and their own almost half as little as really it is; thence arguing for the reasonableness of addition unto the true line; and indeed that which they pretend an equal division, to say nothing of its exceeding ours, generally speaking in goodness; it is above a fifth part greater in quantity, so that having received upon all hands, so unfair dealings, I declare it unto you all, as my opinion and advice; and if I have any authority among you, I intreat and require, that you treat not with them any further about any accommodation, nor own that pretended to be already made; but stand by the letter of the agreement between sir George Carteret and Mr. Byllinge, viz. That the line be run directly from the east side of Little Egg-Harbour, unto the most northerly branch of Delaware river, in forty one degrees and forty minutes: And I question not, but we shall bring them to more reasonable terms than any they have hitherto proposed; at least no pains nor cost shall be wanting on my part; and I have the concurrence of all our proprietors, Mr. Penn excepted, whom I could any ways meet with or consult: And whereas I am very credibly informed that the proprietors of East-Jersey, have ordered lands to be taken

up in divers places near the new pretended line of partition; that having possession, upon a review that may have a more spacious claim; if any attempt of this nature be made, I do not only protest against it, but request and desire that all the inhabitants of West-Jersey do the same; and at the same time, the surveyor of West-Jersey, or his deputy, do immediately take up in my name, all that land which is westerly of the Mill-Stone and Rariton river, which was not actually in their possession of East-Jersey, at the time of their pretended award between Mr. Emley and Reid: You will better understand my mind by the inclosed map, which is a copy exactly drawn from one of their originals; and we favour them very much in going no further, (for according to strictness, our line runs within three miles of Perth city) and by allowing them that great tract of most excellent land, from thence to the meeting of Millstone and Rariton river. I shall add one thing more, which seemeth to me of the greatest consequence: I beseech you let there be no animosity or indignation, severe censure, or spiteful reflections, on those who gave their consent unto the award made by Emley: For my part, I am fully satisfied in the honesty and fairness of their intentions; but the best of men may be overreached by cunning designing persons; forget what's past, and live together as becomes christians, and neighbours and countrymen. As I have taken care that the publick shall not suffer by their act, so I shall likewise endeavour to secure them from any trouble, only they cannot act in conjunction with the rest of the proprietors; concerning which I shall give them particular instructions; in the interim, I remain your most affectionate friend,

A handwritten signature in cursive script, reading "Dan Coxe". The signature is written in dark ink and is positioned at the bottom right of the page, below the main body of text.

Part of a letter, without signature, to the Proprietors of East Jersey in England, relating to the dividing line between East and West Jersey.

[From draft in New Jersey Hist. Soc. Library—Papers on West Jersey Line, Bundle 6, No. 1.]¹

TO WILLIAM DOCKWRA & COMPANY:

Ye had last inclosed o^r Surveyo^{rs} journall & returne of his running the line from Egg harbour so farre as to Rariton river conforme to the award wee obtained at Doctor Greenlands upon the bond of Arbitration entered into by the deputy Govern^{rs} of east and west Jersey & the Com'ittee of the Council of each province, a Copy of w^{ch} bond & award yee have long ere now by Lord Neil Campbel

Since the line was run by o^r Surveyo^r some of the proprietars of west Jersey have purchased land of the Indians, within our line, and particularly Thomas Budde, and the deputy Governo^r of this province having notice y^t Thomas Budde had lately passed through to New York, to buy some goods for paying the indians as the price of the said land within o^r line, resolved. ? . cause way-lay him upon his returne, wch accordingly was done, and by a warrant directed to the Sherriff he was taken up at John Inians, he locked himself up two or three days & wold not Surrender pretending he was in his own province, and Some other west Jersey men came under pretence to visit him, but as Seemed to rescue him, wch obliged the deputy Governo^r to order to the Sheriff a Stronger guard (and this putts the Country to trouble and the proprietars to expense) After five dayes attendance he was brought before the deputy Governo^r who told him he was informed against as a person, who contrary to

¹ The draft from which this was taken is almost illegible from age and peculiar chirography. No date is attached to it, but from its contents it is supposed to have been written in 1687 or early in 1688. Ed.

o^r lawes and without our Authority, hade taken upon him to Conveen our Indians and purchase land within o^r province. He likewise told him y^t hade their been nothing else to restrain him than the Publick engagements, y^t the two governo^{rs} of both provinces lay under, viz, y^t no land Should be purchased near the line, or which Should seeme to be in controversie till all differances were ended touching the line, hade been enough to deservee . . . neither Could he Judge so ill of Governo^r Skene, as to beleive he hade the lest hand in it, Considering how but so lately he hade writ a challenge to Lord neil Campbell (upon misinformation) as taking upon him to break the public faith, which Lord Neil did very handsomly acquitt himselfe off, and made him a . . . ? . . ., y^t the thing was entirely false, and that the aggreement Should be closely kept upon his part, not doubting the like from them.

The deputy Governo^r further Said to Thomas Budde that if he as a probate person took upon him to disturb the peace of a Country, he was highly punishable. He made answer y^t what he did, was by act of their assembly, And if they did not bear him out the blame be upon them. The deputy Governo^r demanded a Sight of their act but he declared he hade it not by him, but hade left it at home: this he declared before halfe a dosen of witnesses. To which our Governo^r made answer, if he hade an act of their Assembly for what he did, their Governo^r must be a Consenter, and if so, he was guilty of a double breach first of the publick faith entred into by the two Governo^{rs} and last of his bond of five thousand pounds entred into at Greenlands, for Consenting to purchase any land, within o^r awarded line.

In fine The deputy Governo^r took a recognisance of Thomas Budde, for an thousand pounds to appear at o^r next Court of Com'on right to be held in October next to answer &c:

Also some of West Jersey have forbid the people of Piscataway, to pay their quitt rents, upon pretense y^t Piscataway is within their province, which doth obleige o^r governo^r and Counsell to issue out warrants of distresse to make them pay them

Upon the whole Matter yee See their is an absolute necessity, y^t this matter touching the deviding line of the two provinces be put to a close seing those of west Jersey have begun to purchase land within our line and undoubtedly within our province, and on the other hand the Governo^r and Counsel of the province are obliged to make a legal resistance, and how farre the Consequence may amount to in trouble and expense yee may easily perceive.

If the affair be brought to any judicatory in old England as seemeth most proper if it cannot be otherwise agreed, it seemeth to be very fair on o^r side, for first, why should not the late agreement hade at greenlands obleige them seing they who made y^t agreement, were the representatives of their province and hade power given them by the most considerable part of the said province Considering y^t their Governo^r represented thirtie proprietaries of their whole province, so y^t wee see not how any thing can shake or Invalidate the Said agreement or otherwise, it is Impossible to make any agreement with them, for with whom can it be made with all and evry Individual y^t has the least Share of a propriety? that seemeth Impossible to gather them together being so scattered in remote parts of the world, or if with the greatest part it is also very difficult for us to find who are the greatest part and besides the lesser part may alledge ye greater has no power to dispose of their property, so y^t we see not how any ferme agreement can be made with them. But Secondly if the said agreement doth not obleige them to stand to the line as was agreed, y^t the proprietars of east Jersey have a fair

plea to desire of the King or any judicatory it is referred unto an order y^t an equal division be made of the whole continent in two equal halves in quantity & quality Seeing an equal devision was intended as we judge although these of west Jersey say It was not Intended and in order to the said equal division, yee are disposed to desire y^t seeing east Jersey along the whole cost hath been truly & carefully Surveyed by the general Surveyors of both provinces, y^t west Jersey be also surveyed and y^t some Impartial and Skylful men be ordered to Judge of the equality as to quality of land for they of west Jersey alledge they have more barren land wch yet we think is very doubtfull. And thirdly some other precise bounds needs be appointed for the north end of the two provinces, than what the deed of Partition mentions for as to y^t bound viz 41 deg: & 40' our Surveyor tells us it is not to be found on any branch of delaware river as the deed mentions, for no branch is in y^t latitude in the true and proper Sense of a branch, wch is a stream coming out of the river y^t makes a true branch. but no such can be found in y^t latitude, or near to it, only the Surveyours found some brooks running into the river but where they Joined to the river was farre from ye latitude. And Indeed it is very disputable & unclear what is delaware river itselfe above the falles for two great streams meet farre beyond the falles northerly, and which of these is delaware river, cannot be easily determined, but rather seemeth Impossible for the name delaware was only given to it as it extended from the falles to the sea. fourthly seeing the deed of Partition is grounded on a false mapp, and a wrong account of the country, as to its Survey, and delaware river itselfe was supposed to have a branch in that latitude, and yet hath none, we Judge y^t any Judge will Say, the deed of Partition must be wholly laid aside and a new line of devision

ordered to be run if y^t already run in great part, doe not stand, and if a new line must be run, we are ready to think y^t by equal devisiō the new line shall be more favourable to east Jersey than this already agreed & run in part but nothing can be certainly affirmed till west Jersey be surveyed as well as east Jersey.

And whereas these of west Jersey object y^t this line lately agreed unto cutts them short of their latitude about foure miles at the north end, by running to delaware river about 41 degr: it is answered, and so doth it cutt us off in respect of our bounds with them, if it crosse not ye river and if they can procure it of right y^t they may run out their full latitude, crossing y^t called delaware river we shall well allow it, and be sharers (?) in the other side of the line; but that is to be disputed with William Penn. But secondly, the province of west Jersey extending from Cape May is Judged bye estimation to be fourteen miles longer than east Jersey, and is also wider than east Jersey & therefore is still the greater province. It is funder to be Considered y^t the deputy Govern^r of west Jersey, in the late agreement at Greenlands did not only represent thouse proprietars of west Jersey in the person of Edward Billings who had thirtie proprietaries belonging to him, but had power given to him by the late instrument, to lay aside the deed of partition, and with the concurrence of four or five persons of both provinces, to agree upon a new line as they should see fitt, wch Instrument was signed by Edward Billings for west Jersey and by Robert Barclay for east Jersey. Besides y^t diverse proprietars of east Jersey are also concerned in west Jersey, as having shares in it. If it happens y^t these of west Jersey represent to the King or Counsel or any Judicatory in old England the Verdict of two Surveyours to wit Andrew Robeson for west Jersey and Philip Wells for new york and shall alledge y^t by an agreement made at new york

by the three Governors of the three provinces, viz new york west & east Jersey, the verdict of any two of the Surveyours should be valid, without or against the Verdict of the third¹ To this it is answered y^t George Keith Survey^r of East Jersey hath given no verdict as yet in the case and as for Philip Wals [Wells] if he has given any verdict for the bounds of west Jersey, and line of partition betwixt west and east Jersey It is easie to prove it void for he went not with the other two Surveyours to litle egge harbour, and has no knowledge of the survey of east Jersey from Sandy hook to egg harbour but only by report, and therefore is no fitt person to give a verdict in the case for he reckoned himself only concerned in the line betwixt new york province and east Jersey, and as for the aggreement at new york, the latter aggreement and award at Greenlands makes it void as toutching west and east Jersey. But as for the line betwixt new york province and east Jersey, the Verdict of any two of the Surveyours may hold, and they seeme to agree in it y^t the line run from 41 degr: on Hudsons river north side northwest by the needle: till it come to delaware river (w^{ch} seemeth equal and fair to both provinces) and to the latitude of 41 degr. and fourtie minutes, and whereas it is reported, y^t Philip Walls [Wells] hath made a late Mapp of the continent of west and east Jersey, and by the line supposed to run from litle egg harbour to the mouth of Milstone river (wch is ten miles at least more easterly on Rariton, than the line lately run by aggreement) the said Mapped represents west Jersey as the lesser province, we say, that Mapp is very unfair and is grounded upon no true knowledge or Survey of the continent of west and east Jersey, and we desire y^t no credit be given to it till a just survey be made of all y^t continent of land

¹ See Vol: I, pp. 517, 518, 520.

lying betwixt litle egg harbour and Cape May and Cape May all along delaware river to the falles, to all wch Philip Walls [Wells] is wholly a Stranger and hath no ground but report and conjecture, and it is more probable y^t west Jersey is larger for quantity of land than east Jersey by the line lately run by agreement although we will affirme nothing positively without a true survey of the wholl, And though the Surveyo^r of west Jersey, being a proprietor pleads hard for west Jersey, y^t the branch of delaware river may be found on a brook y^t runs into delaware, in ye latitude of 41 deg: 40', y^t is so easterly, y^t the line wold run from litle egg harbour within 4 or 5 miles of Amboy & so make east Jersey scarce worth the name of a province yet diverse affirme they heard Andrew Robeson¹ and the other 2 Surveyours agree in their opinion, y^t no stream or run y^t did goe into delaware river, was to be taken for the branch.

Minutes of the West Jersey Proprietors, respecting running of the line between the two provinces, in accordance with the award of Reid and Emley.

[From original in New Jersey Historical Society Library. Papers relating to West Jersey Line. Bundle 6, No. 4.]

AT A COUNSELL held at Burlington in y^e house of John Cripps y^e 21st of y^e 2^d month 1687²

The Deputy Gouvernour hauein informed his Counsell wharfore he called them together was y^t Samvel Window Miles Foster & John Cambell requested they might have y^e opertvny to deliver to vs a matter they had in Charge from y^e Gouvernour & Counsell of East Jersie Concerning runing y^e line of pertision to w^{ch} he had ansered y^t if it was Conserving runing

¹ See Vol: I, p. 521.

² 1687-8.

y^e Line he Judged it rather proper to haue a meeting of y^e propriators, w^{ch} if they plased as y^e Gouvernors Representative he would call together, though as one of y^e propriators they behoued to excuse him from any further transacting in y^t affair unles they gaue him vp his bond w^{ch} as a propriator he had signed to w^{ch} they ansered they had his bond heare, but their busines was not with y^e propriators but with the Gouvernor of Counsell; wharefore those gentlemen being admitted Samvel window in behalfe of y^e rest haueing produed a Commission vnder y^e hands of Gouvernor & Counsell of propriators & Sale of y^e province of East Jersie Impowering them to give notis vnto them y^t ware Conserved y^t they should send & meet their Svrveyor Ginerall at little egg harbour vpon y^e 26 day of this month in order to y^e runing y^t line of pertision according to y^e Award of william Emly & John Reed as y^e Said Commission more at large imports w^{ch} being Considered by y^e Counsell it was Judged by them y^t y^e Contense of their Commission was most properly to trate wth those propriators conserved in y^e signing y^e foresaid arbetration & in respect y^t all y^e Counsell only one expected ware Conserved with those who had protested against y^e Said arbitration &c they tharefore Could not assvme to themselves a power w^{ch} they had not, of giveing away y^e perticuler estates of all y^t ware purchasers of propriaties or parts thareof through this province; after w^{ch} y^e Gouverner did tell y^e Said persons if they had showed this their Commission before he would have ordered those persons who wth him are Conserved in y^t Arbetration & had only as propriators takeing burden for themselves & not for y^e rest of y^e propriators to haue given them y^e meeting if they pleased to Stay so long hee would forthwith send for them or if it might be more exceptable hee would order all y^e inhabitant propriators to be Svmoned wth all possible dilligence.

JOHN CRIPPS Sactetary

Intended Surrender of the Government of East Jersey.

[From P. R. O., B. T. Proprieties Vol VI G 47.]

Draught of a Surrender of Government intended to have been presented to the late King James by the prop^{rs} of East Jersey in April 1688.¹

To all to whom these p^sents shall come James Earl of Perth Lord High Chancell^r of the Kingdom of Scotland, John Earl of Melfort Principall Secretary of State for the said Kingdom of Scotland, Robert Barclay Esq^r William Penn Esq^r Robert West Esq^r Andrew Hamilton Doct^r in Physick, Thomas Cox Gent, Robert Burnet Esq^r Thomas Hart Merchant, James Brain Merchant, Walter Benthall Merchant, Thomas Barker Merchant, Augustin Gordon Gent, Clement Plumsted Merchant and Thomas Cooper Merchant, Propriet^{rs} of the Province of EAST NEW JERSEY in America send greeting **Whereas** his Most Excellent Ma^{tie} King James the second was heretofore graciously pleased to grant to the Propriet^{rs} of the said Province their heirs and Assigns the Government of the said Province and severall powers Authorities and Jurisdictions relating thereunto which his said Ma^{tie} for severall weighty reasons of State is desirous to resume, and to take the said Province into his own more im^{ediate} Protection **Know ye** that the Propriet^{rs} above mentioned in humble submission to and acquiescence in his Ma^{ties} Royall wisdom and pleasure **Have** Surrendered and yeilded up and by these p^sents doe in behalfe of themselves and of all other the Propriet^{rs} of the said Province Surrender and yeild up to his said Ma^{tie}

¹ Communicated to the Board of Trade by Mr. Dockwra December 11th, 1701, but it is said to have been accepted by the King at the time it was made. See "Grants and Concessions," pp. 604-5.—Ed.

the Government of the said Province and All the Powers Authoritys and Jurisdictiones relating thereunto formerly granted by his said Ma^{tie} to the Propriet^{rs} of the said Province, And all other their Authorities and powers of Government there whatsoever **In witnesse** whereof the said propriet^{rs} have to these p^{rs}ents affixed the Com'on seal of the said Province the Thirtieth Day of Aprill in the Fourth year of the Raighn of our said Sovereign Lord James the second by the grace of God of England Scotland France and Ireland King Defend^r of the Faith &c Annoq.: Domini 1688:

*Letter from Andrew Hamilton to William Dockwra, about his private interests in the Province.*¹

[From the original among the manuscripts of W. A. Whitehead.]

Perth Amboy May 26 1688

Mr. Will. Dockwra

S^r

I have several of yo^{rs} via New England, New York Road Island, Delaware &ca. To answer each in their order so many crouding vpon me *since any opportunity offered from hence* were to give you infinit trouble. But since They chiefly concern yo^r Land yo^r stock, servants, Sec^r: Regr^r: & Treas office: Ld Neils assetts gibbons &ca: I shall take them in order as they ly, & j^o as to yo^r Land. Mr. D. as my kindnes to you &

¹ Although this letter relates entirely to the private affairs of the parties, yet, the references to the condition of the Province at the time, the mode of living, and other matters throwing light upon the affairs of the settlers, render it admissable into this collection. The lines in italics are those underlined by Mr. Dockwra and to which his notes in the margins refer.—Ed.

q: my Lands Interest. he says it has helped to repair me. vid, the severall Tracts & Report Owns that I have [well]deserv'd at the Province hands.

yo^r family is really tender so I have witnessed it in the choice of yo^r Land: as in the shedule annexed. yo^r interest indeed was but very inconsiderable when I came here & I think myself very happy in being ane instrument to help repair you, who besides the merit of yo^r good family have yo^r self so well deserved at the province hands. As to yo^r stock of Cattle they are as in the shedule. It is not worth your while to keep them or run the risk, besides That it takes vp one boyes whole tym to herd them & [their?] increase will scarce buy hay for them in the winter, if ever you Come here you have as many outstanding debts (which will be impossible to recover in any other way but cattle) as will stock a plantation, & therefor I shall be of opinion to dispose of them as occasion offers between [this] and the fall. It is the greatest cut throat in the world to medle in any thing touthcing a plantation if a man is not his own overseer vpon the spot. And therefor I myself being tyed by the foot to attend at Amboy must forbear to form any design vpon my plantation till I can live vpon it, for servants eats a man vp if he is not Constantly over ther heads; And lykewise if any Ground is cleared (besides the vast charge of clearing & fensing) if it is not kept in Constant tillage for some years it runs vp in brush & becomes worse then the first clearing & if a man were to sell it p'haps not advance the rate of it a farthing As to yo^r outstanding debts it is impossible to raise them in money, But shall essay all means & them with all expedition & as they are recovered shall remit them to Mr Jones. But indeed you will find great loss & difficultie to remitt them to England, but if I can purchase bills vpon

all Increase of Cattle scarce buy hay in Winter. Dispose them Debts paid in Cattle. Enough to stock a plantation. q. why not gott in?

Servants eats vp all vnless a man be ther.

ground cleared if not kept so is not worth any thinge more than rough

remit my debts as recovered to Jones q. if can get bills for returns.

England from any people who settle here, I shall dispose of yo^r effects to them, As for yo^r servants all ther tymes are out (except the glazier, painter & two boyes) & happy it is for you it is so. The painter being a slovenlie idle boy & constantly sicklie & so . . . & drinking idly I sold him his tym last winter for 9 lib ster. he drawes upon his mother & sends a letter of advice, if it is payed its wel, if not, *you loose nothing but a gainer to be quit of him.* The glazier is a great Rascall a great lyar & wold steal the teeth out of a mans head, & therefor will be forced to turn him of at any rate *if I can get his own bond at 10 or 12 lib for the year y^t, he has yet to serve,* you are wel quit of him (for none will be bound for him) he is so well known. *Old Smith I keep doeing jobs vp & down to reimburse what he owes you, & the two boyes are reallie Naughtie boys, great lyars and not honest, you have certainly had the worst luck to servants of any man, I will be forced to dispose of them, y^t if you have no profit in the Country you may be at as little expense. As for Spybee it had been better you had accepted of the 10 lib. than any thing you can make of him here (his mother writs that you wold not accept under 15 lib) obligation of Killingworth is only such That if the 10 lib is not payed in England . . . obliges himself That Spybee shall hold acc^t for what he has wrought dureing the tym, to Wm Dockwra or his order. Now last year was a very sickly year & the fellow for the most part sick so that besides That it will amount to litle we must take the work vpon his own word being impossible for any to trace him out. He offers me tickets of people for whom he has wrought to the value of about 12 lib, tho I will . . . that to the highest. But then it is in Country pay in which there will be p'haps 20 p^{ce} loss between [that] & silver pay, so that*

Servts

Splbe
Glazier
2 boyes

old Smith

Splbe to hold
accot what he
got
a wise bargain

tickets
about 12 lbs.

10 ls at home *I wish you would secure the money at home.*
 better As to what Concerns Tankins I judge you
 Tankyn have mistoke what I wrot, you seem to un-
 derstand it That I agreed for 40 lib for his tym of
 which he has wrought for 30: but if so my sense was
 That tho he had wrought jobs to the value of 30 lib
 yet declare he was to pay 40 lib, of which he has payed
 Tankyns lot. *a steer in pairt pay: I design to take a*
mortgage on his house & lot or otherwyse
 secure the rent, he had the lot granted him befor I
 came to the Country, to encouradge him as a tradsman
 to setle in the place. *as for Carington: the sickly year*
 and R Jones not sending down *has hin-*
deed the acco^t to be made up with him
 Key in A. H. But he can imbezill nothing, *I having*
 but of what? *taking the key of the ware house in my*
 is there no ac- *Custody. as for his house I protest I*
 count to charge A. H. *know nothing of it, it being reared when I*
 and discharge Carington of *was at York with L^d Neil. I was very se-*
 what was taken, into Ham- *vere vpon them for it. But I do really find*
 iltons posses- *y^t a great*
 sion. *pairt was done for services she did to the*
 y^t a great *people when they were sick, & the rest he*
 Qu. Why is not *owes. The house cannot run away, & they*
 the acco^t *are in a fair way to hold . . . any*
 made that *thing arise of a ballance; as for Cole if I*
 Carrington's *Crushed him at first he had Certainly run away*
 -----may be *but now he is in a way to get money &*
 Crushed *be sure I will see to secure you, how*
 Cole secure as *farr is possible As to yo^r pattents of*
 far as possi- *Sec: Reg^r. & Tr^r. you will certainly loose*
 ble but never *the tryall, & besides there is not a fitting*
 made even pay *man to be got here for y^t place, & now when we*
 a groat but run *have so much to do, so many titles of land*
 on till all lost. *to try wth the planters & the best of that*
 Sec & Regr *office being already over, I thought it not*
 no fitting man *worth while blow a coale & not to prevail,*
 to be got for *& therfor we might (at least) let it sleep a little till a*
 Dep^{'ty} besides *&c*
 &c

more Convenient tyme. ffor that of *Treas: a receiver Gen.* it is not worth yo^r Counting, a man is a beggar that undertakes the Collecting of it at 10 p^{ct} at 5 p^{ct} being oblidge to run through all the Corners of the province & forced to take things for the most part in County pay, which is a great risk in. so y^t if W. H. could keep good his intromissions, I should never wish any friend to Court the office; however he

lykewyse stands vpon his patent, & I doubt we have no other way, but *either to give him a piece of land to be quit of*

him or bring him often to acco^{ts}, as now we have ordered him to make vp his acco^{ts} As to L^d N's acco^{ts} I am sorry he should be so mean; however I refer you to Mr Carringtons *adimadversions vpon them* which will give you a great sight.

As to Gibbon at last I have secured yo^r money & have got it payed in this day being 26 lib.. 2^d York money But how in the world to remitt as

I am true I know not, if the species be sent over you will loose $\frac{1}{3}$: & ther will this year be at least 50 pr c^t loss upon oyl, *this is the first of yo^r money I have seen since I came to the Country*

so ill is it to be raised. I have taken all imaginable pains to Encouradge Mr Stancliffs designs because his designes seem to be reallie

honorable, in allotting his propriety as a refuge to poor banished protestants & besides I am sensible it will prove a great good to the Country. I have placed him vpon Mylston river as a place convenient for such a design, but remember I had an eye by that Neighbourhood to make Mr D^s

land more valuable *There is a gushet of about 2000 acres a rear of your vppermost lots, which I design to take vp for you, being good land; so I think by farr you will be the best land-stand of any concerned in the province, as*

Willocks & An-

no land to give
W Haige to
quit

Ld Neil

£26. 2. 0

Gibbons the
First money
after near two
years

Stancliff

till about their two lots of Land at Raritan, that is now nothing I have that of Willocks already

to Geo. Willocks & M^r Antil I must take tym to it & not be too hasty lest they overrate Le Cout has sett vp his powder Myl at York but Mr Stancliff has preingadged him first to view his land, & if he does not pleas that then he shall view yo^rs One word of Jo :

John Hanton's
Plantation
N B

Hantons plantation at Changerora. I wold fain have you to have it. In the first place because it is a good plantation to setle on, & will always be Saleable 2^d I think I can sett you vpon a way to purchase it viz: if not released the benefitt of survivorship, which I keep as a secret, unwilling to start. Then if you

Survivorship
N B

purchase R. B $\frac{1}{8}$ & the other $\frac{3}{8}$ of Melfort, Perth, Tarbets (now L^d Neils) & R Burnets. The $\frac{3}{8}$ & $\frac{1}{2}$ of Aren Sonmans & the $\frac{1}{8}$ between G L & Gordons of Cluny will fall into you: so you are master of the whole. But in caise you have released the survivorship, yet I have thus transacted w^h Peter

Peter Sonman

Sonmans That you procureing to him $\frac{3}{8}$ & $\frac{1}{2}$ in the plantations at Amboy in Exchange he will transfer to you $\frac{3}{8}$ & $\frac{1}{2}$ of the plantations at Changeroras. Now the whole plantation at Amboy is not worth 300 lib, & y^t at Changeroras wel worth 600 lib:

300 lb Amboy
600 Change:

It is my opinion if you can do it Conveniently to purchase the rest out & then you have none to deal with but $\frac{1}{8}$ of G L, & for that $\frac{1}{8}$ I question not if you transfer to him in exchange $\frac{1}{8}$ in the farm at Amboy he will procure G L $\frac{1}{8}$ in the farm at Changeroras. Which farm with yo^r 1000 acres is richly worth 800 lib It is now tyme I were thanking

M^{rs} Dockwra for her present, and you for mine & my wifes present yo^rs Pray pleas to procure M^{rs} Gibsons receipt to G. L. y^t, I may get vp mine I was a great loss in drawing. . . . ; since mine is so ill to be remitted from hence, she owes me I think 1^{lb} 6s. for Commission, but it is not worth speaking of. As to what G.

Keith wrot you concerning. be good and
 no Copper a it, it looks like a piece of
 indigo I judge nothing but a sort of a
 it short it can be *good for nothing* being lighter then
 the bulk of so much old clay. It is now tym I were
 taking leave & therfor w^h my humble servise to Ma^m
 Dockwra, M^{rs} Mary & the rest of the family till anothe-
 er oppportunity I subscribe myself

S^r

The weelwisher of yo^r family
 AND: HAMILTON

[The foregoing letter is endorsed in Dockwra's hand-
 writing

“ Cap^t Hamilton
 “ date May 26^o 88
 “ rec^d July 24^o

“ Copious letter ”—

and among other mem^a the following, written it is
 presumed at least twenty years afterward, when the
 letter was sent to his then agent—]

“ vide

How about our Interest in the land taken up in the
 fund of £950 call'd the Scotch Prop^{rs} stock

What is said about the Lands at Changarora

In John Hantons possession and the Lands at Am-
 boy

In John Reids possession—both being servants to vs
 the particular Proprietors of that land belonging to
 our Stock. And all the 950 ^{lb} is sunk & gone upon the
 Expectation of improveing two profitable Plantations

but we have lost all our Capitall & about 25 years
 Interest which is above two thousand Pounds. And
 having nothing left for so much money but the bare
 land.

What Impudent wickedness is it then for any body to attempt the Ravishing it from the true Owners thereof !

The above remarks concern your interest ag^t Willokes invading y^t Land at Amboy that we settled by Reid and our Stock servants all sunk thereon

The many other Notes in the margin pray peruse, on my behalf, some of them are yet serviceable to my case. others are worth notice for information & observation. one note I beg . . . (?) . . . as to my self. He says I was in 1688, the best Land—stead of any concern'd in the Province if that . . . (?) Hamiltons Encomium of my Lands so valuable in 1688—most upon Rariton—was worth double in 1701—some Treble—aye some 4 fold more than common land without in scituation or goodness and so ffar first accot of Sales Runs most upon that, ffor God sake examine it.

Agreement Between the Governors of East and West Jersey as to the Partition Line.

[From certified copy of West Jersey Records, Book H 2 of Deeds, page 434 in Boundary Papers of W. A. Whitehead.]¹

Agreement of Governors Cox and Barclay relative to running the Partition Line.

LONDON, Sep^t 5th 1688

IT is agreed this day Between D^r Daniell Cox Govern^r of the province of West Jersey on behalf of himself and all the Rest of the Proprietors of that Province on the One part and Robert Barclay Governour of the Province of E: Jersey on Behalf of himself and all the Rest of the Proprietors of that Province on the

¹ A copy certified by Wm. Dockwra is also in the New Jersey Historical Society Library, Papers of F. J. Paris, Book 4.—Ed.

other Part as followeth Vig^t For the final determination of all differences Concerning the deed of Partition and all Other disputes and Controversies about dividing the lands and Setling the Bounds Between East and West Jersey **First** the line of Partition run Streight from little Egg Harbour to to the most westerly Corner of John Dobies Plantation as it stands on the South Branch of Rariton River shall be the Bounds so far Between between East and west Jersey and shall not be altered But remain as it stands in a printed draught of the Proprietors lands Surveyed in E. Jersey and drawn by John Reid and since Printed here **Secondly** from thence to Run along the Back of the adjoining Plantations until it Come to James Dundasse his Plantation and from thence as the most North-westerly part thereof a line to lye even with the line on the Back of these Plantations and so to Run North Eastward till it touch the North branch of Rariton river as it is Struck upon the mapp already but saving the Plantations already laid out to be within the line if they happen to Stand a little more westerly then that line is marked **Thirdly** from the North end of the line where it Touches Rariton North Branch thence forward the largest Stream or Current of water belonging to the said North Branch shall be the Bound or Partition and so Continuing along the Same unto the North end thereof for the Bounds Soe far. **Fourthly** from the said North End of the Branch a Short Streight line to run to touch the Nearest part of Pisaick River and so following the Course of that River Continuing into Pequanic River so long as it Runs Northerly or Northwesterly those Rivers Still to be the Bounds Between both Provinces and if Pequanic River doe not run far enough to the latitude of 41 degrees then from the said River a Streight line to be Run Northward to the latitude and that to be the utmost north Partition Point and from the said Point in

a Streight line due East to the Partition Point on Hudsons River Between East Jersey & New York Provided always that all Plantations and Tracts of land laid Out and Surveyed Before this Agreement Arrive in East Jersey Shall Remaine to the Parties Concerned and the Partition Shall so Runn as to Include them within E Jersey Bounds **Lastly** D^r Cox doth Covenant and promise to make Good the agreements above written and Warrant the Title and quiet Possession of all the lands so to be appropriated to the Proprietors of E Jersey According to the limits and Bounds above mentioned against all Persons that shall or may Pretend or Claime any Interest to any of the said Lands as W. Jersey Proprietors. And Robert Barclay doth Covenant and Promise to make good the Agreement above Written and Warrant the Title and quiet Possession of lands so to be appropriated to the Proprietors of W. Jersey According to the limits and Bounds above mentioned against all Persons that shall or may Pretend or Clayme any Interest to any of the said lands as E. Jersey Proprietors for Performance of all and every the Respective Articles and Covenants hereunto Mentioned they doe Mutully Bind themselves each to the Other in the Sume of £5000 to be Well and truly paid on the Breach of any the Clauses and Covenants herein Before mentioned. **In Witness** whereof they have interchangeably Sett their hands and Seals the day and year first above Written.

Sealed and delivered
in the presence of
David Howling
Stephen Lucock

Barclay



Governor Andros to the Lords of Trade.

[From N. Y Col. Docts: Vol. III. p. 554.]

New Yorke 4th October 1688.

MAY IT PLEASE YOUR LO'PPS: [Extract.]

I arrived here the eleventh of August past, when His Majesties Letters Pattents being published, received this place, as also East New Jersey the fifteenth, and West New Jersey the eighteenth following, where by proclamac'on continued the revenue and all officers in place, till further order; and have since settled all officers Civill and Military. By expresse from Boston the three and twentyeth of the same month, had the happy newes of the berth of the Prince of Wales, and, tho late in the day, was solemnized with all demonstrations of joy and gladnesse for soe greate a blessing, and the next day in Councill a publique thanksgivinge was ordered to be kept on the second of September att New Yorke & places adjacent, and fourteene days after throughout the whole dominion.

Your Lo'pps,

Most obedient & humble Serv^t

The Lords of the Comit-
tee for Trade &c



*Account of the Several Rates or Assessments laid
upon the Proprietors of East Jersey.*

[From a copy among the manuscripts of W. A. Whitehead.]



A PARTICULAR of Every rate Layed upon
Each of the Twentie Four Proprietors of E.
New Jersey by the Comittee & Councill of Pro-
prietors in London for Defraying the Varitie of Publick
Charges in relac'on to the affaires of y^e said Provience

and in Desfence of y^e Government & p^rservyng y^e rights
& Priveledges thereof.

Annos 1683
July 29th *Ordered* that Tenn Pounds
upon Every Propriety be payed
unto the Publick stock for making up
what ffalles shorte in Cash to pay ffour
hundredpoundes to Gawen Lawrie towards
his Dispatch as Governor } £10. 00. 00

January 8th. *Ordered* that ffive pounds up-
on Every Proprietie be paid into
stock for paying Surveyers and Solicitors
&c^a: & Enrolling the Duke of Yorkes
Grant searching for Deedes & papers about
ye Earle of Bath & Other the Trusties and
Governor Carterets papers acc^{ts}: &c^a: & at-
tending King & Councill board to preserve
our Govern^t & Obtaining K. Charles his
Proclamation } 05. 00. 00

1684
July 29th. *Ordered* that ffive pounds up-
on Every p^rpriety be payed into
Stock for Enabling the Committee to pay
Gawen Lawries two Billes of Seventie
poundes Drawen upon y^e p^rprs here in
Lond^o & p^rsentyng Geo. Keith on his
Voaige & Defraying other Charges. . . } 05. 00. 00

October 21st. *Ordered* that Tenn pounds
upon Every p^rpriety be payed,
into Stock for Enabling the Com^rittee to
pay two billes of One hundred & thirty
pounds & two billes of Eighty ffour
poundes two shillings Drawen by Gawen
Lawrie upon the p^rprs here in Lond^o for
ffurther Cost of Building the Governors
house at Amboy &c^a } 10. 00. 00

1685
June 16th. *Ordered that Tenn pounds*
upon Every Propriety be payed
into Stock for Defraying the Great Charges
for Negotiating Our publique affaires of
the Province at Court among Offercers }
and Ministers Lawyers &c^a: Rob^t Bar- } 10. 00. 00
clay atending here many months and much
Expense in Variety of business requireing it }

February 2d. *Ordered that ffive pounds up-*
on Every Propriety be paid into
Stock there being money Due to Seaverall }
& no Cash to pay them nor ffund for the } 05. 00. 00
Defraying the nessary publick Charges. }

1687
Novem^rbr 1st *Ordered that Tenn poundes*
upon Every Propriety be payed
into Stock their haveing been Great
Charges among Lawy^rs Surveyors &c.^a
About the Dispute Difference and Settle- }
ment at Last of the Line of Partic[']on } 10. 00. 00
'twixt the two Pro: the two provinces &
being in Debt for Sundrie billes & acco^{ts} for
money payed to Defray Varietie of Charges
on the publique affairs of the p[']vince. }

£55. 00. 00

I *William Dockwra* Secretary and Rigger of y^e
Province above said having Exam^d: y^e Court books of
y^e Com[']itte or Councill of Propr[']s Do find that the
Seaverall Rates & Sumes above menc[']oned are Layed
upon Every p[']pr according to his respective Share &
p[']porconall Interest in y^e sd p[']vince & stand entered in
y^e sd books on the p[']ticular Dayes noted in y^e margine
hereof and signed by y^e members p[']sent at Every Com[']-
ittee or Councill and I further Declare that I have
Exam^d y^e acc^{ts} & find that all the p[']pers residing in &
about Lond['] (and myself among y^e rest) have payed

the Sd sume of fiftie ffive poundes apeice in to Cash & to prorate for a half p'prty more or less (Excepting W^m Penn Esq^r who has payed only fforty ffive pounds and is only Ten pounds in arrear) and Lastly it appears that the p'prs are severall y^m Out of Pocket here in Lond^o and Growing Incident Charges On the Publique acco^t are unavoidable (in less y^e concernes of the Province be abandoned & suffered to sink) to Defray w^{ch} an Order was made & Entered in the sd books the 19th of June 1688 altho not yet payed regularly (as allso the fformer have been) by the p'prs here most of them being weary of bearing the burthen so many Yeares while most beyond sea are in such arrears but the Last menc'oned Tenn poundes the p'prs see a nesessity to be payed in by all those here to reimburse them that have Layed out their money This is the True State of this Case.

Certified at Lond^o under the seal of the p'vince y^e
23^d of S^{br} 1690, Annoq. Reg: Wm & Mary 2^d.

& Sic Subscibetur WILL^m DOCKWRA
Sect & Register

This is a true Coppie of what was sent to E: Jersey by Coll Hamilton Apr: 11th: 1692 being the True Coppie of that Dated 23^d of S^{br}: 1690.

So that what Those in and about Londⁿ have all-readye payed upon Each p'prietie is £55: 00. and the Tenn poundes Entered in June '88 be not Yet paid in because they stayed in Expectation that those in Ar-rears would have setled but have not & those here have some of them Layed out their money. so that shortly this tenn pound must be p'd in & then Every p'p'r is £65:

This is a true Coppie taken this 9th
Day of March Anno Dom 1697

G: W: ¹

¹Initials of George Willocks. Appended to the Document is an affidavit of Cortlandt Skinner, dated October 12th, 1767, that he believes the copy to have been made by Willocks, and that it came into his, Skinner's, possession through his father, the Rev'd. Wm. Skinner, who was executor of Willocks' estate.—Ed.

*Release of West Jersey, from Daniel Coxe¹ and Wife,
to the West Jersey Society.*

[West Jersey Records, Secretary of State's Office, Trenton. Liber B, page 291.]

Release from Daniel Coxe Esq^r & Rebecca his Wife
to Jonathan Greenwood & Peter Guyon to the
Severall uses of S^r Thomas Lane Mich^{ll} Watts
and the rest of the Society.

This Indenture made the fourth day of March Anno
D'm^{te} 1691 And in the ffourth yeare of the Reign^e of our
Sou^raign^e Lord & Lady William & Mary by the Grace
of God King & Queen^e of England Scotland ffrance &
Ireland defender^s of the ffaith y^t Betweene Daniel
Coxe Esq^r Governo^r & Chiefe Proprietor of new west
Jersy & other adjacent Lands & Territoryes thereunto
belonging in America and Rebecca his wife of the first
part Jonathan Greenwood & Peter Guyon of London
Citizens of the Second part And S^r Thomas Lane of
London Knight Michael Watts of London M^rchant
Edmond Harrison of London Merch^t Thomas Skinner
of Derolisk in the County of Dorsett Esq^r James St
Johns of London Goldsmith Nicholas Hayward of
London Gen^t Mordecai Abbott of London Gen^t Nicho-
las Battersley of London Merchant Robert Curtis of
London Gen^t John Jurin of London M^rchant Richard

¹ DANIEL COXE, M. D., of London, held a prominent place at Court, being physician to the Queen of Charles II. and also to Queen Anne. His first interest in West Jersey seems to have been acquired in February 1686, by the purchase of five whole shares of the province, from Benjamin Bartlett the son-in-law of Edward Byllinge, and subsequently, by various conveyances obtained the control of the whole, and—Byllinge having died—assumed the government in 1687. He seems to have continued at its head, until the appointment of Andrew Hamilton in 1692, having appointed first Edward Hunloke, and then John Tatham as his deputies, but the latter the assembly of the province rejected, Hunloke continuing in office—Clements Notes and Memoranda. Mulford's New Jersey, p. 266.—ED.

Bromhall of London Gen^t Robert Michel of London M^rchant Charles Michel of London M^rchant James Boddington Cittizen & Clothworker of London John Gunston of London M^rchant Arthur Shallet of London M^rchant John Lamb of London M^rchant William Wightman of London Gen^t Joseph Brooksbank Citizen & Haberdasher of London William Thompson of London M^rchant John Love of London M^rchant Thomas Phipps of London—Linnendrap Isaac Cocks of London M^rchant Taylor John Sweetable of Lombard Street Goldsmith Thomas Bromfield of London Gen^t John Norton of London M^rchant Robert Hackshaw of London M^rchant John Bridges of London M^rchant Joseph Paice of London M^rchant Edward Richier of London Mercer William Dunch of Lincolns Inn in the County of Midde Esq^r Edward Habbersfeild of the Middle Temple London Gen^t John Alberson of London M^rchant Edward West of London Gen^t Edward Pauncfort of London Gent Obadiah Burnett of London M^rchant Francis Michel of London Cittizen & Mercer Benjamin Steele of London M^rchant John Slaney of London M^rchant Nehemiah Erwing of London Gent John Wilcocks of London M^rchant Taylor Richard Mayo of London Gent Jonathan Netheway Cittizen & Drap of London William Brookes of London Gent Tracy Pauncfort of London Gent Joseph Allen of London Silkman & Richard Greenaway Cittizen & Cloothworker of London of the Third part *Whreas* the said Daniel Coxe or some other Person or Persons in Trust for him now are & stand seized in their or some or one of their Demean as of ffee simple of & in Diverse Large Tracts of Land & Territoryes in America together with diverse beneficiall rights priviledges Immunities & Appurtenances relating to or used with the same situate & being in the severall Counties & Provinces of West New Jersey East New Jersey Pensilvania merrimac & elsewhere in America

aforesaid The ffee simple of all estate & inhabitants of all which said Lands Territoryes and premises and all other the Lands Tenem^{ts} & Hereditam^{ts} whatsoever of him the said Daniel Coxe in America hereby granted & released or intended to be hereby granted & released Except as is herein after Excepted the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James St Johns Nicholas Hayward Mordecai Abbott Nicholas Batterley Robert Curtis John Jurin Richard Bromhall Robert Michell Charles Michel James Boddington John Gunston Arthur Shallett John Lamb William Wightman Joseph Brooksbank William Thompson Henry Harrington John Love Thomas Phipps Isaac Cocks John Sweetable Thomas Bromfield John Norton Robert Hackshaw John Bridges Joseph Paice Edward Richier William Dunch Edward Habbersfield John Alberson Edward West Edward Pouncefort Obadiah Burnett ffrancis Michel Benjamin Steele John Slaney Nehemiah Erwing John Wilcocks Richard Mayo Jonathan Netheway William Brooks Tracey Pouncefort Joseph Allen & Richard Greenaway Have for the Consideration of Nine Thousand Eight Hundred pounds herein afore mentioned agreed to purchase to them and their Heires in such proportion manner & forme as are herein after expressed *Now this Indenture Witnesseth* that for & in Consid^eation of Tenn Shillings of lawfull money of England by the said Jonathan Greenwood & Peter Guyon to him the said Daniel Coxe in hand paid at or before the ensealing & delivery of these pres^{nts} the receipt whereof the said Daniel Coxe doth hereby acknowledge And in Consideration of the sume of ffour Thousand Eight Hundred pounds of like money to him ¹ to him the said Daniel Coxe paid by the said S^r Thomas Lane Michel Watts Edmond Harrison Thomas Skinner

¹ So in original.

James St Johns Nicholas Hayward Mordecai Abbott
 Nicholas Battersley Robert Curtis John Jurin Richard
 Bromhall Robert Michel Charles Michel James Bod-
 dington John Gunston Arthur Shallet John Lamb,
 William Wightman Joseph Brooksbank William
 Thompson Henry Harrington John Love Thomas
 Phipps Isaac Cocks John Sweetable Thomas Bromfeild
 John Norton Robert Hackshawe John Bridges Joseph
 Paice Edward Richier William Dunch Edward Hab-
 bersfeild John Alberson Edward West Edward Pounce-
 fort Obadiah Burnett Ffrancis Michel Benjamin Steele
 John Slaney Nehemiah Erwing John Wilcocks Richard
 Mayo Johnathan Netheway William Brooks Tracy
 Pouncefort Joseph Allen & Richard Greenaway at &
 before the ensealing & delivry of these p'sents the
 receipt whereof the said Daniel Coxe doth hereby
 acknowledge & thereof & of every part thereof doth
 acquit release & discharge the said S^r Thomas Lane
 Michael Watts Edmond Harrison Thomas Skinner
 James St Johns Nicholas HaywardMordecai Abbott
 Nicholas Battersley Robert Curtis John Juriu Richard
 Bromhall Robert Michel Charles Michel James Bod-
 dington John Gunston Arthur Shallet John Lamb
 William Wightman James Brooksbank William
 Thompson Henry Harrington John Love Thomas
 Phipps Isaac Cocks John Sweetable Thomas Bromfield
 John Morton Robert Hackshaw John Bridges Joseph
 Paice Edward Richier William Dunch Edward Hab-
 bersfield John Alberson EdwardWest Edward Pounce-
 fort Obadiah Burnett ffrancisMichel Benjamin Steele
 John Slaney Nehemiah Erwing John Wilcocks Rich-
 ard Mayo Jonathan Netheway William Brooks Tracey
 Pouncefort Joseph Allen & Richard Greenaway their
 Heires & assigns forever by these p'sents.

And in Consideration of the further su'me of ffive
 Thousand pounds of like money secured or intended
 to be secured unto the said Daniel Coxe by & out

of the one third part of the Lands Tenem^{ts} & Hereditaments herein after mentioned to be hereby granted & Released & in such manner pt & proportion as shall be expressed in & by a Deed of grant intended to be hereafter made & Executed to him the said Daniel Coxe & in noe other manner whatsoever which said su'mes of four thousand Eight hundred pounds & ffour thousand pounds amount to the su'me of nine Thousand & Eight hundred pounds. They the said Daniel Coxe and Rebecca his wife *Haue* granted bargained sold released & Confirmed And by these p'sents doe grant bargain sell Release & Confirme unto the said Jonathan Greenwood & Peter Guyon in their Actuall possession now being of all and singular the Lands Tenem^{ts} & Hereditam^{ts} hereinafter menc'oned by force & vertue of a Bargain & Sale to them thereof made by the said Daniel Coxe for the terme of one yeare Commencing from the ffeast of the Birth of our Lord Christ now last past by Indenture bearing date the day next before the date hereof & made or intended to be made betweene ye said Daniel Coxe of the one part and the said Johnathan Greenwood & Peter Guyon of the other part & by force & vertue of the statute for transferring uses into possession & their Heires & Assigns *All* those five full equall Hundredth parts or proprieties of & in all that Tract of Land in America aforesaid now called West New Jersey (the said whole tract of land being into one hundred equall parts to be devided and each of the said Hundredth part conteyning by estimation Thirty thousand Acres more or less) called or known by the name of Bartletts ffive proprieties & heretofore purchased by the said Daniel Coxe of Benjamin Bartlett late of London M^rchant now deceased & Gratia his wife or one of them in and by certaine Indentures of Lease & Release dated on or about the seaventeenth and eighteenth days of ffebruary in the third yeare of the

reigne of the late King James the Second And all those ffour other Proprieties or like Hundredth parts of West New Jersey aforesaid possest of Tenn full proprieties heretofore purchased by John Hind of London Draper which said ffour proprieties together with one other full share or propriety now by certaine Indentures of Lease & Release dated on or about the twelveth & thirteenth days of July in the third yeare of the reigne of the said King James the Second heretofore granted by John Browne & Thomas Sands of London aforesaid M'chants to the said Daniel Coxe & the said S^r Thomas Lane by the name of Thomas Lane & their Heires which said S^r Thomas Lane hath since released & conveyed his estate & Interest in the said ffour shares or proprieties unto the said Daniel Coxe his Heires & assignes which said ffour shares or proprieties are com'only called or known by the name of Browne & Sands proprieties *And* also all that one other full propriety or like hundredth part of West New Jersey aforesaid heretofore purchased by the said Daniel Coxe of Edward Bylling late of Westminster Gent since deceased by Indentures of Lease & Release dated on or about the Eighth and nynth days of Januaryry in the first yeare of the reigne of the said King James *And* all those two full seaventh parts of one like propriety or hundredth part of West New Jersey afores^d (the same into seaven equall parts to be divided) heretofore purchased in & by certaine Indentures of Lease & Release dated on or about the fourth or fifth days of March in the first yeare of the Reigne of their p^rsent ma^{ties} by the said Daniel Coxe of Elizabeth Harris widow *And* all that one other like full propriety or hundredth part of West New Jersey aforesaid which the said Daniel Coxe purchased in & by certaine Indentures of Lease & Release dated on or about the five & twentieth & six & twentieth of January in the third yeare of the reigne of the said

King James of Charles Madge then sonne & Heire Humphrey Madge deceased *And* all that other full moyetie or half part of one other full propriety or hundredth part of West New Sersey afores^d which the said Daniel Coxe in & by Two Severall deeds dated on or about the fourteenth & thirtieth days of May in the second yeare of the reigne of their p^rsent Majesties purchased of the said Charles Madge sonne & Heire of Humphrey Madge deceased *And all* that full third part of one like full Propriety or hundredth part of West New Jersey afores^d which the s^d Daniel Coxe in & by severall Indentures of Lease & Release dated on or about the thirteenth & fourteenth days of May in the second yeare of the reigne of their present majesties did purchase of John Hyde & knowne by the name of Ogles third part of one Propriety *And* all that full Propriety or hundredth part of West New Jersey aforesaid which afterward the said Edward Bylling by certain Indentures of Lease & Release dated on or about the seventh and Eighth days of October Anno Dm'e one Thousand six hundred Eighty Six granted to Robert Squibb & his Heires which said Robert Squibb by writing Endorsed on the last mentioned Indenture of Lease & Release or one of them did Transferre & Convey to the said Daniel Coxe & his Heires *And all* that one other full propriety or hundredth part of West New Jersey afores^d which the said Edward Bylling in & by certaine Indentures of Lease & Release dated in or about the nyne & twentieth day of february & the first day of March in the six & thirtieth yeare of the Reigne of the late King Charles the second did for the consid^rac'on therein exprest grant & Convey by way of mortgage to the said Daniel Coxe & his heires The Equity of Redempcon whereof is since lawfully come into & vested in the said Daniel Coxe & his Heires *And all* those two other full proprieties or Hundredth parts

of West New Jersey aforesaid com'only known by ye name of Wests two proprieties & which in and by certain Indentures of Lease & Release dated on or about the five & twentieth & six & twentieth days of february in the third year of the reigne of the said King James were granted to The said Daniel Coxe & his heires by Benjamin Bartlett & Gratia his wife Loveday Bylling & Robert West or some or one of them *And all* those two other proprieties or hundredth parts of West New Jersey afores^d which the said Daniel Coxe in & by certaine Indentures of Lease and Release dated on or about the Eleventh & twelvth days of January last past purchased of Thomas Sadloe & Jane his wife are known by the name of Sadloes two proprieties *And all* that one other Propriety or Hundredth part of West New Jersey aforesaid com'only known by the name of Robert Sooleys one Propriety *And all* those full six seventh parts of one Propriety or hundredth part of West New Jersey aforesaid (the same in seaven equall parts to be devided) lately purchased by the said Daniel Coxe of John Bramen Esqr by Indenture of Grant bargain & sale dated on or about the three & twentieth day of february now last past *And all* that entyre Tract of Land lyeing & being Contiguous to the said Tract of Land called West New Jersey in America & now called & knowne by the name of the Minisincke Province Containing by estimacon Two hundred Thousand acres more or less in America aforesaid lately annext to the Province of West New Jersey afores^d *And all* those two full equall undivided Proprieties or four & twentieth parts of the province of East New Jersey in America (the said whole province into Twenty four equall parts to be devided) out of which said last mentioned Two proprieties in & by certaine Indentures of Lease & Release dated on or about the nyneteenth & twentieth days of March in the second yeare of the

reigne of the said King James was granted or intended to be granted by the said Edward Bylling to the said Daniel Coxe & his Heires & known by ye name of Wests propriety in East New Jersey aforesaid The other of the same two Proprieties or four & twentieth parts of East New Jersey afores^d was purchased by the said Daniel Coxe of ye said Robert West & Thomas Coxe in & by certain Indentures of Lease & Release dated on or about the Third & fourth days of December in ye first yeare of the reigne of their p^rsent majesties & is known by the name of Mews propriety each of the said two last menconed proprieties or four & twentieth parts of East New Jersey aforesaid Contains by Estimacon ffity Thousand Acres more or lesse *And all* those three proprieties or twentieth parts & equall shares of the Province or County of Merrimac in New England in America aforesaid Each Propriety or twentieth share thereof Conteyning by estimacon ffity thousand Acres more or less Two of which said Proprieties were lately purchased by the said Edward Randolph & Edmond Harrison *And all* those Tenn thousand acres of Land lying & being in the Country of Pennsilvania in America aforesaid heretofore purchased by the said Daniel Coxe of William Penn Esq^r in & by one Deed of ffeoffm^t duly executed & dated on or about the twentieth day of Aprill one Thousand Six hundred Eighty six *And all* those two Messuages or Tenem^{ts} situate & being in Burlington in West New Jersey afores^d the one of which said two Messuages is a dwelling house & the other a pottery house newly erected by the said Daniel Coxe & used for the making of Earthen ware Together with the utensills & stock therein conteyned requisite & Convenient for the use aforesaid *And all* his the said Daniel Coxe Towne Lotts in Perth Amboy in East New Jersey aforesaid And all his the said Daniel Coxe parcells & Tracts of Land knowne by the name of the Towne Lotts situ-

ate & being in or neare Gloucester Towne & Egge Harbo' in West New Jersey aforesaid & all other the Lands Tenem^{ts} & Hereditm^{ts} in America whatsoever of him the said Daniel Coxe whereof or whereon hee the said Daniel Coxe or any other Person or Persons in trust for him or to his use is or are standeth or stand seized of any Estate *Except* & allways reserved out of this pr^sent grant & release the severall respective Lands & hereditm^{ts} expressed in certain^e Indentures of Lease & release dated on or about the Eleventh & Twelvth days of December now last past made betweene the said Daniel Coxe of the one pt^e & John Coloham of Souting Gravendy in the County of Surrey Esq^r of the other part And therein ment'oned to be granted to the said John Colohan & his heires (That is to say) All that Tract of Land lyeing about the ffalls of Delaware River in West New Jersey afores^d purchased of the Indians by Adlord Bowde & Surveyed by James Budd Conteyning by Estimacon Sixty thousand Acres: And all that Moyetie or half part of Tenn undivided shares of Proprieties of West New Jersey afores^d the said Province into one hundred equal shares to be divided which said Tenn shares were heretofore granted by John ffenwick Esq^r unto Edmond Warner & John Edridge their heires & assigns And one moyetie of all other the Lands Tenements & Hereditam^{ts} in West New Jersey aforesaid which the said John ffenwick reserved to himselfe & called ffenwick Coloney And all those four thousand five hundred Acres of Land the residue of Tenn Thousand Acres hertofore granted by the said John ffenwick to Edmond Warner aforesaid which said last menc'oned moyetie & ffour thousand five hundred Acres were purchased of the said Edmond Warner by the said Daniel Coxe And all other the Lands Tenm^{ts} & Hereditm^{ts} in West New Jersey afores^d Granted and Conveyed by the said Daniel Coxe unto the said John

Coloham & his heires in & by the said recyted Indenture being noe part or parcell of the p^rmises menc^oned to be hereby granted & Released And all Houses Buildings Plantations Lands Isles Islands Mines Minerralls Woods fishings hawkings huntings fowlings Marshes Lakes Loughs Royalties ffranchises profitts Com^oodities & appurtenances whatsoever to the said Lands Hereditam^{ts} & p^remises granted or intended to be hereby granted & released or any of them belonging or therewith used occupied or Enjoyed or Accepted reputed or taken as part parcell or member thereof or any part thereof or as belonging thereunto Except before excepted And the Rev^rsons Remaind^r & Remainders rents issues & profitts of all & singular the said Lands Hereditam^{ts} & premises granted or menc^oned or intended to be hereby granted & released And all the Estate right Tytle Interest Trust benefit claim & demand whatsoever in Law & Equity of the said Daniel Coxe of in & to the Lands Hereditaments And p^remises menc^oned to be hereby granted & or mentioned or intended to be hereby granted & released every or any part of them *To have & to hold* all & every the Lands Tenem^{ts} Hereditam^{ts} & p^remises menc^oned to be hereby granted & released to the said Jonathan Greenwood & Peter Guyon their Heires & assigns forever to the uses following That is to say As for and Concerning ffifty parts of all & every the said Lands Tenem^{ts} Hereditam^{ts} & p^remises intended to be hereby granted & released the whole in Sixteen hundred equall parts to be divided To the use of the said S^r Thomas Lane his Heires & assigns forever And as to for & concerning one hundred threescore & Ten other pts of all the same hereaditam^{ts} & p^remises to be devided as aforesaid to the use of the said Michael Watts his Heires & Assigns forever And as to for & concerning Threescore other parts of all the same hereditam^{ts} & p^remises to be devided as afors^d To the use

of the said Edmond Harrison his heires & assigns forever And as to for & concerning Threescore other parts of all the same hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Thomas Skinner his Heires & assigns forever And as to for & concerning Threescore other parts of all the same hereaditam^{ts} & p^remises to be devided as aforesaid to the use of the sd James Saint Johns his heires & assigns forever And as to for & concerning Threescore other parts of all the same hereaditam^{ts} & p^remises to be devided as aforesaid to the use of the said Nicholas Hayward his heires & assigns forever And as to for & concerning ffifty five other pts of all the same hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Mordecai Abbott his heires & assigns forever And as to for & concerning fforty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Nicholas Battersley his heires & assigns forever And as to for & concerning fforty other parts of all the same Hereditam^{ts} & p^remises to be devided as afores^d to the use of the said Robert Curtis his Heires & assigns forever And as to for & concerning fforty other parts all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said John Juriu his heires & assigns forever And as to for & concerning fforty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Richard Bromhall his Heires & assigns forever And as to for & concerning fforty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Robert Michel his Heires & assigns forever And as to for & concerning fforty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Charles Michel his Heires & assigns forever And as to for & concerning Threescore other parts of all the same Hereditam^{ts} & p^rem-

ises to be devided as aforesaid to the use of the said James Boddington his Heires & assigns forever And as to for & concerning fforty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said John Gunston his Heires & assigns forever And as to for & concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided to the use of the said Arthur Shallet his Heires & assigns forever And as to for & concerning Thirty other parts of all the same Hereaditm^{ts} & p^remises to be devided as aforesaid to the use of the said John Lamb his Heires & assigns forever And as to for & concerning Thirty other parts of all the same Hereaditam^{ts} & p^remises to be devided as aforesaid to the use of the said William Wightman his Heires & assigns forever And as to for & concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Joseph Brooksbank his heires & assigns forever And as to for & Concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said William Thompson his heires & assigns forever And as to for & concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Henry Harrington his Heires & assigns forever And as to for & Concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said John Love his heires & assigns forever And as to for & concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Thomas Phipps his Heires & assigns forever And as to for & concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Isaac Cocks his Heires & assigns forever And as to for & concerning Thirty other parts of

all the same Hereditam^{ts} & p^remises to bee devided as aforesaid to the use of the said John Sweetable his Heires & assigns forever And as to for & concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Thomas Bromfield his Heires & assignse forever And as to for & Concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said John Norton his Heires & assigns forever And as to for & Concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Robert Hackshaw his heires & assignes forever And as to for & Concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said John Bridges his Heires & assignes forever And as to for & Concerning Thirty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Joseph Paice his Heires & assigns forever And as to for & Concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Edward Richier his Heires & assignes forever And as to for & concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said William Dunch his Heires & assignes forever And as to for & Concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Edward Habbersfield his Heires & assigns forever And as to for & Concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said John Albersson his Heires & assignes forever And as to for & Concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Edward West his Heires & Assignes

forever And as to for & Concerning Twenty other parts of all the said Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Edward Pauncefort his Heires & assignes forever And as to for & Concerning Twenty other parts of all ye same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Obadiah Burnett his heires & Assignes forever And as to for & Concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said ffrancis Michel his Heires & assignes forever And as to for & concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Benjamin Steele his Heires & assignes forever And as to for & concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as afores^d to the use of the said John Slaney his Heires & Assignes forever And as to for & concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of thesaid Nehemiah Erwing his Heires & Assignes forever And as to for & Concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as afores^d to the use of the said John Wilcocks his Heires & assignes forever And as to for & Concerning Twenty other parts of all the same Hereditam^{ts} & p^remises to be devided as afores^d to the use of the said Richard Mayo his Heires & assignes forever And as to for & Concerning ffifteene other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the use of the said Jonathan Netheway his Heires & assignes forever And as to for & concerning Tenne other parts of all the same Hereditam^{ts} & p^remises to be devided to the use of the said William Brookes his Heires & assignes forever And as to for & concerning Tenne other parts of all the same Hereditam^{ts} & p^remises to be devided as aforesaid to the

use of the said Tracey Pauncefort his Heires & assignes forever And as to for & Concerning Tenne other parts of all the same Hereditam^{ts} & p^remises to be devidid as afores^d to the use of the said Joseph Allen his Heires & assignes forever And as to for & Concerning Tenne other parts of all the same Hereditam^{ts} & p^remises to be devidid as afores^d To the use of the said Richard Greenaway his Heires & assignes forever *And the said Daniel Coxe* for himself his Heires Exetr^s & Admtr^s doth Covenant promise grant & agree to & with the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James St. Johns Nicholas Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Michel James Boddington John Gunston Arthur Shallet John Lamb William Wightman Joseph Brooksbank William Thompson Henry Harrington John Love Thomas Phipps Isaac Cocks John Sweetable Thomas Bromfield John Norton Robert Hackshaw John Bridges Joseph Paice Edward Richier William Dunch Edward Habbersfield John Alberson Edward West Edward Pauncefort Obadiah Burnett Francis Michel Benjamin Steele John Slaney Nehemiah Erwing John Wilcocks Richard Mayo Jonathan Netheway William Brooks Tracey Pauncefort Joseph Allen & Richard Greenaway & each of them their & each of their Heires Exect^rs Admi^rs & assignes by these p^rsents That one full moyetie of all & every the shares proprieties & p^remises in West New Jersey aforesaid mentoned to be hereby granted & released are situate lyeing & being at or near Cape May and Maurice River in West New Jersey aforesaid And that one Tenth part of all & every the Shares Proprieties & premisses in West New Jersey aforesaid mentoned to be hereby granted & released the whole in Tenn equall parts to be devidid is situate lyeing & being above the ffalls of Delaware River in West New Jersey

aforesaid And that the same Moyetie & Tenth part have bin absolutely purchased by the said Daniel Coxe in ffee simple of the Indian Natives & that he hath paid & discharged all moneyes att any tyme due or payable for the purchase thereof And also satisfied & paid all the charges & expences for surveying the same *And whereas* some scruple & doubt hath arisen touching & concerning the right & Tytle of the said Daniel Coxe to all that Tract of Land mentoned to be hereby granted & released called the Minisincks Province *Now it is* hereby agreed that four hundred pounds part of the said four Thousand Eight Hundred pounds shall not be paid unto the said Daniel Coxe his Exec^{rs} or Admit^{rs} but shall remaine as a deposition in the hands of the said respective purchasers being third parties to these p^rsents until there shall be such other good & sufficient assurance in the Law made and executed of the same Province to & for the uses herein before thereof Limited or declared as by the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James St Johns Nicholas Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Michel James Boddington John Gunston Arthur Shallet John Lamb William Wightman Joseph Brooksbank William Thompson Henry Harrington John Love Thomas Phipps Isaac Cocks John Sweetable Thomas Bromfield John Norton Robert Hackshaw John Bridges Joseph Paice Edward Richier William Dunch Edward Haddersfield John Alberson Edward West Edward Pouncefort Obadiah Burnett ffrancis Michel Benjamin Steele John Slaney Nehemiah Erwing John Wilcocks Richard Mayo Jonathan Netheway William Brooks Tracey Pouncefort Joseph Allen & Richard Greenaway or any of them their or any of their Heires or assignes or their or any of their Counsell learned in the Laws shall be reasonably advised or devised & required &

then it is hereby declared that the same four hundred pounds shall be paid to the said Daniel Coxe his Exet's Admint's or assignes *And the said* Daniel Coxe for himself his Heires Exet's & Admit's doth Covenant demise & grant to & with the said S^r Thomas Lane Michel Watts Edmond Harrison Thomas Skinner, James St Johns Nicholas Hayward, Mordecai Abbott Nicholas Bettersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Michel James Boddington John Guston Arthur Shallet John Lamb William Wightman Joseph Brooksbank William Thompson Henry Harrington John Loue Thomas Phipps Isaac Cocks John Sweetable Thomas Bromfeild John Norton Robert Hackshaw John Bridges Joseph Paice Edward Richier William Dunch Edward Habbersfeild John Alberson Edward West Edward Pouncefort Obadiah Burnett ffrancis Michel Benjamin Steele John Slaney Nehemiah Erwing John Wilcocks Richard Mayo Jonathan Netheway William Brookes Tracey Pouncefort Joseph Allen & Richard Greenway & every of them respectively : their & each of their respectiue heires & assignes by these p^sents That hee the said Daniel Coxe hath not at any tyme heretofore made done Com[']itted or wittingly or willingly suffered any Act matter or thing whatsoever whereby or by meanes whereof the said Lands Hereditants & p[']misses mentioned to be hereby granted & released or any of them or any part thereof is are can shall or may be Impeached or Incumbred in Tyle charge estate or otherwise And that he the said Daniel Coxe (for & notwithstanding any Act matter or thing whatsoever by him made done Com[']itted or wittingly or willingly suffered to the contrary is & standeth lawfully rightfully & absolutely seized in his demand as of ffe^e & in all & singular the Lands Tenem[']s hereditam[']s & p[']misses mentoned to be hereby granted & Released of a good sure lawful absolute & indefeazable Estate of inherit-



ance in fee simple in him without any Reversion or Remainder Trust Limitation power of Revocation use or uses or any other matter restraint or thing whatsoever to alter change charge revoake make voyd lesson incumber or determine the same *And* that hee the said Daniel Coxe at the tyme of the Ensealing & delivery of these p'sents hath in himselfe good right full power & lawful authority to grant & Convey the said Lands Tenem^{ts} Hereditam^{ts} & p'mises mentoned to be hereby granted & released in manner afores^d according to the purport true intent & meaning of these p'sents *And* further that it shall & may be lawfull to & for the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James St Johns Michael Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Michel James Boddington John Gunston Arthur Shallet John Lamb William Wightman Joseph Brooksbank William Thompson Henry Harrington John Love Thomas Phipps Isaac Cocks John Sweetable Thomas Bromfeild John Norton Robert Hackshaw John Bridges Joseph Paice Edward Richior William Dunch Edward Habbersfeild John Alberson Edward West Edward Pauncefort Obadiah Burnett ffrancis Michel Benjamin Steele John Slaney Nehemiah Erwing John Wilcocks Richard Mayo Jonathan Netheway William Brooks Tracey Pauncefort Joseph Allen & Richard Greenaway respectively their & each of their respective heires & assignes at all times hereafter peaceably & quietly to enter into haue hold occupie possess & enjoy the said Lands Tenem^{ts} Hereditam^{ts} & p'mises mentoned to be hereby granted & released & to receive & take the rents Issues & profitts thereof of every part thereof to & for his & their own respective use & benefitt without the Lawfull Let Suit Trouble denyall evicton or interrupton of or by him the said Daniel Cox or his Heires or any other Person or

Persons lawfully clayming or to claym any Estate right Tytle or Interest either in Lawe or Equity of into or out of the same Lands Tenem^{ts} hereditam^{ts} & p^rmises mentioned to be hereby granted & released or any of them or any part thereof from by or under or in Trust for him and that free & clear & freely & clearly acquitted exhon^rated & discharged or otherwise by the said Daniel Coxe his Heires Executo^rs or Administrato^rs well & sufficiently saved defended kept harmless & indemnified of from & against all & all manner of former & other gifts grants bargains sales Leases Mortgages Joyntures dower Tytle of dower uses Trusts wills Intayles statute Recognizances Judgements Extents Executions Rents charge Rents Arreares of Rent & of & against all & singular other Estates Tytles troubles charges & incumbrances whatsoever had made done Com^ritted wittingly or willingly suffered or to be had made done com^ritted or wittingly or willingly suffered by the said Daniel Coxe or Rebecca his wife or either of them or his Heires or by any other Person or Persons lawfully clayming or to clayme any estate right Tytle Trust or Interest either in law or Equity of into or out of the said Lands Tenem^{ts} hereditam^{ts} & p^rmises mentoned to be hereby granted released or any of them or any part thereof from by or under or in trust for him *And* moreover that he the said Daniel Coxe & Rebecca his wife and his Heires & all & every other Person or Persons haveing or Lawfully clayming or which shall or may have or lawfully claime any estate right tytle or interest either in Law or Equity of into or out of the said Lands Tenem^{ts} Hereditam^{ts} & p^rmises mentoned to be hereby granted & Released or any of them or any part thereof from by or under or in Trust for the said Daniel Coxè shall & will from time to time & at all times hereafter during the space of Ten yeares next ensuing the date here-

of upon every reasonable request & at the proper costs & charges in the Law of the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James Saint Johns Nicholas Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Michel James Boddington John Gunston Robert Shallet John Lamb William Thompson Henry Harrington John Love Thomas Phipps Isaac Cocks John Sweetable Thomas Bromfeild John Norton Robert Hackstraw John Bridges Joseph Paice Edward Richier William Dunch Edward Habbersfield John Alberson Edward West Edward Pauncefort Obadiah Burnett ffrancis Michel Benjamin Steele John Slaney Nehemiah Erwing John Wilcocks Richard Mayo Jonathan Netheway William Brooks Tracey Pauncefort Joseph Allen & Richard Greenaway respectively & their respective Heires & assignes make doe acknowledge Levy suffer & execute or cause to be made done acknowledged Levyed suffered & executed all & every such further & other lawfull and reasonable Act & Acts thing & things device & devices Conveyances & assurances in the Law whatsoever for the further better and more perfect and absolute assureing surety sure making and Conveying of the said Lands Tenements Hereditaments & p'emisses mentioned to be hereby granted and released to the uses herein before declared of and concerning the same be it by ffyne ffeoffm^t Recovery or other lawfull wayes or meanes howsoever as by the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James St Johns Nicholas Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Michel James Boddington John Gunston Arthur Shallet John Lamb William Wightman Joseph Brooksbank William Thompson Henry Harrington John Love Thomas Phipps Isaac Cocks John Sweet-

able Thomas Bromfeild John Norton Robert Hackshaw
 John Bridges Joseph Paice Edward Richier William
 Dunch Edward Habbersfeild John Alberson Edward
 West Edward Pauncefort Obadiah Burnett ffrancis
 Michel Benjamin Steele John Slaney Nehemiah Er-
 wing John Wilcocks Richard Mayo Jonathan Neth-
 way William Brooks Tracey Pauncefort Joseph Allen
 & Richard Greenaway or any of them their or any of
 their Heires or Assignes or by their or any of their
 Counsell learned in the Law shall bee reasonably de-
 vised or advised soe as such further assurances Con-
 tained in them noe further other Covenants or war-
 ranty than against the Person or Persons his or her
 Heires who shall make or doe the same And soe as the
 party or partyes who shall be desired or requested to
 make or doe the same be not Compelled or Compell-
 able for making or doeing thereof to goe or Travell
 further than the Citties of London & Westminster or
 one of them And that the originall Deede of Grant
 relateing (amongst others) to the said ffour Proprieties
 or Hundredth parts of West new Jersey aforesaid
 hereby Granted or intended to be granted as aforesaid
 which said originall Deede beare date on or about the
 Twenty Seventh and Twenty Eighth days of March
 Anno D'm¹⁰ one Thousand Six hundred Eighty and
 two and are mentoned to be made betweene William
 Penn Gawen Lawrie Nicholas Lucas and Edward
 Bylling of the one part and the said John Hinde of the
 other part shall from time to time and at all times
 upon reasonable request to him the said Daniel Coxe
 his Executo's or Administrato's on that behalfe to be
 first made shall be produced and shown forth in Court
 or elsewhere undefaced and then & there to remaine
 and be for such time as shall be Convenient for the
 better mainteyning and asserting the Estate right &
 Tytle of in and to the said ffour Proprieties hereby
 granted and released as aforesaid if any Claime Con-

troversie pretences or doubt at any time hereafter doe arise touching or concerning the same or any part thereof *In Witnesse* whereof the parties first above named to these p'sent Indentures have Interchangeably sett their hands and seales the day & yeare first above written.

DAN : COXE : REBECKAH COXE
 with a seale  with a seale 

Sealed & Delive'd by the withinnamed
 Daniel Coxe in ye p'esence of
 SAM^{LL} RUSSELL
 RALPH WITHERS
 POCKAYNE TERRY WETHEREBY
 RICHARD JOHNSON—

Sealed & Deliv'ed by the withinnamed
 Rebecca Coxe in ye p'sence of
 POKAYNE TERRY WETHEREBY
 RICHARD JOHNSON.

Memorand that before ye execution of ye originall Deed there was this interlineation inserted in the first skin betweene the Thirty eighth and thirty nynth Lines (And in such mann' part and proportion as shall be expressed in & by the Deed of grant intended to be hereafter made and executed to him the said Daniell Cox & in noe other manner whatsoever.

SAM^{LL} RUSSELL JOHN HACKETT
 RALPH WITHERS.

Grant of the Government of West Jersey¹, from Daniel Coxe to the West Jersey Society.

[From West Jersey Records in Secretary of State's office at Trenton, Liber B, page 298.]

Societies' Grant from Daniel Coxe Esquire of the Governem^t: of West New Jersey and Territories Thereof.

THIS INDENTURE made the ffourth day of March in the ffourth yeare of the Reigne of our Sovereigne Lord and Lady William & Mary by the grace of God of England Scotland ffrance & Ireland King & Queene

¹ THIS GRANT seems to have effectually settled the question of the right of Government, which for several years had disturbed the Provinces; the New Jersey Society, thereafter, exercising it as well as the right of Proprietors of the land. The nature of the preceding difficulties will be seen from the following:

Among other "Resolves of the Freeholders of this Province in free Assemy met the 14th Day of the 3d Month, 1683, at an open and free conference" in reference to several Queries, appears the following:—

"1. *Querie.* Whether the purchase at first made was of Land and Government together or not?

"*Resolve* to which *Querie*, It is the Resolve of the Assembly (together with the Governor) with a (*Nemine Contradicente*) that the Land and Government of *West New Jersey* were purchased together." * * * *

"6. *Querie.* Whether an Instrument shall be drawn up, and sent by order of this Assembly to some trusty Friends in *London*, for *Edward Billinge* to sign and Seal, whereby to confirm his first Bargain and Sale he made to the Freeholders of this Province, of Land and Government together, with a Letter of Instruction to those Friends to transact the same *Affair*, or not?

"*Resolve.* The Assembly pass it in General as their Resolve in the affirmative (with a *Nemine Contradicente.*)" * * * * [Whereupon fourteen prominent individuals in the province were elected to write the "letter of Instruction" to eight Friends designated by name.]

"8. *Querie.* Whether the expedient proposed by Governor Penn be satisfactory, to wit, that if the people chuse Samuel Jennings, Governor [he had been appointed Deputy Governor by Edward Byllyng in 1681] and if he promise to execute the Place with Fidelity and Diligence according to the Laws, Concessions, and Constitutions of this Province to the best of his skill, it be security sufficient to the people or not?

"*Resolve* to which Query the Assembly pass'd their Resolve in the affirmative (with a *Nemine Contradicente*) save only one member was dubious therein." * * * *

"*Samuel Jenings*, is by the true Election and Vote of the Assembly chosen Governor of this Province." * * * *

"The Engagement and Promise of *Samuel Jenings* to the General Assembly, &c., upon his Election as Governor of this Province as followeth, (viz.)

"I, *Samuel Jenings*, being duly elected Governor of the Province of West-Jersey, by the General free Assembly thereof sitting at Burlington, the 11th Day of the third Month in the year 1683, do freely and faithfully Promise (according to the

defend^rs of the ffaith &c And in the yeare of our Lord Christ one Thousand Six hundred nynety & one¹ BE-TWEENE Daniel Coxe of London Esquire Governo^r & Chiefe Proprietor of the Province of West New Jersey and other adjacent Lands & Territories thereunto annexed in America of the one part and S^t Thomas Lane of London K^t, Michael Watts of London Merchant Edmond Harrison of London Merchant Thomas Skinner of Derolisk in the County of Dorsett Esq^r James S^t Johns of London Goldsmith Nicholas Hayward of London Gen^t Mordecai Abbott of London Gen^t Nicholas Battersley of London Merchant Robert Curtis of London Gen^t John Jurin of London M^rchant Richard Bromhall of London Gen^t Robert Michel of London Merchant Charles Michel of London M^rchant James Boddington Cittizen & Clothworker of London John Gunston of London M^rchant Arthur Shallet of London M^rchant John Lamb of London M^rchant William Wightman of London Gen^t Joseph Brooksbank Cittizen & Haberdasher of London William Thompson of London Merchant Henry Harrington of London Merchant John Love of London M^rchant Thomas Phipps of London Linnendrap Isaac Cocks of London M^rchant Taylor John Sweetable of Lombard Street

best of my Ability) to act in that Capacity, according to the Laws, Concessions and Constitutions as they are now established in the said Province.

SAMUEL JENNINGS, Governor.

* * * * *

“BE IT HEREBY ENACTED and Resolved by the Proprietors and Freeholders within the Province of *West Jersey* in free Assembly met, that the Matter relating their Demand and Vindication of their right to the Government against *Edward Billing's* pretence to the same, shall be proceeded in; and first that a Demand to *Edward Billings* for his confirmation of what he hath sold, shall first be made. In Pursuance whereof the Assembly unanimously nominate, elect and chuse Governor *Samuel Jenings* and *Thomas Budd* to negotiate the said affair in *England*, and commissionate and Impower them for the Transacting the same.”

[Jennings and Budd proceeded to England (Thomas Olive having been appointed by Jennings Deputy Governor in his place) but what was the result of their negotiation does not appear. In 1685 Byllynge commissioned John Skeene as Deputy Governor, and the Assembly “reserving their just Rights and Privileges” acknowledged his authority]. ¶ Grants and Concessions, pp. 468-472 485, 489, 502.

¹ 1691-2.

Goldsmith Thomas Bromfeild of London Gen^t John Norton of London Merchant Robert Hackshaw of London Merchant John Bridges of London Merchant Joseph Paice of London Merchant Edward Richier of London Mercer William Dunch of Lincolns Inne in the County of Midde Esq^r Edward Habbersfeild of the Middle Temple London Gen^t John Alberson of London Merchant Edward West of London Gentleman Edward Pauncefort of London Gent Obadiah Burnett of London Merchant ffrancis Michel of London Cittizen & Mercer Benjamin Steele of London Merchant John Slaney of London Merchant Nehemiah Erwing of London Gent John Wilcocks of London Merchant Taylor Richard Mayo of London Gent Jonathan Netheway Cittizen & Drap of London William Brooks of London Gent Tracy Pauncefort of London Gent Joseph Allen of London Gent and Richard Greenaway Cittizen & Clothworker of London of the other part WHEREAS James Duke of Yorke (afterwards King James the second) over England Scotland ffrance & Ireland Defend^r of the ffaith &c by his indenture bearing date on or about the sixth day of August in the yeare of our Lord one Thousand Six hundred & Eighty for the better enableing Edward Bylling then of the City of Westminster Gent since deced his Heires & assignes to improve & plant that Tract of Land then & now called West New Jersey in America & its rights members & appurtenances with People & to exercise all necessary Government there did give grant assigne & Transferre unto the said Edward Bylling his Heires & assignes all & every the same powers authorities jurisdictions Governm^{ts} & other matters & things whatsoever within or relating to West New Jersey aforesaid which had beene granted or were mentioned or intended to be granted to the said Duke in & by Two Severall Letters Pattent made by his late Ma^{tye} King Charles the Second the one

bearing date on or about the Twelfth day of March in the Sixteenth year of his reign the other bearing date on or about the twenty ninth day of June in the Twenty sixth year of his said reign TO BE held enjoyed Exercised & Executed by the said Edward Bylling his Heires & assignes And by his & their deputies officers Agents & Com'ission^{rs} as fully & amply to all intents constructions & purposes as the said Duke or his Heires might could or ought to hold enjoy use exercise & execute the same by vertue of the said Letters Patent or otherwise howsoever as in & by the said recyted Indenture inrolled in the High Court of Chancery relation being thereunto had may more at large appeare AND whereas the said Edward Bylling is since dead & the Heires of the said Edward Bylling have Transferred all the said powers jurisdictions authorities & Government of & in West New Jersey & other the p'misses aforesaid to the said Daniel Coxe his Heires and Assignes in which said Daniel Coxe the same are now vested AND whereas the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James St Johns Nicholas Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michell Charles Michel James Boddington John Gunston Arthur Shallett John Lamb William Wightman Joseph Brooksbank William Thompson Henry Harrington John Love Thomas Phipps Isaac Cocks John Sweetable Edward Bromfeild John Norton Robert Hackshaw John Bridges Joseph Paice Edward Richier William Dunch Edward Habbersfeild John Alberson Edward West Edward Pouncefort Obadiah Burnett Francis Michel Benjamin Steele John Slaney Nehemiah Erwing John Wilcocks Richard Mayo Jonathan Netheway William Brooks Tracey Pouncefort Joseph Allen & Richard Greenaway have purchased of the said Daniel Coxe severall shares proprieties & Tracts of Land in West New Jersey aforesaid

and elsewhere in America aforesaid and designe to lay out Considerable sum'es of money in improving & planting the said Province & p'rmisses And to establish a Convenient Governm't there Now THIS INDENTURE WITNESSETH that for the better accomplishm't of the purposes afores^d and for & in consideration of a competent sum'e of lawfull money of England to the said Daniel Coxe in hand paid by the said S^r Thomas Lane Michel Watts Edmond Harrison Thomas Skinner James St Johns Nicholas Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Michel James Boddington John Gunston Arthur Shallet John Lamb William Wightman Joseph Brooksbank William Thompson Henry Harrington John Love Thomas Phipps Isaac Cocks John Sweetable Thomas Bromfeild John Norton Robert Hackshaw John Bridges Joseph Paice Edward Richier William Dunch Edward Happersfeild John Alberson Edward West Edward Pauncefort Obadiah Burnett ffrancis Michel Benjamin Steele John Slaney Nehemiah Erwing John Wilcocks Richard Mayo Jonathan Netheway William Brooks Tracy Pauncefort Joseph Allen & Richard Greenaway at or before the ensealing & delivery of these p'sents the receipt whereof is hereby acknowledged the said Daniel Coxe HATH Granted Transferred & assigned And by these p'sents doth grant transfere & assigne to the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James St Johns Nicholas Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Michel James Boddington John Gunston Arthur Shallet John Lamb William Wightman James Brooksbank William Thompson Henry Harrington John Love Thomas Phipps John Cocks John Sweetable Thomas Bromfeild John Morton Robert Hackshaw John Bridges Joseph Paice Edward Richier William Dunch Edward Happersfeild John Alberson

Edward West Edward Pauncefort Obadiah Burnet
 Francis Michel Benjamin Steele John Slaney Nehemiah
 Erwing John Wilcocks Richard Mayo Jonathan
 Netheway William Brooks Tracey Pauncefort Joseph
 Allen & Richard Greenaway ALL and every such &
 the same powers jurisdictions authorities & Govern-
 m^t as & that were granted or intended to be granted
 by the said Duke of Yorke to the said Edward Bylling
 as aforesaid And by the Heires of the said Edward
 Bylling were granted to the said Daniel Coxe his
 heires & assignes within or in relation to West New
 Jersey & other the p^rmises aforesaid TO BE HELD en-
 joyed used Exercised & Executed by the said S^r
 Thomas Lane Michael Watts Edmond Harrison
 Thomas Skinner James St Johns Nicholas Hayward
 Mordecai Abbott Nicholas Battersley Robert Curtis
 John Jurin Richard Bromhall Robert Michel Charles
 Mitchel James Boddington John Gunston Arthur
 Shallet John Lamb William Wightman Joseph
 Brooksbank William Thompson Henry Harrington
 John Love Thomas Phipps Isaac Cocks John Sweet-
 able Thomas Bromfeild John Norton Robert Hackshaw
 John Bridges Joseph Paice Edward Richier William
 Dunch Edward Habbersfeild John Alberson Edward
 West Edward Pauncefort Obadiah Burnet Francis
 Mitchel Benjamin Steele John Slaney Nehemiah Er-
 wing John Wilcocks Richard Mayo Jonathan Neth-
 way William Brooks Tracey Pauncefort Joseph Allen
 & Richard Greenaway their Heires & assignes and by
 their Deputies officers Agents & Com^rission^rs as fully
 & Amply to all intents Constrctions & purposes as
 the said Edward Bylling and his Heires & the said
 Daniel Coxe & his Heires did might could or ought to
 hold enjoy use Exercise & Execute the same by force
 & vertue of the said Letters Patent and the said re-
 cyted Indenture or any of them or otherwise howso-
 ever AND the said Daniel Coxe for himself his Heires

Executo's & Admin's doth Covenant grant & agree to & with the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James St Johns Nicholas Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Mitchel James Boddington John Guston Arthur Shallet John Lamb William Wightman Joseph Brooksbank William Thompson Henry Harrington John Love Thomas Phipps Isaac Cocks John Sweetable Thomas Bromfeild John Norton Robert Hackshaw John Bridges Joseph Paice Edward Richier William Dunch Edward Habbersfeild John Alberson Edward West Edward Pauncefort Obadiah Burnet ffrancis Mitchel Benjamin Steele John Slaney Nehemiah Erwing John Wilcocks Richard Mayo Jonathan Netheway William Brooks Tracy Pauncefort Joseph Allen & Richard Greenaway their Heires & Assignes that hee the said Daniel Coxe hath not Transferred assigned surrendered or forfeited all or any of the said Powers Authorities Jurisdictions & Governm^t by these p^rsents ment^oned or intended to be granted nor done Com^ritted nor willfully suffered any Act or thing whereby the same or any of them are or may be forfeited lost or destroyed AND that hee the said Daniel Coxe & his Heires & all & every other Person or Persons lawfully clayming or to clayme the said p^rmises ment^oned to bee hereby Transferred or any of them from by or under or in Trust for him them or any of them shall & will from time to time and at all times hereafter dureing the space of Tenne yeares next ensueing the date of these p^rsents upon the request & at the costs & charges in the Law of the said S^r Thomas Lane Michael Watts Edmond Harrison Thomas Skinner James St. Johns Nicholas Hayward Mordecai Abbott Nicholas Battersley Robert Curtis John Jurin Richard Bromhall Robert Michel Charles Mitchel James Boddington John

Gunston Arthur Shallet John Lamb William Wight-
 man Joseph Brooksbank William Thompson Henry
 Harrington John Love Thomas Phipps Isaac Cocks
 John Sweetable Thomas Bromfeild John Norton
 Robert Hackshaw John Bridges Joseph Paice Edward
 Richier William Dunch Edward Habbersfield John
 Alberson Edward West Edward Pauncefort Obadiah
 Burnet ffrancis Michel Benjamin Steele John Slaney
 Nehemiah Erwing John Wilcocks Richard Mayo Jona-
 than Netheway William Brooks Tracey Pauncefort
 Joseph Allen & Richard Greenway their Heires or
 Assignes Doe make & Execute or cause & procure to
 be made done & Executed all such further Acts Con-
 veyance & assurance in the Law whatsoever for the
 better transferring Conveying & Confirming to them
 the said S^r Thomas Lane Michael Watts Edmond
 Harrison Thomas Skinner James St Johns Nicholas
 Hayward Mordecai Abbott Nicholas Battersley Robert
 Curtis John Jurin Richard Bromhall Robert Michel
 Charles Mitchel James Boddington John Gunston
 Arthur Shallet John Lamb William Wightman
 Joseph Brooksbank William Thompson Henry Har-
 rington John Love Thomas Phipps Isaac Cocks
 John Sweetable Thomas Bromfeild John Norton
 Robert Hackshaw John Bridges Joseph Paice Edward
 Richier William Dunch Edward Habbersfield John
 Alberson Edward West Edward Pauncefort Obadiah
 Burnet ffrancis Mitchel Benjamin Steele John Slaney
 Nehemiah Erwing John Wilcocks Richard Mayo
 Jonathan Netheway William Brooks Tracey Paunce-
 fort Joseph Allen & Richard Greenway their Heires
 & Assignes the said Powers Jurisdictions Authorities
 & Govern^t & every of them as by the said S^r Thomas
 Lane Michael Watts Edmond Harrison Thomas Skin-
 ner James Saint Johns Nicholas Hayward Mordecai
 Abbott Nicholas Hayward Mordecai Abbott¹

¹ Repetition the same as in the original !

Nicholas Battersley Robert Curtis John Jurin
 Richard Bromhall Robert Michel Charles Mitchel
 James Boddington John Gunston Arthur Shallet John
 Lamb William Wightman Joseph Brooksbank Wil-
 liam Thompson Henry Harrington John Love Thomas
 Phipps Isaac Cocks John Sweetable Thomas Brom-
 feild John Norton Robert Hackshaw John Bridges
 Joseph Paice Edward Richier William Dunch Edward
 Habbersfeild John Alberson Edward West Edward
 Pauncefort Obadiah Burnet ffrancis Michel Benjamin
 Steele John Slaney Nehemiah Erwing John Wilcocks
 Richard Mayo Jonathan Netheway William Brooks
 Tracy Pauncefort Joseph Allen and Richard Greena-
 way their Heires or assignes or their or any of their
 Councell learned in the Lawes shall be reasonably
 devised or advised & required soe as the party to be
 required to doe the same be not Compelled to Travel
 further than the Cities of London & Westminster for
 doeing thereof And so as none of the said further
 Conveyances Contained in them any other or further
 Covenants or warrantyes than are herein conteyned
 IN WITNESSE whereof the parties abovenamed to these
 p'sents have interchangeably sett their hands &
 seales the day & yeare ffrst above written.

Sealed & Delivered by the withinnamed

Daniel Coxe in the p'sence of

SAM^{LL} RUSSELL

JOHN HACKETT

RALPH WITHERS

*Agreement of the Members of the West Jersey Society
for the managing and improving of their lands.*

[From West Jersey Records in Secretary of State's office at Trenton, Liber F²
page 342.

West Jersey Society agreement concerning their
Lands &c in America.

Know all men by these Presents that whereas by Indenture bearing Date the Fourth day of March in the fourth Year of the Reign of Our Lord and Lady William and Mary over England Scotland France & Ireland King and Queen Defenders of the faith &c Anno Domini 1691:¹ Daniel Cox of London Esq^r did Assign Transferr and Convey to S^r Thomas Lane of London Knight Michael Watts of London Merchant, Edmund Harrison of London Merchant, Thomas Skinner of Dewish in the County of Dorset Esq^r Ja^s S^t John of London Goldsmith Nich^s Hayward of London Gent. Mordecai Abbott of London Gent: Nicholas Battersley of London Merch^t Robert Curtis of Lond^o Gent. Jn^o Jurin of Lond^o Merch^t Rich^d Bromhall of Lond^o Gent: Robert Mitchell of Lond^o Merch^t Cha^s Mitchell of London Merch^t Ja^s Boddington Citizen & Clothworker of Lond^o Jn^o Gunston of Lond^o Merch^t Arthur Shallet of Lond^o Merch^t Jn^o Lambe of Lond^o Merch^t William Wightman of London Gent. Jos: Brooksbank Citizen and Haberdasher of Lond^o W^m Thompson of Lond^o Merch^t Henry Harrington of Lond^o Merch^t Jn^o Love of Lond^o Merch^t Tho^s Phipps of Lond^o Linnen Draper Isaac Cocke of Lond^o Merch^t Taylor, Jn^o Sweetapple of Lombard Street Goldsmith, Tho^s Bromfield of

¹1691-2.

Lon^o Gent. Jn^o Norton of Lond^o Merch^t Rob^t Hackshaw of Lond^o Merch^t John Bridges of Lond^o Merch^t Jo^o: Paice of Lond^o Merch^t, Edward Richier of Lond^o Merch^t W^m Dunch of Lincolns Inn in the County of Middlesex Esq^r, Edward Habberfield of the Middle Temple Lond^o Gent: Jn^o Alberson of Lond^o Merch^t, Edward West of Lon^o Gent; Edw^d Pansford of Lon^o Gent: Obad^h Burnet of Lond^o Mercha^t, Fran^s Michell of Lon^o Citizen and Mercer. Benj^s Steele of Lond^o Merch^t, Jn^o Slany of Lond^o Merch^t, Nehem^h Erwing of Lond^o Gent, Jn^o Wilcoker of Lond^o Merch^t Taylor Rich^d Mayo of Lond^o Gent., Jon^s Netheway Citizen & Draper of London, W^m Brookes of Lond^o Gent., Tracy Pansford of Lond^o Gent.; Joseph Allen of Lond^o Gent., and Richard Greenaway Citizen & Clothworker of London the Hereditary Government of West Jersey in America,—AND WHEREAS by one other Indenture of Lease bearing Date the 3^d Day of March in the same Year the s^d Daniel did Grant bargain & sell unto Jonathan Greenwood and Peter Guyon Several Lands and Tenements in West Jersey, East Jersey, Pensilvania, New England and other Parts and Places in America to hold the same for One Year—AND WHEREAS by one other Indenture of Release bearing Date the fourth day of March in the same Year the s^d Daniel Coxe & Rebecca his Wife did Grant, Bargain, Sell, Alien, Transfer and Assign unto the afores^d Persons their Heirs, Executors, Administrators and Assigns in such Proportions and for such Considerations as is therein mentioned several Lands, Tenements, Profitts, Commodities & Appurtenances Lying and being in several Parts of America as in and by the s^e three Recited Indentures Relation being thereunto had doth or may more at large appear Now as well for the better & more orderly Managing and Improving of the s^d Hereditary Government Lands & Tenements as also for Our mutual Benefitt Profit and Advantage We whose

names are hereunto Subscribed do here by Covenant, Promise, Agree and Oblidge Ourselves Our Respective Heirs, Exects & Assigns separately And not jointly or one for [an] other to and with Each & every of the others of Us their & every of their Heirs, Exects, Admts & Assigns in manner & form following IMPRIMIS that We will from time to time & at all times when & as often as the major Part of Us or of Our Assigns shall think fitt to Order the same signified by their Votes in a General Assembly Pay or Cause to be Paid to the Treasurer for the time being our Quota parts & Proportions of all such sum or sums of money as the s^d General Assembly or the major Part of them by their Votes shall Order & appoint for the Raising of a Stock or Fund as well for the Support of the s^d Government and Carrying on a Trade to the s^d Places in America as for the Promoting & Carrying on of several other Usefull and necessary Designs for Our mutual Advantage which Stock or Fund shall be divided into sixteen hundred equal Parts or Shares in the same manner Shares or Proportions to each and every one of Us as the s^d Lands and Tenements are by the s^d Deed of Release Limited and Expressed, provided always that the s^d Sum or Sums so Ordered to be paid do not in the whole Exceed the Sum or Sums of Ten Pounds Sterling for each Share of the s^d 1600 Parts or Shares and that also three Days Notice shall be Given to Each Proprietor when Money is to be rais^d & to be Express in their Summons that it is for raising of Money Item We hereby further Oblidge Ourselves our heirs Exccts Admts & Assigns as af^d that in Case any of Us Our heirs Exccts or Assigns shall at any time Refuse or Neglect to pay in his or their Quota or Share of the Money so ordered within Thirty Days after it is Lawfully Demanded by any Person appointed by y^e Committee for the time being to Demand the same, he & they shall Loose & forfeit to the Use of all the others

in Common their heirs or Assigns as well all his & their Interest & Share in the s^d Government Lands, Tenements, Profits & Appurtenances as in such Stock or Fund as shall or may be paid by Us before the time of such refusal or Neglect of Payment together with all undivided Profitts or Advantages of the same Item that in Case of the Death of any of the Parties to these Presents no Benefitt of Survivorship shall be had or taken by the Survivors but the heirs Exects & Adm^s respectively of the Person so Dying or their Assigns shall have and Enjoy his Part, Share & Proportion of the s^d Lands, Tenements, Appurtenances, Stock & Profits as afores^d in as full and ample manner as if he or they were Living Item that all Dividends that shall be made of the Premises and Profitts shall be made according to the Several Shares and Proportions which each Person doth Possess at the time of such Dividends Item that whereas for the better managing and Improving of the s^d Government Lands and Tenements and Carrying on the s^d intended Trade & other Designs at Our General Meeting on the 21st day of March last S^r Thomas Lane Knight was Chosen Our President & Edm^d Harrison Esq^r Our Vice President & Rob^t Hackshaw Our Treasurer and Daniel Cox, John Irwin, Mordecai Abbott ; Will^m Dunch, Jn^o Bridges, W^m Wightman, Nicholas Hayward, Edw^d Richier, James Boddington, Rob^t Michell and James S^r John were chosen a Committee We do hereby Covenant and Agree as af^d that the s^d Persons shall be and Continue and Act as a Committee till the 25th day of March next ensueing the Date hereof Item that on the s^d 25th March next Ensueing every Year unless it happen to fall on a Sunday and then it shall be on the 26th day of March the Generality of Us or Our Assigns shall & will meet to Choose a President or Governor Vice President or Deputy Governor a Treasurer & Eleven Committee Men or Assistants who shall Con-

tinue & Constitute and be a Committee for one whole Year from thence next ensueing which choice shall be made by Plurality of Votes, that is to Say that each & Every of Us or Our Heirs, Excets and Assigns shall for every Ten Shares he doth Possess at the time of such Choice have one Single Vote Provided always that no one Person shall have above Ten Votes be his Shares never so many, and that he that hath not at Least Ten Shares shall have no Vote, PROVIDED ALSO that no Person shall be Capable of being Chosen of the s^d Committee unless he hath & doth actually Possess according to the Society's Books at least Twenty Shares & in the s^d Choice it shall & may be Lawfull for any of Us our Heirs, Excets or Assigns who Cannot Conveniently Attend the s^d General Meeting to send his or their Votes by any Persons Signifying the Same by a Note under his or their hands Directed to the President or Governor or to the Vice President or Deputy Governor for the time being Item that as well the s^d Committee that is already Chosen as all other Committees that shall or may Succeed them or the major Part of any such Five or more of them as shall Assemble in their usual Place of Meeting shall be Enabled and are hereby Impowered to Lett and Sell any Lands and Tenements and Appurtenances, Elect and Chuse a Deputy Governor for West Jersey & all other Factors Officers and Servants either beyond the Seas or in England and to Assertain their Salarys, Wages & Gratuitys & to Cause the Treasurer for the time being to Pay any Sum or Sums of the Socitys Money and to Buy; Sell, Trade, Build, Plant & do Perform or Cause to be done and Performed all and every other Lawfull Act and Acts Thing or Things as to them shall seem meet and fit for Promoteing Our Common Benefitt which Act or Acts so done or Perform'd We hereby Promise, Covenant and Agree to hold for good firm and valuable and to be Concluded

by the same, Item that Twenty Shillings shall be allowed & Paid by the Treasurer for the time being to the Committee for their Attendance at every Meeting to be Disposed among them that meet in such Manner and to such Persons as they shall Appoint Item that no Person shall make any Tranferr of any Part of his Interest or Shares but in the Companys Books and upon the Acceptance of the Buyer & Produceing of a Receipt from the Seller that the Money is Paid and that upon makeing of every such Transferr and Acceptance two Shillings and Six Pence shall be paid by the Buyer & the like Sum by the Seller to the Secretary for his Own Use & upon the first Admission of any new Member to be of the Society he shall Pay Ten Shillings to the Treasurer for the time being for the Use of the Society and shall Sign and Seal these Presents in the Companys Book of Subscriptions, Item that the Shares of each & every of Us Our Heirs and Assigns shall be Liable to make good all such Debts as are Owing by him or them to the s^d Society and also to make good all such Damages and Detriments as any of Us or Our Assigns shall Cause or Occasion to the Society in General by his their or any of their wilfull Acts or Defaults Item that the Companys Accounts shall be Stated once a year by the Committee and Presented to the General Court who may if they think fitt Chuse Auditors to Inspect and Examine the s^d Accounts, Item that all such future Orders, Votes, Agreements & Appointments as shall be at any time Ordered and Agreed to by the General Assembly or the major Part of them being Entered in the Minute Book of the Society and read over before their Departure shall be as firm, binding and valuable as if they were actually Subscrib^d by the s^d General Assembly or every individual Person of Them. Dated in London the fourth day of April Anno. 1692:—

Thomas Lane ● Isaac Cocks ● Joseph Brooksbank ●
Edmund Harrison ● Nich^s Hayward ● Ar' Shallett ●

Robert Hackshaw	● Will ^m Dunch	● Joseph Allen	●
Mordecai Abbott	● Hen ^r Harrington	● John Sweetapple	●
James St John	● Will ^m Thompson	● Michael Watts	●
Edw ^d Richier	● Ja ^s Boddington	● Cha ^s Michel	●
Will ^m Wightman	● Rob ^t Curtis	● Fra: Paunceforte	●
Obadiah Burnet	● Nich ^t Battersley	● John Norton	●
Fran ^t Michel	● John Gunston	● Nehe: Earning	●
Joseph Paice	● John Slany	● Will: Brookes	●
John Bridges	● Ben: Steele	● Rich ^d Greenaway	●
John Irwin	● Tho: Phipps	● Rob: Michel	●
John Albertson	● Edward West	● John Love	●
Tho: Skinner	● John Whiting	●	●

NOTE—M^r John Lamb Sold & Transferr'd his Shares to M^r John Slany who signed the foregoing Articles—M^r Edward Habersfield Sold & Transferr'd his Shares to M^r John Whiting who Signed the foregoing Articles—M^r John Wilcocks Sold and Tranferr'd his Shares to S^r. Thomas Lane who Signed the foregoing Articles M^r Richard Mayo Sold and Transferr'd his Shares to M^r John Irwin who Signed the foregoing Articles—

NOTE ALSO—That the Shares belonging to M^r Rich^d Bromhall, M^r Tho^s Bromfield, M^r Edw^d Paunceforte & M^r Jonathan Netheway are still remaining in their own Names—

The Originals Articles of Agreement whereof the foregoing is a true Copy are Entered and Recorded at the begining of the Transfer Book belonging to the West New Jersey Society and there Sign'd and Sealed by the Respective Persons before mentioned Witness my hand this 21st October, 1742.

JOHN STEPHENSON.

John Stephenson of London Gentleman maketh Oath That the Paper Writing hereunto annexed Purporting to be Articles of Agreement is a true Copy of such Articles as appears from the Original with which

this Deponent has Carefully Examin'd the Same, Which s^d Original Articles are Entered & Recorded at the Begining of the Transfer Book belonging to the West New Jersey Society and is Signed & Sealed by the Respective Persons therein mentioned.

Sworn the 21st of October } JOHN STEPHENSON
'1742. before Me - - }

GEO: HEATHCOTE Mayor

To all to whom these Presents shall Come I George Heathcote Esq^r Lord Mayor of the City of London In Pursuance of an Act of Parliament made & Passed in the fifth year of the Reign of Our Sovereign Lord King George the Second, Instituted 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 & Appear'd before me John Stephenson of London Gentleman being a Person well known & worthy of good Credit and by solemn Oath which he then took before me upon the Holy Evangelists of Almighty God, Did solemnly and sincerely Declare Testify and Depose to be true, the Several Matters & things mentioned & Contained in the Original Affidavit hereunto Annexed.

In Faith and Testimony whereof I the s^d Lord Mayor have Caused the Seal of the office of Mayoralty of the s^d City of London to be hereunto Putt & Affixed; And the Paper Writing mentioned & Referred to in & by the s^d Affidavit to be hereunto also Annexed.

Dated in London the twenty-first Day of October in the Year of our Lord 1742.

BAYNBRIDGE

¹The Original Record bears also a note in the margin "Recorded November 16th, 1744."—Ed.

Commission to John Barclay, (and in case of disability on his part to John Reid,) as Surveyor General of East New Jersey.

[From the Original in the Library of the New Jersey Hist. Soc:]

The Committee of Proprietors of the Province of East New Jersey residing in and about London on behalf of themselves and the rest of the Proprietors of the said Province.

To our trusty and well beloved friends John Barclay¹ and John Reid both of the said Province

GREETING

WEE the said Proprietors having good Opinion of your Skill prudence and Integrity have nominated and constituted and appointed and do by these p^rsents nominate Constitute and appoint you the said John Barclay to be *Surveyor Generall* of the said Province of East New Jersey hereby authorizing and impowring you by your Self & such as you shall depute & appoint to lay out bound and Survey all Allotments of land whether Generall or particular publique or private



¹JOHN BARCLAY was a brother of Governor Barclay. He first came to the Province about the time of its purchase by the twenty-four proprietaries, but returned to England in

1683 and remained there a year or two. On his return to the Province in 1684 or 1685 he took up his residence at Elizabethtown, but removed thence to Plainfield and subsequently to Perth Amboy. He was deputy Surveyor under George Keith whom he succeeded, being sworn into office under this commission on 1st November, 1692. He continued to hold prominent positions in the province until his death in 1731 at an advanced age, bearing the character through life of a good neighbor and useful citizen.—Smith's New Jersey, p 424. Whitehead's Contributions to the Early History of Perth Amboy, p 42. For notice of John Reid see Vol. I p 510.—ED.

relating to any person or persons whatsoever according to such Warrants as you shall receive from the Gov^r and Council of proprietors in the Said Province that are to be grounded on Such orders as hath been sent and are now in force or that shall hereafter be made by us or the Major part of us residing in & about London and sent under the publique Seal of the s^d Province and signed by William Dockwra our Secretary and Register, or the Secretary and Register for the time being and of all such Surveys of land as shall be made by you or your Deputy from time to time You the said John Barclay are to make true Report by Certificates in Writing mentioning the Scituation and quality quantity lines and bounds of all such tracts of land as particular as conveniently may be, expressing the name of the person for whom each tract is Surveyed and the Warrant you rec^d for so doing and on what Order of the prop^{rs} it was grounded & the date thereof Which reports or Certificates you are to deliver to the Secretary and Register of the said Province or to his Dep^y or Dep^{ties} for the time being that he may enter and file such respective Reports or Certificates of Surveys of land in his Office AND you the s^d John Barclay are hereby impowered & authorized to do all such other act or acts thing or things which do belong or appertain to the Office of Surveyor Generall within the said Province to the best of your Judgement and Skill, and with all Justice care and fidelity, and for your doing the business and duty of your Office you are to receive such Salary fees and perquisites as do already belong to the Office of Surveyor Generall or (by the Generall Assembly of the said Province) shall hereafter be appointed for the same And in case of the death or disability of the said John Barclay We the said Proprietors do hereby nominate constitute and appoint you the said John Reid to be our Surveyor Generall with all the like

powers and authorities and with the same directions appointments and duty on your part with the like fees and allowances given and granted to the said John Barclay: This patent & Commission to continue and be in force for one whole year from the date hereof and so long after untill the Committee of Proprietors residing in and about London or the Major part of them Shall appoint some other p'son to be Surveyor Generall in the room of the said John Barclay and the said John Reid or either of them by patent or Commission sent from London under the Seal of [the] said Province & signed by William Dockwra Secretary and Register of the said Province or by the Secretary and Register for the time being [up] on the arrivale of which to the hands of the Governor or Councill of Proprietors for the time being This present Patent or Commission to be [void?] GIVEN in London under the Seale of the said province of East New Jersey the Sixth day of April in the fourth year of the [reign of] William and Mary of England France and Ireland King and Queen Defenders of the ffaith &c: Anno Dom one thousand six hu[n]dred and] ninety two.

[Signed] by order
[of the] proprietors

Wm Dockwra.

Agent Secr. & Reg^r



[On the back of the foregoing document.]

I the within named John Barclay doe hereby Solemnly promise to beare true alleageance to King William and Queene Marie King & Queen over England &c their heires and Successors, and be true and faithfull to the interest of the Lords Proprietors of the Province of East new Jersey and to their heires Executors & assignes, and I will endeavour the pease and welfare of the said Province, And I will well and faithfully discharge the office of surveyor generall in the said Province, And doe equall Justice unto all men according to my best skill and Judgement without corruption favour or affection witness my hand this first day of the month called November 1692.

JOHN BARCLAY

Coram me AND: HAMILTON

Instructions from the Proprietors of East Jersey in London, to Governor Andrew Hamilton¹.

[From the Original among the manuscripts of W. A. Whitehead.]

INSTRUCC'ONS from the Proprietors of East New Jersey Residing in London to Coll. Andrew Hamilton Governor of the said Province—touching their Quit Rents.

1st Some short time after your arrival in the said Province You are to cause the Secretary and Receiver General of the said Province to make true Rent Rolls or Schedules of all the Quit Rents reserved and payable to the Proprietors from any Towne Freeholders

¹ For notice of Governor Hamilton see Vol. I., p. 509. —Ed.

and Inhabitants within the several Counties of the said Province, viz^t One distinct Rent Roll or more for every County, and so set down therein what quantities of Land Each Town or person holds under those Rents and the dates of their respective Patents and to remit such Rent Rolls to us.

2^y You are to order the said Receiver General to remit to us by the next opportunity an exact account of all Arrears of Rent due to the Proprietors and from whom and for what time such Arrears are Incurred.

3^y You are to take care that the Receiver General shall yearly remit to us an Acco^t of all new Tenants that shall take up Land upon Quit Rents and of all Quit Rents he shall receive To the Intent the Proprietors may take order for the distribution of the said Rents.

4^y You are to cause our Receiver General forthwith to demand all arrears of Quit Rents due to the Proprietors from any Towns or particular persons in the Province And if any Town or particular person shall refuse to pay such Quit Rents or to secure the same to your good liking you are to order our Receiver general to distrain upon the goods and Chattels of such Town or Towns and Persons and in default of distress to sue them in due Course of Law for the Recovery of Such Quit Rents.

5^y Whereas our Quit Rents are now payable in the Products of the Country, and it often falls out that the planters have not in readiness such Product of y^e Country as will exactly answer the value of their rents, whereby differences sometimes arise betwixt our Receiver general and the Planters, who are apt to think they part with their goods under the Market Prise. For y^e prevencon therefore of all misunderstandings which may otherwise arise upon that acco^t You are to propose to all the Towns Freeholders and Planters within the said Province who do or have their

Elec'con to pay us any Quit Rent in the Product of the Country That if they or any of them will pay down or secure to your good liking all their arrears owing by them and pay their Rents hereafter to grow due on the Five and Twentieth day of March yearly or within One and Twenty days after in money, To our Receiver General for the time being or his deputy at such place or places as he shall appoint, Such persons shall have for the future an abatement or deduccon after the rate of Ten Pounds per Cent of their Quit Rents they shall so pay in And if the Townes Freehold^{rs} and Planters or any of them shall agree to such a Proposall You are to Enter such agreem^t upon Record in the public Register of Our Province, or to get it passed into an act by the General Assembly as you and the Persons agreeing shall think fitt. And of this you are to give public notice by causing copies of this to be posted in the public places of all the Principal Towns within Our Province as soon as may be after your arrival there And to enter these Instrucc'ons in the Public Register of the Province. Given under the seal of the Province of East New Jersey in London this ninth day of Aprill. Anno Domini 1692.

Signed by order of the Proprietors

WILL^m DOCKWRA,
Agent Secr and Reg^r

Commission to Colonel Andrew Hamilton, to be Governor of West Jersey.

[From West Jersey Records in Secretary of State's Office, Trenton, Liber. B¹ p 287
(B² p 657).]

To our trusty and welbeloved friend Colonel Andrew Hamilton.

Greeting

WHEREAS the Hereditary Governm^t of the Province of West New Jersey in America by due & Legall Right was lately vested in Daniel Cox Esq^r and by Conveyance duely executed hath beene by him assigned and Transferred to S^r Thomas Lane Knight Edmond Harrison Esq^r and severall others rightfully thereunto and that by Authority from them under their hands & seales toe the underwritten being chosen their Committee and impowered to nominate Constitute and appoint such Deputy Governo^r for the well ordering and Governing the said Province as to us shall seeme meet And wee haveing great Confidence in the Ability Prudence and integrity of you the said Andrew Hamilton Have nominated Cons ituted and appointed and doe hereby nominate Constitute & appoint You our Com'issioner and Deputy Governo^r of the said Province. Giving you full power and Authority to order & Gouverne the same together with all the Isles Islands Rivers and Seas within the same or belonging thereto And to doe all and every thing and things which to the charge and office of a Governo^r doth appertayne for the space or Terme of one whole year from the date of these p^resents and soe long after untill some other person bee nominated and Constituted Deputy Governo^r in your roome by another Comission sent from London and arrived in the said

Province there to be published on which this p'ésent Com'issione to be voyd Com'anding all inferiour officers both Civill and Military to obey You the said Andrew Hamilton as our Com'issioner or Deputy Governor according to this our Com'ission and the powers hereby given you and according to the Laws and Constitutions made or confirmed and to be made or confirmed by us which you the said Deputy Governour are your selfe to observe and follow as to your duty and office doth appertayne as also to observe & fullfill all such orders as shall be made & sent to you by us or the Com'ttee for the time being under the Public Seale of the said Province And further we do give you the said Andrew Hamilton power to nominate and appoint by Com'ission under your hand and Seale a Com'issione^r under you to serve in the said Province during your necessary absence therefrom but noe longer Hee the said Sub Com'ission^r observing and fullfilling all such orders as shall be made & sent under the said Publick Seale by us or the Com'ttee for the time being and Governing according to the Lawes & Constitutions of the said Province Given in London under o^r hands & the Publick Seals of the said Province of West New Jersey this Eleventh day of Aprill Anno Domini 1692 And in the ffourth yeare of the Reigne of our Sov^raigne Lord & Lady William and Mary by the Grace of God of England Scotland ffrance & Ireland King and Queene Defenders of the ffaith &c:



Thos: Lane Rob^t: Hackshaw James S^t
 John Dan: Coxe John Jurin Edm:
 Harrison John Bridges Mord: Abbott
 W^m Wightman Rob: Michel

Proprietors of West Jersey to Governor Fletcher.

[From N. Y. Col. Docts, Vol. III., p. 838.]

LONDON primo June 1692.

SIR D^r Coxe having sold us his interest in West Jersey and together with the land the hereditary government thereof; and understanding their Majesties have conferred upon you the governm^t of New Yorke: doe think ourselves obliged to congratulate y^r accession to that hon^{ble} employ. and account ourselves happy in having soe good a neighbour whose prudence and integrity will we are perswaded secure us from apprehensions of those mean artifices [that] have been employed by preceeding Governors or their ministers to inroach upon our just right and legall privileges.

Sir wee shall realye manifest our respects to your Excellency upon acc^t of your personal virtues and pay all due reference to the carrecter their Majesties have given you, which all persons who have the hapiness to know you assure themselves and others you will worthily sustain.

We have ordered all persons under our jvrisdiction to be assisting to you in promoting the com'on defence in case of general danger; which happening to be soe extraordinary as to call for your personal assistance into our Province, wee have given orders that during your stay there you have the chief co'mand of all our militia And as we believe all the North Continent in America under their Majesties most auspicious government will be benefitted by the happy influences of your good conduct in warr, and administration of justice in time of peace: so we promise ourselves in perticular as being your more immediate neighbours your friendly assistance and advice

We are Sir your Excellency's most obedient sarvants

R ^r HACKSHAW	EDM. HARRISON
MORD. ABBOTT	JOHN TURIN
W ^m WIGHTMAN	DAN. COXE
	JAMES S ^r JOHN

Indorsed. The copy of a letter from the Proprietors of West Jersey in America to Coll. Fletcher received at Deal the 7th June 1692. Rec^d from Coll. Fletcher from Deal 9 June 1692, with a letter wherein he says he had rec^d the original by the hands of the Govern^r of New Jersey.

Proprietors of East Jersey to the Board of Trade.

[From N. Y. Col. Docts, Vol. III., p. 838.]

THE PROPRIETORS OF EAST JERSEY having in obedience to your Lordships co'mand met and considered what force they can raise for defence of their Province and how far they can assist New Yorke in case of an invasion do humbly represent to your Lo^{pp}s That they have sent Instructions to the Governo^r of their Province to raise the Militia forthwith, to take care that they have good arms and ammunion, to exercise them often, and to be always in a readiness to guard the sea coasts, and other places of the Province exposed to their enemies.

That they will endeavour and have reco'mended it to the Generall Assembly and inhabitants of their Province, that in case New Yorke shall be invaded by the French, such part of the Militia of East Jersey shall be sent to the assistance of New Yorke as can be spared without exposing East Jersey to a descent of the French by sea, to which by its situation upon large

navigable rivers, it lyes very open; but the said Governour and Proprietors, being advised by their Councill that they have no power by law to compell any of their Militia to march out of the Province of East Jersey: dare not engage for any certain Quota to assist New Yorke, lest they should be answerable for all the ill consequences that may attend the disappointment of such an undertaking.

DAN. COXE

By the Consent and Order of the other Proprietors
[June 1692]

Commission from the Members of the West Jersey Society in England, to Jeremiah Basse¹ as their Agent.

[From West Jersey Records in Secretary of State's Office, Trenton, Liber. B p 301.]

S^r. Thomas Lane Knt^t. Edward Harrison Esq^r. and
the Rest of the Com[']ittee for the West New
Jersey Society.

To our Trusty and welbeloved Jeremiah Basse
Gentleman.

Greeting.

We reposing especiall Trust and Confidence in the
fidelity prudence knowledge and Provident Circum-

¹ What was the precise position held at this time by Mr. Basse is not known. Some years previously he had been an Anabaptist minister. How long he remained in New Jersey after receiving this commission is uncertain, but on the 15th of July 1697, he being then in England, he was appointed Governor of both

East and West New Jersey, but did not reach the Provinces until the Spring of 1698. Many of the leading men, particularly in East Jersey, were opposed to Governor

spection of you the said Jeremiah Basse have made constituted and ordained and by these p^resents doe make Constitute and ordaine you to be our Agent in West Jersey aforesaid To take up Lands there To inspect & direct ye selling & buying of our Goods and to Act observe & doe to the best of your power all such other matters as concerne your respective employm^{ts} as aforesaid And we doe hereby com'and you all our ffectors & Servants in West Jersey aforesaid to give you the said Jeremiah Basse due Respects as to our Agent doth appertaine. And you are to observe & followe all such orders & directions as you already have or hereafter shall from time to time receive from us or any ffive of us. In Witness whereof wee have caused our Common Seal to be hereunto affixed this fourth day of June Anno Domini 1692—And in the fourth yeare of the Reigne of our Sov^raigne Lord & Lady William & Mary by the Grace of God King & Queene of England Scotland ffrance & Ireland Defenders of the ffaith & c :



Thos: Lane John Jurin Rob: Michel
Ro^b: Hackshaw James S^t John.

Basse for various reasons ; and, on the appointment of Andrew Hamilton, in 1699 he returned to England, and came not again to New Jersey until 1703, when he received the appointment of Secretary to Lord Cornbury and partook of the obloquy of his Lordship's administration. The House of Assembly, in 1710, openly accused him to Governor Hamilton of malversation in office, he then being not only Secretary of the Province, but also Clerk of the Council and Prothonotary of the Supreme Court. In 1712, he became Surveyor of the Customs at Burlington. In 1716, he was elected a Representative from Cape May County, of which he was then a resident, and, in 1719, was Attorney General of the Province, indicating the possession of greater popularity. Succeeding documents exhibit very clearly his character and attainments, and his influence for good or ill in the administration of his official duties. His relations to the Baptists appear to have been given up, and during his residence in Burlington, he became much interested in St. Mary's Protestant Episcopal Church. He died in 1725, leaving a widow, two daughters, (*Katherine* and *Ann*), and one son, *Burchfield*. *Katherine* married Robert Talbot, son of the Rev. John Talbot, the minister of the parish.—East Jersey Under the, Prop. Govts., 2d Ed.—Hill's History of the Church in Burlington.—Records of Governor and Council of East Jersey, 1682-1703. Ed.

Instructions to the Deputy Governor of West Jersey.

[From the New Jersey Col. Docts., Vol. III, p 839.]

Instructions from the Govern^r and Propriet^{rs} of West Jersey to their Deputy Governour concerning the Militia of that Province¹.

WHEREAS the security of our said Province in this time of war depends next to the Providence of Almighty God upon a well regulated Militia and an union with the neighbour Colonies for their mutual defence against a common enemy in case of an invasion made upon any of them.—

1 You are are therefore as soone as these Instructions arrive forthwith to raise the militia of our Province to take care they have good arms and ammuniti^on, and to exercise them often, that they may be expert at the use of their arms, and be ready to march at your summons.

2 That when an invasion of any neighbour Colony shall require assistance from our Province, you shall take care to send a number of our militia proportionable to the assistance sent by any neighbour Colony, and to retain such number of our militia at home as may be sufficient to preserve our own Province in case of a descent made upon it by sea, to which by its scituation upon navigable rivers it lyes much exposed.

3 That when any part of our Militia march into a neighbour Province in case of any invasion you co'mand them yourself, or put them under the immediate command of some other Officers, inhabitants of West Jersey, subject to the Govern^r of the Province

¹ Similar instructions, *mutatis mutandis* were given by the Proprietors of East Jersey to Colonel Andrew Hamilton, their Governor there.—J. R. B[rodhead.]

into which they shall march: unless their Maj^{ties} Govern^r of New York with his forces should be there.

In such case you are to observe the orders of their Maj^{ties} Govern^r of New York during his stay.

4 You are likewise forthwith to call a Generall Assembly of the said Province to concert such further measures as may be found necessary for the better preservation thereof and in particular to raise a fund for the maintenance of such part of the militia as shall be advised to march into any neighbour Colony where the invasion of our enemies shall require their assistance.

Letter from the West Jersey Society to the Rev. Thomas Bridges.¹

[From West Jersey Records in Secretary of State's office, Trenton, Book B.]

A L^re from y^e West Jersey Society in England to M^r Bridges.

LONDON y^e 29th July 1692

S^r Wee are informed by D^r Coxe that yo^u declare yo^rselfe inclyned together with divers other Inhabitants of the Bermudas to remove unto & reside in West Jersey Wee are very glad a Person of yo^r Principles & p^ression should entertaine such thoughts ffor having received an Hono^{ble} Character of you from diverse wee expect not onely benefitt should accrue unto the Inhabitants by yo^r Pious Instructions accompanied with an Exemplary life But also by yo^r Pru-

¹ REV. THOMAS BRIDGES was of the English Church residing in the Bermuda Islands. Whether he accepted the invitation is not known.—ED.

dential Council in reference to Civill & Secular affairs wherein yoⁿ have been Providentially necessitated to Exercise yo^rsølfe And as wee have been assured very successfully: S^r if yoⁿ are confirmed in yo^r resolution wee shall give you all y^e Encouragem^t Countenance & Authority wee are Capable of. Many Persons in diverse Parts of ye Country have frequently exprest their desires of a Minister & assure us they will Contribute towards his Comfortable subsistence & pay him all that duty respect & deference his worke deserves And for that D^r Coxe hath Conveyed unto us y^e Government of the Country with great part of his Lands ffor your Encouragem^t upon your Arrival wee will give order that you may in what Scituation you please take up Two Thousand Acres one Thousand to be yo^r owne in ffee forever The other to be annexed unto y^e office & descend unto him who shall Succeed you When ever it shall please God by your death or otherwise to cause a vacancy. Wee are besides contriveing some other Methods whereby to render your station more comfortable Honourable & Profittable and doubt not but wee shall Conclude to your full satisfaction and all those who accompany you shall find fair dealing Encouragem^t Protection and assistance from

S^r Your affectionate ffriends and Servants

THO: LANE:	EDM: HARRISON
E: RICHIER:	W ^m WIGHTMAN
JAMES BODDINGTON:	ROB: MICHELL
JOHN JURIN:	JAMES S ^r JOHN.

Letter from Daniel Coxe to the Rev. Thomas Bridges.

[From West Jersey Records, in the Office of the Secretary of State at Trenton,
Book B.]

A Lre from Danⁿ Coxe of London Esq^r to M^r
Thomas Bridges.

S^r

I received yo's & returned an answer ye last Moneth but fearing that should not come seasonably to yo' hands & haveing I hope a safe Conveyance I determined to neglect noe opportunity whereby I might manifest y^e friendship I cherish for you & Confirme you in ye designe of favouring a Countrey wherein I am deeply Concerned & whose welfare I would pmote for y^e sake of y^e Inhabitants abstracted from my owne Interest which will I am very Confident be much advanced by yo' presence sound Doctrine & Exemplary life And I hope you will thereby reap not only y^e satisfaction of haveing faithfnlly served our great Master in y^e great work of Converting & Confirming precious Immortall Souls: But I verily beleeve you will be rewarded w^h y^e blessings of a quiet pleasant healthfull residence: And in y^e Love & Esteeme of those who shall voluntarily come under yo' Pastorall care with due maintenance: Togeather with Ciÿill & Christian Respects from others of different perswaitions. Besides which you will have y^e Authority Encouragem^t & assistance of those unto whom I have delegated y^e Governm^t of West Jersey unto whom I have given a Character of yo' Person an Account of yo' behavio^r in diverse parts whither you have beene providentially called they have signified their satisfaction in a Letter which yoⁿ will receive I suppose by y^e

same Conveyance which brings this; Besides what they have proposed I do hereby faithfully assure yoⁿ I will make yoⁿ a Considerable annual allowance to be paid you in money dureing my life if you soe long Continue your residence in our Province. That y^e onely wise God would Councill you in y^e disposall of yourself prosper & succeed all your Generous Pious designes & undertakeings is & shall be the Constant fervent prayer of him who is

Dear S^r

You^r most affectionate friend & faithful servant

DAN: COXE.

August 5th 1692.

*Letter from the Proprietors of West Jersey in England,
to Jeremiah Basse.*

[From West Jersey Records in Secretary of State's office, Trenton, Liber B 2, page 423.]

Letter to Jeremiah Basse from ye Societie signed
on their behalf by Robert Hackshawe.¹

LONDON ye 24th December 1692.

M^r JEREMIAH BASSE

S^r wee are not a litle Concerned that wee have not a Line from yoⁿ though ye Bill by you drawn for 30:^s sterling In Ex^c for 40^s New York money is come to hand & yo^r money ordered to be paid wee are willing to put ye best Construction upon our want of yo^r advise hoping that you have written us by ye Katharine Cap^t Goff who was taken & carryed by ye ffrench

¹ See page 91 for his Commission, given in June, 1692, on the receipt of which he appears to have departed for New Jersey.—Ed.

to S^r Mallows, for ye future when a ship come away take care to write us by both wee have already written you diverse Ler by this Boarde to which we refere yo^u And now have further to acquaint yo^u that wee have lately agreed with Docto^r Coxe to purchase ye remaining one third of the Lands which hee sold us two thirds of our first purchase wee also bought of him ye 4000 Acres at Cohanzy or Salem Tenth Side which hee saith hee ordered yo^u to take up for him wee have further agreed with him that if you should have taken up any other lands for him they should be ours Therefore Charge our Acco^t with yo^r disbursm^{ts} for what yo^u may have soe taken up and Lett them be reckoned as part of the Eight Proprieties untaken up which we have bought of him and doe the like with respect to ye Charges for ye 4000 Acres at Cohanzy on Salem Tenth Side wee cannot now send yo^u Copy of ye writings because they are not yet executed but they shall be sent as soone as wee can, We have ordered M^r Westland to agree with a ffrench Cooper now at Plimouth who is recommended to us as a man well skill'd not only in makeing of Cask which is the thing wee principally aime at but also in makeing of rome & brandy pray try his skill in all these p^ticulars and let him not be Idle but be provideing of good store of Oyle Casks against next ffishing Season And when ye Season of ye yeare is fitt for it lett him exercise his Talent a litle in makeing some wine and send us a Cast of each sort the rome in a small Caske & the Brandy in Bottles because that cannot come in Caske. We have lately received a Survey of our Land taken up at Cap^e May Copy whereof wee suppose you will have in y^e Country If any good Chapnen present for any part of our Land don't refuse them only with this Provisoe that you sell none of ye Land that Lies Convenient for ye whale fishing till you heare further from us wee meane the Land upon Cape May lying

next ye Bay or upon ye Sea Coast fo^r that wee will not sell. But any of the rest you may sell wee suppose wee need not reminde you of giving us Ample advise of all things as well Concerning ye whale fishing ffurr trade mines & mineralls our Land in Pennsilvania which if a good Chapman offers wee would willingly part with As also the two Proprieties above the ffalls surveyed & purchased by the Doctor of the Indians a further purchase wee have also made of the Doctor which hee bought of Thomas Budd Containing 15 Thousand Acres of Land that was allotted said Budd by the Country for satisfaction of a Debt of 1250^l which they owed said Budd and for which Doctor Coxe paid the said Budd. is said to be the best Land in the Province. pray give us your thoughts of it And if you can have Chapmen that will buy it for twelve pounds p hundred Acres which price ye Doctor assures us it will yield you may sell what you can of it only reserving to us some part of it near the River where the best oaks grow for the Doctor tell us there are upon it the best oaks in ye whole Country. D^r Coxe hath Informed us that Land is sold for 10^l p hundred Acres but rather than fayle you may sell that above the ffalls & in Pennsilvania for 5^l p hundred Acres Jersey money or any other except that of Tho: Budds & Cape May. You must also take care you doe not sell any so as to prejudise the rest which will be if you lett them take up all of the best & none of the worst Land with it But your prudence will in that Case we suppose direct you better than we Can. Not also till we heare from you but that wee are

Yo^r Lo:^s ffriends

ROB: HACKSHAW by order of ye Committee.

The originall is signed by S^r Tho: Lane: Edw. Harrison, Rob^t Hackshaw, Rob^t Michell W^m Whitman, Charles Michell, Mordecay Abbott, James Boddington.

Solicitor General's Report on the Charter of Connecticut, and on the Grant of New Jersey.

[From New York Col. Docts, Vol. IV., p. 1.]

May it please your Lordships

In obedience to your Lordships orders of the 8th Instant here unto annexed I have considered of the Charter granted to the Gov^r and Company of Connecticut, and I have also considered of the Grants made to the Proprietors of East and West New Jersey in America and I am humbly of Opinion that notwithstanding any thing in the said Charter or Grants, that there Majesties by virtue of their Prerogative and Sovereignty over those Colonies, which is not granted from the Crown to the Gov^r and Company, nor to the proprietors by any of the Chart^{rs} may appoint Governors for these places with such Powers, and authorities for the Government thereof, and for raising men and furnishing Provisions for the necessary defence of his Subjects and the neighboring Colonies against their Enemies as their Majesties shall in their great wisdom judge reasonable.

And I conceive that the Proprietor of New York may assign his Propriety in New Jersey which is part of New York to others but cannot by any such Grant or Assignment absolutely sever New Jersey from New York but that still it remains a part thereof and dependent on the Gov^rm^t of N: York and lyable to contribute men and provisions for the supp^t and protectⁿ of N: York against any Enemys.

13, Feb: 169 $\frac{3}{4}$

THO: TREVOR.

From William Dockwra, Secretary and Register of the Proprietors of East Jersey, to Governor Hamilton.

[From the Original among the Manuscripts of the N. J. Hist. Society.]

GOVERNOR HAMILTON

S^r Wee kindly salute you, haueing this day read yo^r letter p^r Cap^t Phillips w^{ch} came via Barbados date at Perth Amboy the 30^h Septemb: last with another therein enclosed of the same date signed by M^r Ric^o Hartshorn by order of the house of Deputies as their Speaker, and by M^r Gordon by order of the Councill as Deputy Secretary. Wee are well satisfied wth the care and conduct you have showed in the asserting our right to y^e Governm^t & yo^r own authority by our Commission an order to y^e good & quiet settlem^t of the Province.

And we doubt not but a little time will make it manifest, that all those who haue perform'd their duties in a ready compliance wth you, haue therein consulted and adheerd to their true interest & the publique good of the whole Province, and those few who haue opposed you will quickly repent & correct their Errors. Our future Actions shall declare that we doe not more designe our own Interest than the reall prosperity of that province ouer w^{ch} you preside.

Wee shall gladly receive the best information, how we may be enabled to increase y^e number of people to etle in the Province & to advance the trade thereof, particularly we desire to know whether a Whale fishery may not be established to good advantage at Egge harbour or Barnagatt and the best measures to be taken for it, wee being well assured that there is a very great resort of that ffish especially (as well as others) vpon o^r coasts the Oyle & bone being very staple com'odities here,

Pray give our kinde respects to M^r Hartshorne

Speaker of the Assembly and to all the rest of the members as you haue opportunity, their answer to our letter being very well resented, and wee desire you to acquaint y^m that wee shall take due care to represent to their Maj^{ties} (or cheife Ministers of State their peaceable & dutifull behaviour to them & us vnder yo^r Government, and particularly of their readynes to comply wth their Majesties pleasure to give such assistance to their neighbours ag^t the com'on Enemy (as they are able to doe) in case of any exigency.

The Governmen^t & inhabitants of *New-Yorke*, according to their wonted custom haue very lately by their Agents been solliciting again at Court, for an Annexation of both the Jerseys to that Province, but have been frustrated in their designe and we little doubt all future attempts of that kinde will meet wth no better successe.

Wee are the more easie in this, by our observing y^e vnity and good correspondence between you & y^e Representatives of the people, which, together with yo^r experience and prudent managem^t will free us from all apprehensions of being expos'd to danger from any just cause of complaint by those of *New-York* ag^t yo^r Administration, Wee hope by the next shipp to receive an acco^t of the good effects of your so promising an Entrance into the Governm^t & what progresse you have made in the particulars recom'ended to yo^r care in our Instructions, And so we bid you heartly Farewell.

Signed by order of the Committee of Proprietors

WILL^m DOCKWRA,

London the first of April 1693

Secr & Reg^r

[Addressed] To

The Honoured Coll. Andrew Hamilton Governour of the Province of East-New-Jersey In America at Amboy These.

P^r y^e friends adventuring

Jn^o King M^r Q. D. G.

*Journal of Captain Arent Schuyler's visit to the
Minisink Country.*

[From New York Col. Docts, Vol. IV., p. 98.]

May it pleas your Excëll.

In persuance to y^r Excëll: commands I have been in the Minnissinck Country of which I have kept the following Journall: viz^t

169 $\frac{3}{4}$ y^e 3 of Feb: I departed from New Yorke for East New Jersey and came that night att Bergentown where I heired two men and a guide.

y^e 4th Sunday, Morning, I went from Bergen & travilled about ten English miles beyond Haghking-sack to an Indian place called Peckwes.

y^e 5th Monday. From Peckwes North and be West I went about thirty-two miles snowing and rainy wether.

y^e 6th Thusday. I continued my Journey to Mag-gaghkemieck¹ and from thence to within half a days Journey to the Mennissinck

y^e 7th Wendsday. About Eleaven a Clock I arrived att the Mennissinck, and there I mett with two of ther Sachems and severall other Indians of whome I inquired after some news, if the French or their Indians had sent for them or been in y^e Mennissinck Country. Upon w^{ch} they answered that noe French nor any of the French Indians were nor had been in the Mennissinck Country nor there abouts and did promise y^t if y^e French should hapen to come or y^t they heard of it that they will forthwith send a mesinger and give y^r Excellency notice thereof

¹ The Indian name of the river "Neversink" which falls into the Delaware, a little south of Port Jervis, Orange County, New York. -O'Callaghan, from Eager's Orange County.—Ed.

Inquireing further after news they told me that six days agoe three Christians and two Shan'wans Indians who went about fifteen months agoe with Arnout Vielle into the Shan'wans Country were passed by the Mennissinck going for Albany to fech powder for Arnout and his Company: and further told them that s^d Arnout intended to be there wth seaven hundred of y^e said Shan'wans Indians loaden wth beavor and peltries att y^e time y^e Indian Coarn is about one fout high (which may be in the month of June.)

The Mennissinck Sachems further s^d that one of their Sachems & other of their Indians were gone to fech beaver & pelteries which they had hunted: and having heard no news of them are afraid y^t y^e Sinneques have killed them for y^e lucar of the beavor or because y^e Mennissinck Indians have not been wth y^e Sinneques as usial to pay their Dutty, and therefore desire y^t your Excèll will be pleased to order y^t the Sinneques may be told, not to molest or hurt y^e Mennissincks they being willing to continue in amity with them.

In the afternoon I departed from y^e Mennissincks: the 8th the 9th & 10th of Feb. I travilled and came att Bergen in y^e morning and about noone arrived at New Yorke.

This is may it pleas your Excèll. the humble reporte off your Excellency's most humble servant

ARENT SCHUYLER

Endorsed, Reporte of Captⁿ Arent Schuyler his message to the Mennissinck Country. Feb. y^e 10th 1694

*Letter from Governor Hamilton of East Jersey, to
Governor Fletcher of New York.*

[From Papers of F. J. Paris in New Jersey Historical Society Library Vol. C,
Private Papers No. 5, and Vol. D, p. 77.]

To his Excellency BENJAMIN FLETCHER and the
honourable their Majesties Council of the
province of New York

Feb: 13th 169 $\frac{3}{4}$

WHEREAS *in the Time of Coll. Dongan* the Surveyors of New York and the Jerseys Did, *by a consent of the Respective Gov^{rs}*, meet to *ascertain the Stationary points*, from whence the Division Line betwixt New York and the Jerseys was to be drawn Conform to the Deeds Granted by the then Duke of York to the Proprietor of the Jerseys, that the Boundaries of Each province might be the better known. And whereas, in pursuance of the Said order, *the Respective Surveyors went out and affixed a Station on Delaware River in 41^o 40' Latitude and another on hudson's River in 41^d which is* (Conform to a Map made by the Surveyers) *Due west from ffrederick Phillipse's Lower Mills; but tho' the Stations were fixed, yett the Lines were not drawn.*

May it please your Excellency,

That whereas I am now making a detachment of our men for the frontiers, out of the Respective Counties, and that there are Several plantations near the Line of partition, which pretends Exemption from any detachment, as being in another Government: and perhaps use the Same Shifts to York Government: Your Excellency to clear this point, would please give order to the Surveyer, to Join with our Surveyers at a certain day, to mark out the Line *from the Said Station on Hudson's River as far as there are any plantations.*

Your Ex^{cles} most obedient Servant

AND: HAMILTON

Minutes of the Council of New York.

[From Papers of J. F. Paris in New Jersey Historical Society Library Vol. A p. 83.]

ATT A COUNCIL held at Fort William Henry the
22th of February 169³/₄

Present His Excell Ben Fletcher &c^a

Fred Philipse

Steph Cortlandt

Gab. Menvielle

Esq^{rs} Will. Pinhorne

John Laurence

Esq^{rs}

Coll^o Andrew Hamilton Governour of the Jerseys
having desired that the line of Partition between the
Province of East Jersey and this Province from the
Station formerly agreed unto by the Surveyers of both
Governments may be Run and marked to ascertain
the right of some Plantations and Settlements neere
the line who at present avoid the paying of Taxes or
duty's to either Government.

Ordered Coll^o Stephen Cortlant Coll^o Nicholas Bayard
William Nicoll Esq^r and William Pinhorne Esq^r be a
Committee of this Board to consider of an Answer
thereunto against thursday next.

*Instructions of the East Jersey Proprietors to Thomas
Gordon.*

[From the Original Draft in the Library of the New York Historical Society.]

Instructions to Thomas Gordon.¹

MR. THOMAS GORDON

The necessity we find the proprietors affairs ly



¹ THOMAS GORDON, of Pitlochrie, Scotland, was among the arrivals in 1684 which added so materially to the advancement of East Jersey in population and enterprise. He brought with him his wife, Hellen, of the family of Stralough.

under, that an Agent go home¹ to represent the state of them² and³ being well assured of your integrity and ability We have therefore unanimously made choice of you to undertake a voyage to England to that intent.

1° In respect Eliz. Town has made an Appeal home & may in likelyhood misrepresent the truth of that tryall you who know the whole state of the affair can best obviate objections.

If they insist upon the verdict you may inform the prop^{rs} matter of fact: of the fallacy of the Jury, that all were parties.....^[illegible] & contributed to make up

and four children, and established himself at first upon a plantation on Cedar Brook, in the vicinity of what was known, afterward, as Scotch Plains, from having been settled by the countrymen of Mr. Gordon. It now bears the name of Fanwood. Before the close of 1687 his wife and all four of his children died. He had become a proprietor before he left Scotland and soon had assigned to him many important positions. In 1692 he was appointed Deputy Secretary and Register for the Proprietaries, by Wm. Dockwra, their Chief Secretary in London. The same year he was made Clerk of the Court of Common Right, Register of the Court of Chancery and one of a Commission for the trial of small causes at Perth Amboy. In 1693 he was appointed Judge of Probate, and in 1694 made an officer of the Customs at Amboy. The respect and estimation in which he was held by the Proprietors at that time was manifested by his being sent to England in 1695 with the instructions in the text. He remained abroad three years, having with him, it is presumed, *Janet Mudie*, whom he made his second wife before his embarkation. In 1698 he was appointed Attorney General of East Jersey, and in December, 1700, was again invested with the duties of Judge of Probate; a substitute having been appointed during his absence. In 1702 Dockwra having been superseded, Mr. Gordon was appointed to succeed him as Chief Secretary and Register of the Proprietors.

In addition to these and other offices of a local character, he represented Amboy and the County of Middlesex in the Provincial Assembly from 1703 to 1709, part of the time acting as Speaker. He was appointed one of Gov. Hunter's Council in 1709, and at the time of his decease held the same situation under Gov. Burnet. From June, 1710, to March, 1719, he was Receiver General and Treasurer of the Province. His name will be found connected with all the most important events of his time, and he seems to have been unusually worthy of the eulogistic inscription on his tombstone in the church yard of St. Peter's Church at Perth Amboy; whither was transferred, a few years since, from the old public burial place, the tombstone of his first wife. He died April 28th, 1722, in the 70th year of his age, leaving three sons, *Andrew, Thomas* and *John*, and three daughters, *Mary, Euphemia* and *Margaret*.—See Whitehead's Contributions to the Early History of Perth Amboy, &c.—Ed.

¹ The original draft, which is all in the handwriting of Andrew Hamilton, opens with "The confidence we have in your integrity and ability:" which words were erased after the next two corrections were made.

² "Affairs" erased and *them* substituted.

³ "Have" omitted.

M^r Nicols fees & |if the verdict is insisted upon Its only for the prop^{rs} to state themselves the appellants and that they join issue with them|¹ *vid.* whether the D. grant to S^r G. Carteret in July 1674 was good or not tho' after the surrender of these parts by the Dutch upon [illegible.]

Ob. If they should represent a hardship put upon them in respect there is a greater quit rent imposed upon them than they were to pay by the patent they had of Coll Nicols

Ans. Besides that that patent is void the Duke from whom he derived his power haveing sold the province several months before that grant. The quit rent of that patent is indefinite & refers only to such Quit rent & services as it should [illegible.] be established in other of the Dukes Colonies. Let it then be Considered under what quit rent Staten Island Long island & the Bulk of the Lands in York governm^t were settled by the same Coll Nicolls after the date of the Eliz. patent it will be found to amount to the $\frac{1}{2}$ ^d p^r acre demanded by the prop^{rs}

Ob. If it be objected that there is some town in Long island that pays but a lamb a year quit rent, & several great tracts of Land given by the late gov^{rs} may be for an Indian arrow or a fat buck.

Ans. There is no reason that they should Cull out any particular place in Long Island to be the Standard but the settlements in generall, becaus perhaps those places that payes a fat lamb might have given some valuable Consideration to the gov^{rs} for the time being which Eliz. never did. Nor is it to be taken as a measure at which Quit rent gov^{rs} have let land of late which being farr backwards & inconvenient was hardly worth asking for. And therefor the proper adjusting

¹ The lines between the bars originally written "that the most it would amount to was [illegible] the prop^{rs} to appeal and that the prop^{rs} try the title with them."

of the Quit rent of Eliz. Town even according to Nicols patent will be, That upon what quit rent & services soever the Choicest land in York governm^t and the most convenient were settled by Nicols at the time or after Eliz. patent, so ought Eliz. Town which is the choise situation & land of East Jersey all things considered.

Que: if Nicolas patent is not void no certain quit rent being specified

To take advise how to repossess the prop^{rs} of the Land Coll^l Townley holds at the point & the house & orchard at Eliz: Town. The last the prop^{rs} were cast at a tryall, & the first Judgement passed by default becaus we durst not come to tryall he haveing preindagded all the Lawyers.

If Col. Townly plead survivorship in right of Ph: Carteret from S^r George Carteret whether he must not produce a contract of Survivorship. In short unles Townleys cas be heard at home by a Mandamus, the Prop^{rs} will be always cast let their right be ever so clear. That you acquaint the prop^{rs} if they come to any composition with the Eliz. Town men They except what lands are already patented within their pretended bounds for the prop^{rs} themselves have a great deale there. But Indeed the prop^{rs} ought to agree no otherwise at home but by instructions to their Council of Prop^{rs} here otherwise they will be in that disrepute for the future they will not be capable of serving the prop^{rs}. As to such of the Inhabitants that hold by Ph: Carteret's patents which are without clause of distress Its humbly offered if distress is incident at Common Law, the Stat. of [Queen Elizabeth?] does not take it away which only provides in favours of Chief & Mean Lords that what parcel of land soever the ffeofor sels the ffeoffee shall hold the same of the chief or mean Lord by the same tenure that ffeoffor held it. And so do all the Inhabitants hold in free & Common

Socage as the Prop^{rs} do and if the Prop^{rs} may not let it out upon what quit rent they please where is their advantage in purchasing the Province?

To get certain instructions how to recover the rents of those patents where there is no clause of distress and the form of the writs & procedures Que.— whether such of Ph: Carterets patents are not but Estates for life which have the clause (To have & to hold (his heirs or assigns) instead of (and Assigns) And of Consequence a distress to ly the Reversion being in the Donor. And if it should be urged that it was but a mistake of the Clerk, whether the present prop^{rs} be obliged to make good that which is supposed to be an error in S^r George Carteret's Secretary.

There is no other intention in this Quere than if by the form of those patents the prop^{rs} cannot distrain that the people may be forced to take new patents. And if the people alleadge one Neglect in the Secretary the prop^{rs} may alleadge another that he forgot to put in a clause of distress, & that there may be no reproach thrown upon the prop^{rs} acquaint them, That when the people desired that by Act of Assembly the word (or) should be understood as the word (and) It was told them by the gov^r That he would not by Act of Assembly make that an Estate of Inheritance which the laws of England made but an Estate for life. And tho they had behaved themselves undutifully to the prop^{rs} yet when they applyed for new patents and payed their arrears of quit rent They should have it granted them. It is a strange thing its the very form of patents in the original Concessions.

Quae What state the prop^{rs} are in & of whom they hold whether they are chief Lords, Mean Lords or ffeofees only to the Duke? Its humbly desired the prop^{rs} would give the reading to some points of law sent over.—

Quae. Whether by the Stat. 12 Ch. 2^d Ch: 24 all the

pleadings upon the Stat. of Quid Emptores be not out of doers since by that Stat. all terms for the future are to be in free & common Soccage. And yet the rents are by that Statute reserved to chief & Mean Lords & the distresses incident thereunto. & if the prop^{rs} be either chief or Mean Lords why have they not a right of distress.

Quae: if the assent of the whol Countrey to the government of the prop^{rs} & at one time or other most of them have payed some part of their quit rent, if that is not a sufficient seisin of the rent of the whole province.

Quae Whether ejectment can be barr'd by 20 years possession (as pleaded in the case of Jeff Jones¹) by the 21 of Jas. 1 unles it be a varium Domicilium which cannot be in his case the prop^{rs} having the Dukes title to the land before his occupancie

That unles the prop^{rs} remove the blemish (?) of the port of Amboy either by bringing Mr Brook to a tryall or by some order of King & Council (but the first is the way that will secure it in all times to come.) The prop^{rs} land in the province will be quite unvaluable, & its a chief objection the people makes for not paying their Quit rents. And when the port is releaved the only thing that will make it public or make it beleaved is for the prop^{rs} to send over a small vessel with European goods. They will turn to as good an account at Amboy as at York & would encouradge several to set up & trade from here. Upon terms the Inhabitants will consent by act of Assembly to Establish a lasting fund for the support of a government² (whom the proprietors shall from time to

¹ This was the interesting case of "*Fullarton vs. Jeffry Jones*," which was decided adversely to Fullarton (representing the Proprietors), "the Jury being all planters." The case is adverted to in "Elizabethtown Bill in Chancery," pp. 44, 120, 124, and in "Answer" thereto, pp. 29-31.

² Originally written "the government."—Ed.

time appoint) such as the proprietors now allow, and that they will relieve the proprietors of the Charge of public writings such as Commissions civil & Military proclamations &c And that the prop^{rs} land before settling shall not be Taxed as is provided by the Concessions. Then we offer it to the prop^{rs} as our opinion that they sell of the quit rents since it breeds so great heart burning amongst the Inhabitants and that instructions be sent over to the Council of proprietors to that end. viz for how many years purchase they will sell the Quit rents, for that being known to the people, &, if they like the terms, it will the more readily incline them to comply with what is demanded in this paragraph But the prop^{rs} must not set it high or it will discourage them. Twenty years the highest & a power to the Council of prop^{rs} even to abate something of occasion as they will raise it if they can.

It is to be remembered when the people do find that by law they can be forced to pay their quit rents they will the more readily buy them off.

If the Inhabitants will not |provide for the support of the Government|¹ Then the prop^{rs} are not to blame not to sell the Quit rents. And if by Law they can force the people to pay their Quit rent then they may keep the govern^t while they think its their interest so to do. And if the people prove obstinat in refusing to support the government & defraying the public charge We are of opinion that the prop^{rs} thro it up, upon the best terms with the Crown as they can.

As on the other part When the prop^{rs} have releaved the port of the Countrey Support the govern^t we are of opinion its a right the people may claim that the proprietors keep the governm^t & defend it—

To guard that no misrepresentation be made against the Jerseys as not Joining in the Common defense and

¹ Words between bars originally written. "comply with this last paragraph."—Ed.

to give the influences of Our supplies of men & money & to carry(?) over the governour of New Yorks speech upon his first going to Philadelphia where he liberally owns it.¹

Signed at a Council of Proprietors at Perth Amboy this eleventh day of November 1695

AND: HAMILTON
 DANIEL MOODY
 GEO: WILLOCKS
 JOHN BARCLAY
 THO: BOOLS
 JOHN REID

Signed by me ye 19 N^{br} THO: WARNE.

Governor Hamilton of East Jersey, to Governor Fletcher of New York.

[From New York Col. Docts., Vol. IV., p. 199.]

May it please yo^r Exc^{ell}.

I have formerly acquainted yo^r Exc^{ell} that I had set some young men who had been formerly to Albany to invite others; they now inform me that Captain Matthews is soe much in their good graces that if he come down he is the likeliest man to prevail. I would have him first finde out Matthew Moore of Woodbridge who was of his Company. He knows the temper of the young men and can the best assist. They must

¹ Here follows in the original a paragraph erased, which is as follows:

"We recommend to the proprietors that the Secretaries office is an office of great trust & small profits how that most of the land of the province is patented & that the public writings do amount one year with another to 50 lb a year That therefore either the proprietors would conferr this office upon Mr Thomas Gordon who is qualified for it & undertakes to write all the public writings gratis which hitherto has cost the prop^{rs} 50 or 60 lb a year Or that Mr. Dockwra will please to provide a qualified person to execute s^d office upon the Conditions."—Ed.

*Governor Hamilton of East Jersey, to Governor
Fletcher of New York.*

[From New York Coll. Docts., Vol. IV., p. 200.]

May it please yo^r Exc^{ell} :

Could I make our people as sensible of the hazard Albany lyes under, as I am, and that the weaknesse of that garrison, which they cannot be ignorant [of] may in great probability tempt the enemy to attack the place, as they have Pemaquid, upon the same grounds, I am sure they would find it their interest to run to its defence: but whom have I to work upon but a stiff and an obstinate people who shutt their ears to all reason and become debauched by the ill example of the neighbouring Colonies which they still obtrude to me

Yo^r Exc^{ell} may believe 'twas with great difficulty I obtained what I did, that in case of an invasion they should march to the fronteers and be at liberty to return when the acc'on was over or the enemy retreated; and even to obtain this I was forced to promise them 12^d a day from Yo^r Exc^{ell}. and pledged my own credit to procure them 12^d more at the first sitting of an Assembly, they live so plentifully at home and have so great wages besides severall of our youth gone to the Southern Colonies to be free from detachments, and several as I am told gone aboard Captain Kidd. that there is not a possibility to prevail with them to continue in garrison, and indeed very difficult to effect any thing

I am truly melancholly to see ourselves thus baffled by a handful of French nor will it ever be otherwise untill the Crowne send a force to root them out of America or put an indisputable command upon every

Colony to furnish a Quota and pay them; for while it rests in the breasts of our Assemblies to raise a fund for the support of the fronteers or neglect it, and in the choice of the people to march or stay at home, Yo^r Exc^{ll}. is not to be told at this time of day what part they'le choose.

I will notwithstanding call an Assembly in Octob^r next and will inforce the necessity of the fronteers with all the zeal I am sensible they require. I am

May it pleas Yo^r Exc^{ll}.

Yo^r Exc^{iēs} most faithful and most
Burlington 28 Aug. 96. obedient servant

AND: HAMILTON

To his Exc^{ll}. Col. Benjamin Fletcher, Cap^t Gen^l &
Govern^r of New Yorke, these.

Copia vera (signed) DAVID JAMISON Cl. Concilij.

*Memorial of Edward Randolph, Secretary, &c., to the
Commissioners of His Majesty's Customs, on Il-
legal Trade in the Proprieties.*

[From P. R. O., B. T.; Proprieties, Vol 3, A 6.]

TO THE HON^{BLE}: THE COM^{RS}: OF HIS MAJESTY'S CUSTOMS.

May it please Your Hon^{rs}:

Your Hon^{rs} were pleas'd in your presentment of the 17th of July past, to the Right Hon^{ble}: the Lords Com^{rs}: of his Ma^{ties}: Treasury to represent, That it hath bin found by Experience, either thro' Remissness or Con-
nivance of the Gov^{rs}: of the Severall Colonies & plan-
tac'ons, which are under distinct proprietys, The Acts
of Trade & Navigac'on, & Your Hon^{rs}: Orders & In-
strucc'ons in pursuance thereof, have not bin Observd,

as in other Colonies and plantac'ons, which are under Gov^{rs} Nominated & Appointed by his Ma'tys immediate Commission, & did therefore humbly Move their Lordships, That the respective Gov^{rs} of the S^d Proprieties, may be persons of good Estate & Reputac'on, & otherwise duly qualifyd for the discharge of their Trusts, being by a Claus in the afores'd Act for preventing ffrauds & regulating Abuses in the Plantac'on Trade to be Allowd & Approvd by his Ma'ty, his Heirs & Success^{rs} & Obliged to take the Oaths Enjoynd by That, or by any Other Act, to be taken by the Gov^{rs} or Command^{rs} in Chiefe, in Other his Ma'tys Colonies & plantac'ons, before their Entrance into their respective Governments under the like penalties, which his Ma'tys Gov^{rs} & Command^{rs} in Chief, are by the S^d Acts lyable too.

Notwithstanding the Owners of the proprieties upon the Continent of America & Islands Adjacent, take no Notice thereof, but Omit to Nominate fitt persons, to be Allowd & Approvd by his Mat'y in Councill before their Entrance on their respective Governm^{ts} from whence it follows, That, whilst the principles Omit their Obligac'ons at home, it cannot be expected, Their Deputies will doe their Duties in the plantac'ons, So that allth'o pursuant to the S^d Act, The Officers of the Customs, The Judges & other Officers in the Courts of Admiralty, The Attorneys Gen^l & the Comissions under the Great Seale, for Administring the Oaths to the respective Gov^{rs} in the S^d Colonies & Plantac'ons, are Appointed and prepard ready for dispatch, nevertheless, the Gov^{rs} & other publick Ministers in the proprieties, are continued in their Offices & places & no care taken, to Appoint others in their Stead, tho they Maintain & Support the illegall Traders as much as ever: It cannot therefore be expected, that the frauds & Abuses in the plantac'on Trade, So long practis'd & So often Complaind of, can be prevented until persons of Good Estates & Reputac'on, & Other-

wise duly qualified for the discharge of their Trusts, be first Allowd & Approvd by his Ma'ty &c: to be the Gov^{rs} of those proprietys, according to the S^d Act, otherwise it is to no purpose, nor will it countervaille the Charge, to send over officers & Maintain them, to put the Acts of Trade in Execuc'on, in Virginia & other places, under his Ma'tys immediate Authority, So long as the Governours, for the Proprietors, take upon them, a power to dispence with the open Breach of the Acts of Trade, & thereby keep their ports open to illegall Traders, whilst others are barrd up by oaths & Strict penalties, which must needs Occasion the dreining & Soon depopulating his Ma'tys Own planta-c'ons, by the peoples Enjoying an Extraordinary liberty, in a Gen^l Trade & Constant benefit, by Pyrates & the Scotch Trade in the proprietys and private Charters.

The Cheife end of Granting those Vast Tracts of Land (now called proprietys) to Noble Men & Others, was doubtless to Encourage the first Undertakers, to plant and Improve them, for the Benefit of the Crown, & to bē always Subject & depending on England, & Conformable to the Laws thereof. Great Numbers of people, are now Seated in Some of these proprietys, but have bin long Endeavoring to breake loos & set up for themselves, having no Sort of Regard to the Acts of Trade & discountenancing Appeales from their Courts, to his Ma'ty in Councill. The persons Apointed by the proprietors, to be their Gov^{rs} are generally Men, of very indifferent qualificac'ons for parts & Estates: Their Maintainance, is Inconsiderable, which renders their Govern^{ts} Precarious also. They have power only (like Civill Magistrates, in petty Corporac'ons in England) to Make, Municipall Laws, with consent of the people, for their quiet & peaceable Government, But are indeed Stewards only & overseers, accountable & allways lyable, to be turned out

at the pleasure of those who employ them: So that it cannot be presumd, That Gov^{rs} made by the proprietors, only as Such are impowered or in any wise concernd to put in Execucon, the Acts of Trade in their Governments, But on the Contrary.

I am humbly of Opyinion that twill be Judgd a high Misdemenour, in any of them to attempt it, untill they are first qualified as by the S^d Act for preventing ffrauds, is directed: the proprietors themselves have no Such power, nor can have Granted them by their Patents.

I humbly lay before your Hon^{rs} an Acct of the present Gov^{rs} of the proprietries, & of their Quali-fic'ons, in Relation to the Acts of Trade

BAHAMA ISLANDS: m^r Nicholas Trott is the present Gov^r: these Islands have been & still are, a common retreat for pyrates & illegall Traders: Cadwallader Jones, the late Gov^r: under pretence of A power to make all Officers, Made One Boulton, Collector of the Customs: he Enterd & Cleerd Vessels, according as the Gov^r: & he pleasd. In the year 1693: Thomas Carter Master of the Ship Bridge Town of Barbados, richly laden from Jamaica to London, run the ship willfully aground upon the Islands; the Master & Saylor divided the Money & the best of her loading, the Gov^r: made his Advantage by it; all Appeales lye from their Courts, to the Lords-proprietors in England.

CAROLINA: m^r John Archdale, a Quaker, is deputed Gov^r: by the Lords proprietors (as I am informed) during his Sons Minority, who is one of the Lords proprietors; the chiefe Town for Trade, is Charles Town, free to all, from all places. They trade to Carasaw from whence the Manufacture of Holland is brought to Charles Town, & carryd by New England men & other illegall Traders, to Pensilvania Boston &c: Returns are made for them in plantac'on Com-

modities, which are carryd from Carolina to Carasaw & thence to Holland. About 3 years agoe 70 Pyrates, having run away with a Vessell from Jamaica, came to Charles Town, bringing with them a Vast quantity of Gold from the Red Sea; they were Enter-tained & had liberty to stay or goe to any other place: the Vessel was Seiz^d by the Gov^r: for the proprietors as a Wreck & Sold they have no regard to the Acts of Trade. The present Gov^r: is a favourer of the illegall Trade, having given his permit to the Mas^r: of a ffarraigne Vessel to trade takeing no Notice of m^r: Guerard, Appointed the Collector by your Hon^{rs} Deputac^on as by a Copy of the Gov^{rs} permi. N^o appears; all appeales are likewise from the Courts in this provincè, to the Lords proprietors in England.

NORTH CAROLINA, has 60 or 70 Scatterd families, but under no regular Governm^t: One Jarvis was appointed the Gov^r: by Coll Ludwell then Gov^r: of all Carolina, he had no Sallery. The Inlet of Currituck, lies conveniently, for carrying away the Tob^l: made in the Southern parts of Virginia: The Inlett of Roanoake, is frequented, with Small Vessels Trading to & from the West India Islands. Pyrates & runaway Servants, resort to this place from Virginia &c.

PENNSILVANIA, m^r: W^m: Markham is the present Gov^r: Sam^l: Carpenter & Joⁿ: Goodson (both Quakers) were Joind in the Government with him, but they refused to Act. The Acts of Trade, (what ever they pretend) are not Observed here: A plain discovery has bin made of Nine Vessells, loaden with Tob: which have from the rear 1690: to the year 95; gone directly from this province to Scotland (besides Gustavus Hamilton the chiefe ffactor for the Scotch Merch^{ts}) who last year carryd out of Delaware, 300 hhds of Tob: without Cleering, as allso, other Vessells from the Same place,

¹ Tobacco.

went with tob: to Scotland, as Appears by letters from your Hon^{rs} Agent in that Kingdome. The Brigantine W^m & Mary (calld the New Castle Brigantine) when in August 1694, Shee Cleerd out from Pensilvania for England) W^m Righton mas^r & Maurice Trent a Scotchman, An Old transgressor Merchant (One of her Owners lives in London) imported into Pensilvania a great quantity of Scotch Goods, and was Admitted to an Entry in the year 1695: By the Collector in Pensilvania: She was afterwards Seizd in West Jersey by Capⁿ Meech, Appointed by Coll: Nicholson, pursuant to her late Sacred Ma'tys Order in Councill, of the 9th of August 1694: He Seizd allso, another Vessell, called the Mill Everett Johnson Mas^r from Some port in Norway (as Ime informed) loaden with Wine & European Goods, having no Cleering, from any port in England. The mas^r confessd himself to be a Dutch man as appears by Capⁿ Meeches Journall N^o her Tryall was put of, the Mas^r being gone to New Yorke, & afterwards Suspended, till further Orders from England. The Gov^r Entertains Severall pyrates, from the Red & South Seas, who carry on an illegall Trade to Carasaw, & other prohibited places; It appears by a Copy of m^r Markhams letter to me N^o that he has but a Small Maintainance, desireing me to make him Colle^r of the Customs in Pensilvania by which your Hon^{rs} may pleas to take Notice, that Gov^{rs} under Such Necessities, will be easily tempted to doe & Connive at Unlawfull things. The Charge to Maintain Officers of the Customs in That Province, together with a Vessell of about 40 Tuns, & men Sufficient to Cruise upon the Coast thereof, as by her late Sacred Ma'tys Order in Councill, Coll Nicholson is directed to provide, will amount to above 2000 lb: a year, to prevent the illegall Trade in Pensilvania & the Shipping of tob: brought over land from Maryland to Deleware Bay which not withstanding will be carryd on, untill there

be Such a Regulac'on in the Governm^t of That province, as by the S^d Act for preventing frauds &c: is Enacted. Pensilvania lies in the Center between Maryland & New York, most Commodiously, to carry on all illegall Trade, and that place will Soon become A Staple of all European & Plantac'on Commodities.

EAST & WEST JERSEYS: m^r Andrew Hamilton, a Scotch man, is the Gov^r of those Provinces; Appointed by the Proprietors to Leas out their Lands & receive their Quit Rents; He is a great favourer of the Scotch Traders, his Countrymen, & woud not allow of Capⁿ Meeches power, when he had Seizd the Brigantine W^m & Mary W^m Righton Mas^r the Gov^r Sate Judge in Court, the Vessell was favoured upon the Mas^{rs} Setting forth in his petic'on that the ffrench met him at sea, & took away his Cognets, She is Since gone to Barbados: Patrick Robison a Scotchman, the Secretary & David Loyd, the Attorney Gen^l in Pensilvania, went to the Court, in West Jersey, to Defend the Vessell against the Prosecutors for his Ma'ty.

CONNECTICOTT IN NEW ENGLAND, Coll Robt: Trent [Treat] is the present Gov^r of that Colony granted to the Inhabitants by Charter, to have a Gov^r Annually Chosen, with Power, to Purchase & Sell Lands: The Inhabitants, are generally husband men & Planters. The Gov^r permitted a vessell from Holland, under pretence of Wanting Wood and water, to come into New Haven where she Unliverd great parts of her loading, which was carryd to New Yorke, & having taken horses aboard, Saild with the Remainder of her Goods to Barbados. Thomas ffisher, Mas^r of the Brigantine Adventure of London, imported about December 1691: a very great Cargoe of Scotch goods at New London, in that Colony, they were seizd by m^r Brenton, the Collec^r he thought it most Adviseable, to Admit Gustavus Hamilton to a Composition (which he willingly agreed to) than Submit the Cause, to a Tryall, in that Colony,

ROAD ISLAND. Caleb Carr was late Gov^r: of that & providence plantac'on, granted by Charter allso, tis become a free port to illegall Traders, & Pyrates from all places. Tho: Tew A Pyrate, came thither from the Red Sea, in the year 1694 and brought with him £10000: in Gold & Silver, he Shard £12000: for himself & his sloop, the people are Enriched by them. Tis necessary That place, be taken care off & put under a Regular Governm^t: the present pretenders to Govern, being either Quakers or Annabaptists.

PROVINCE OF NEW HAMPSHIRE: m^r: W^m: Patridge, being Nominated by m^r: Sam^l: Allen the present proprietor, is Allowed of by his Ma'ty & Made the Deputy Gov^r: of That Province.

PROVINCE OF THE MASSACHUSETTS BAY. Tho' his Ma'ty has the Appointing, the Gov^r: of That Province, yet the illegall Trade is carryd on, as much as ever, to Scotland, Holland, ffrance &c: for want of a Govern^r: to Suppress that Trade, & to Support and countenance the Officers of the Customs, in the Execuc'on of their Duties. m^r: W^m: Sloughton, is the Liev^{nt}: Gov^r: he is a good Schollar, but not bred up to Military Discipline. The country lying open, is exposed to the fury of the ffrrench & Indians, when ever they pleas to Attacq them. They have in their Laws hitherto Made no provision for a Gov^{rs}: Maintenance, as is done in all Other, his Ma'tys Governm^{ts}: & was likewise in that Province for their former Gov^{rs}: on purpose to discourage men of Hono^r: & abilities, to live amongst them; but what ever it Costs, That Country, & the Trade thereof, ought to be taken care off.

Now from what has bin herein humbly Offerd, it cannot reasonably, be imagined that the Proprietors Gov^{rs}: are persons qualified or fit, to be Entrusted with the Conduct & Execuc'on of the principall powers, reposed by those Acts, only in the Gov^{rs}: & Command^{rs}: in Chiefe, in the Plantac'o^{ns}, under his Ma'tys imme-

diate Authority; So that if the proprietors & owners of those Lands, refuse to Conform to the Rules & Methods prescribed them, in the S^d Act for preventing ffrauds &c: Its humbly proposd, that they Should be obliged, to accept of Such Regulac'on in Government, in reference, to Trade, as his Ma'ty Shall think necessary to make; which will in no wise, Invade their Just Rights & proprieties in those Lands, nor hinder them from Employing their agents & ffactors, to take Care & dispose of their Estates, & to receive the Rents & profits arising from them.

The Lord Baltamore, the Proprietor of the Province of Maryland, m^r Samuell Allen, the Proprietor of the Province of New Hampshire & the Inhabitants in the Province of the Massachusets Bay, have all their Rights & properties entirely Securd to them, in their respective Proprieties. They have their Agents & Attorneys upon the place, to Manage their affairs with all ffredom tho' att the Same time, the Gov^{rs} of all those provinces, are appointed by his Ma'tys immediate Commission.

All which is humbly Submitted by Etc:

November 10th 1696.

ED RANDOLPH Secy

Petition of Elizabeth-town People for Greater Protection from the East Jersey Proprietors.

[Printed in Grants and Concessions, p. 688.]

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Petition of the Freeholders Inhabitants and Owners of the Land, of and belonging to ELIZABETH-TOWN, or Township, and other

Lands thereto adjacent, in the Province of EAST NEW-JERSEY in AMERICA, in behalf of themselves and many others.¹

Sheweth,

That his late Majesty King *Charles* the Second, by his Letters Patents bearing Date the 20th Day of *March*, in the Sixteenth Year of his Reign, did give and grant to *James* then Duke of *York*, and his Heirs, the Government and Dominion, as well as Property of and in all those Lands in *America*, lyeing [between] *Connecticut* River, and *Delaware* Bay, (whereof the Provinces of *New York*, and of *East New Jersey*, aforementioned, are Part) with Power to admit who he and his Heirs pleased to inhabit and enjoy Lands there, by virtue of which Grant the said Duke of *York* did in *April* 1664, grant a Commission for the Government of these Places to Col. *Richard Nicholls*, whom he authorized to execute all Powers which were granted to his Royal Highness by the Letters Patents.

That the said Lands in the said Province of *East New-Jersey*, were at the Time of making these Letters Patents, some Part in the actual Possession of the *Dutch*, and other Part in the actual Possession of the Native *Indian's*, and so continued until about the 27th of *August*, 1664, at which Time Part of them were Surrendered by the *Dutch*, to the said Col. *Nicholls*, who in *October* 1664, granted leave to *John Baily*, and others, under whom your Petitioners, or most of them claim their Lands, to Purchase Lands of the Native *Indians*, which they accordingly did, and the Lands claimed by our Petitioners in the said Province, Part of these Lands so purchased by this Licence, all or most of which Lands so Purchased, were in *December*

¹ No date is attached to this petition as printed, but from some references it contains it is presumed to have been transmitted about 1696.

1664, granted and confirmed to the said *John Baily*, and others, by the said Col. *Nicholls*.

That afterwards the *Dutch* conquered and regained Possession of these Provinces, and upon the Treaty of Peace Surrendered them again to his said late Majesty, who thereupon granted them again, to the said Duke —But the said Purchasers, and those claiming under them, still continued in the Possession of the Lands by them Purchased, and peaceably enjoyed the same, until about *September*, 1693, being near Thirty Years, and during that Time, great Labour and Expence, built, planted and improved the same; and they humbly conceive they ought according to Law, Reason and Justice, still to enjoy the same.

But certain Persons to the Number of about one Hundred, or some other great Number, calling themselves Proprietors of the said Province of *East New Jersey*, do pretend that they have a Title to your Petitioners Lands, by several mesne Conveyances, from and under the Lord *Berkley*, and Sir *George Carteret* (to whom as they pretend the said Duke conveyed the same by Indentures of Lease and Release, dated on or about the 23d and 24th Days of *June*, 1664, before his Royal Highness or any other for him had ever been in Possession of the said Lands, or any Part thereof) and that your Petitioners have no right thereto, altho those under whom they claim, Purchased of the Indians Natives by the Licence of the said Col. *Nicholls*, and for valuable considerations without notice of the said Conveyance to the said Lord *Berkley* and Sir *George Carteret*, (if that could be a legal Conveyance, as your Petitioners are advised it could not be of these Lands) and the said pretended Proprietors do now set up this old pretended Title to your Petitioners Lands, after they have enjoyed the same quietly for many Years, in hopes to reap the benefit of your Petitioners said

Labour, Expence and Improvement, or to force them to pay some large Quit-Rent, or Yearly Payment for the same; and for that Purpose have often urged your Petitioners (who have as aforesaid purchased their Lands, and peaceably enjoyed the same so long) now to take Leases or Grants thereof from the said pretended Proprietors under Yearly Rents.

And the more effectually to accomplish their unjust Designs, and gratify their ambitious Inclinations, the said pretended Proprietors have on pretence only of the said Indentures of Lease and Release, and the mesne Conveyances under the same, pretended to have been made to the said Proprietors, presumed to usurp and take upon them to exercise a Dominion and Government over your Petitioners, and their Lands, and to constitute a pretended Governor, a pretended Court of Justice, and contrary to the Laws and Statutes of your Majesty's Realm of *England*, to appoint Judges who presume without any Commission or Authority derived from your Majesty, to take upon them to try Causes.

And in this pretended Court, and before these pretended Judges of their own making, the said pretended Proprietors did in the Year 1693, bring an Action of Trespass and Ejectment against *Jeffery Jones*, for Part of the said Lands in *Elizabeth-Town*, and the same came on to be tried, and altho upon a full Evidence, the Jury (who were chosen by the said Proprietors, or their Creatures) were notwithstanding so just as to give a Verdict for the said *Jones*; yet the said pretended Judges being either of the Number of the said Proprietors or by them appointed, were so Partial and Arbitrary, as contrary to Law and Justice, to give a Judgment against the said *Jones*, and for the said pretended Proprietors; which unjust Judgment, your Majesty upon Appeal hath in your Princely Justice

been pleased to reverse, altho the said pretended Judges, in hopes to support their said Judgment, did transmit a Writing for a Copy of the Proceedings in the said Cause, which was false, and not according to the Truth of the Proceedings had in the Cause.

That your Petitioners are now destitute of any lawful civil Government over them, having no legal Court of Justice or Judges, that they any Legal Commissions, and the said Usurpers and their pretended Judges being so partial as aforesaid, will by their unjust and arbitrary Proceedings, deprive your Petitioners of what they have justly paid for, are legally intitled to, and with great Pains, Hazard and Expence, have planted, and improved and quietly possessed for many Years, unless assisted by your Majesty, and your Petitioners doubt not but to make out the Legality and Justice of their Titles to any impartial Judges, in or near the Country where the Facts are best known, and where the Witnesses are that can prove them.

Your Petitioners groaning under these and other great Oppressions of the said Usurpers, and in the want of a legal and well established Government, are humble Suitors to your Majesty (the fountain of Justice) that your Majesty would be graciously pleased to take them into your Majesty's Royal Protection and to let them enjoy (in this remote Part of the World) the happy influences of your Majesty's just Government. And for that purpose either to Place them under the Civil Government of your Majesty's Province of *New-York*, (from the *Elizabeth-Town* aforesaid, is but about Twenty Miles distant, and great Part of your Petitioners Lands are much nearer) and to grant to the Court of Justice at *New-York*, a Power to Judge all Causes in the said Province of *East New-Jersey*, or to appoint indifferent Judges to administer Justice between your Petitioners and the said pretended Pro-

prietors, and to admonish the said Usurpers that they presume no more to usurpe your Majesty's Royal Authority of constituting Courts of Justice, and commissionating Judges, and the said pretended Judges no more to presume to Act as a Court of Justice, or otherwise to Order for your poor oppressed Petitioners relief, as to your Majesty in your Princely Wisdom and Goodness shall seem meet.

And your Petitioners as in Duty bound shall ever Pray, &c.

<i>John Lamb,</i>	<i>Ebenezer Lyon,</i>	<i>John Looker,</i>
<i>John Osborn,</i>	<i>Jonathan Ogden, jun.</i>	<i>Jeremiah Crane,</i>
<i>Abraham Hill,</i>	<i>Obadiah Sale,</i>	<i>Daniel Sayre,</i>
<i>Joseph Hallisy,</i>	<i>John Little,</i>	<i>George Ross, jun.</i>
<i>John Woodroof,</i>	<i>Joseph Woodroof,</i>	<i>Thomas Thompson,</i>
<i>Robert Wooley,</i>	<i>And. Hampton,</i>	<i>Joseph Lyon,</i>
<i>Joshuah Clarke,</i>	<i>John Thomas,</i>	<i>William Brown,</i>
<i>Henry Lyon,</i>	<i>Ephram Clarke,</i>	<i>John Meeker,</i>
<i>William Looker,</i>	<i>Joseph Williams,</i>	<i>John Thomson,</i>
<i>Jeremiah Osborne,</i>	<i>William Miller,</i>	<i>Daniel Price,</i>
<i>Cornelius Hatfield,</i>	<i>Samuel Whitehead,</i>	<i>John Harriman, jun.</i>
<i>Henry Norris,</i>	<i>Roger Lambert,</i>	<i>John Ross,</i>
<i>John Cory.</i>	<i>Benjamin Lyon,</i>	<i>Abraham Hatfield,</i>
<i>John Megie,</i>	<i>Joseph Meeker,</i>	<i>Isaac Whitehead,</i>
<i>Daniel Dehart,</i>	<i>Ephraim Price,</i>	<i>John Earsken,</i>
<i>Robert Marsh,</i>	<i>Samael Carter.</i>	<i>Thomas Prite,</i>
<i>William Straybearn,</i>	<i>Jonathan Ogden,</i>	<i>Benjamin Hatter,</i>
<i>Nathaniel Boinel,</i>	<i>Isaac Boinell,</i>	<i>John Clarke,</i>
<i>Samuel Clark,</i>	<i>Benjamin Ogden,</i>	<i>John Miles,</i>
<i>John Willis,</i>	<i>Benjamin Wade, sen.</i>	<i>Jacob Mitchell,</i>
<i>Daniel Crane,</i>	<i>Benjamin Prit, jun.</i>	<i>Samuel Williams,</i>
<i>David Woodruff,</i>	<i>Benjamin Meeker,</i>	

*Commission of Thomas Coker, to be Collector of the
Customs at Perth Amboy.*

[From P. R. O. B. T., of New York, Vol. 4, D. 33—4.]

Copy of Coker's Commission for Collector of Perth
Amboy.¹

TO ALL PEOPLE to whom these P^rsents shall come; Wee the Comissioners for Managing and Causing to be levyed and Collected his Maj'ties Customs, subsidies and other Duties in this his Kingdom of England send Greeting. Know yee that wee the said Comissioners, have by virtue of an 'Act of Parliament made in the five and Twentieth yeare of the Reigne of King Charles the Second, Intituled, An Act for Encouraging of the East land, and Greenland Trades; and for better securing the plantation trade, and in pursuance of the Authority and Direction to us given, by the Right Hon^{ble} the Lords Comissioners of his Maj'ties Treasury Deputed and Impowered, and Doe hereby Depute and Impower, Thomas Coker Esq^r to be Collector of all the Rates, Duties, and Impositions, Arising and Growing Due unto his Maj'tie at Perth Amboy in East Jersey; by virtue of the said Act; whereby he hath power to enter into any ship, Bottom, Boats, or other place whatsoever into any Shop, house, Warehouse, Hostry, or other Vessel, as alsoe into any Shop house Warehouse Hostry, or other place whatsoever, to make Diligent search into, any Trunk, Chest, Pack, Cape, Trusse or any other parcell or package whatsoever for any Goods, Wares or Merchandizes prohibited to be Imported or Exported, and whereof the Custom or other Duties have not been Duely paid, and the same to seize to his maj'ties use, and alsoe putt in Execution all other the Lawfull powers

¹Produced by Mr. Bass, Gov'r of the Jersys to ye Councill of New York the 23th July, 1698 in defence of a Port at Perth Amboy. Referred to in ye Earl of Bellomonts L're of ye 21th, Sept. 1698.

and Authorities, for the Better managing or Collecting the said Duties, in all things proceeding as the Law Directs, hereby praying and Requireing all and every his Maj'ties Officers and Ministers and all other whom it may Concern to be Aiding and Assisting to him in all things as Becometh GIVEN under our hands and Seales at the Custome house London this 21th day of November In the Eighth yeare of the Reigne of our Sovereign Lord King William the Third—Anno Dei 1696.

ROB^T CLAYON,
ROB^T SOUTHALL,

SAM: CLARKE,
WALTER YOUNG,
JA: CHADWICK.

Memorial of Edward Randolph to the Lords of Trade, desiring leave to prove the allegations in his former memorial.

[From P. R. O. B. T. Proprieties, Vol. 1, A 8.]

To the Right Hon^{ble} the Lords Comm^{rs} for Trade.

May it please y^r Lords^{pp^s}.

Understanding from my Mⁿ [?] the Comm^{rs} of the Customs That my Memoriall concerning the Gou^{rs} of the Proprieteyes is referred to y^r Lords^{pp^s} and in regard his Ma^{ties} affairs relating to Trade do greatly suffer in the plantations, thro' my absence, where my services is absolutely necessary to see the Acts of Trade and Navigation, especially relating to the Scotch Act duely executed. I am humbly attending y^r Lords^{pp^s} with my proofes to make out the particulars in my memoriall in order to have my dispatches compleated So that I may be in a readines (with the New Officers of the Customs) to take my passage upon the Shippes shortly bound to the plantations on the Continent of America:

All which is humbly submitted by

[Dec. 9, 1696.]

ED RANDOLPH:

*William Penn's Observations on the Proceedings of
Governor Fletcher.*

[From N. Y. Col. Doc'ts., Vol. IV., p 247.]

WHITEHALL, December the 11th 1696

At a Meeting of His Majesty's Commissioners for
Trade and Plantations.

Present—EARL OF BRIDGEWATER MR BLATHWAYT.
S^r PHILIP MEADOWS, MR POLLEXFEN.

[Extract.]

As a Proprietor of East New Jersey, Mr. Penn complained also that the Governour of New Yorke obliged the ships that came thither with goods from England to pay New York Customs. To which he was answered that Colonel Fletcher was ordered by his instructions to do so: And the necessity of that practice was shown, by the neighbourhood of that Propriety to the King's Province of New York, which is such that if goods were received there custom free, they may be clandestinely transported into New Yorke to the defrauding of His Majesty's customs there.

He spoke also of the Quota required from the neighboring Colonies for the defence of New York And said that he conceived the best way of regulating it would be, by stated Deputies from each Province, to meet in one common Assembly: The effecting of which was observed to require one Captain General or Vice Roy to preside But upon these heads he was desired, and he promised to draw up a scheme more fully in writing.

* * * * *

*Memorial of the Proprietors of Several Provinces in
America relating to Courts of Admiralty there.*

[From P. R. O. B. T. Proprietors, Vol. 1. A 11.]

To The R^t: Hon^{ble}: the Lords Commiss^{rs}: of Trade
and Plantac^{ions}.

The Lords Proprietors Agents and others of the
Provinces of Carolina Bohama Islands Pensilvania
East and West Jersey and Conecticott in America.

Protesting their Loyalty and duty to His Maj^{ty} and
reserving the benefit of being heard by themselves in
Councill to their Right and Power of Erecting Courts
of admiralty in the said Provinces do offer

That there are Severall Clauses in their Respective
Grants and Charters which (as they are advised) Im-
port and Imply a Grant of y^e admirall Jurisdiction and
power of Erecting the said Courts and Constituting
Judges and Officers thereof in the said Provinces

That the reason why they have not hitherto Erected
Such Courts or Constituted Such Officers is that all
Suits or Informac^{ions} upon and for the breach of the
acts of navigac^{ion} may as appears by the s^d acts and
particularly by the 15th of K^s Charls y^e 2^d be brought
and prosecuted in the Com^{on} Law Courts and y^t the
Erecting Courts of admiralty would have occasioned
Sallaryes and other great and Expensive Charges

That they apprehended there was no necessity of
Such Courts unless for the Condemnac^{ion} of prises,
few or none of which have bin brought into the said
Provinces during this Warr in ord^r to be there tried
and Condemned.

That the s^d Propriet^{rs} are nevertheless willing and
ready to Erect Such Courts and constitute such able

Officers as shall be well affected to His Maj^{ty} Govern-
ment, carefull of his intrest use their uttmost En-
deavours to Enforce an Observance of the s^d acts of
navigac'on and zealously prosecute such Vessels &
persons as shall be Guilty of the breach of them

All which is Humbly offer'd & Submitted.

[Dec. 16, 1696.]

*From the Lords of Trade to the Proprietors of East
and West Jersey.*

[From P. R. O. B. T., Proprieties, Vol. 25, p. 45.]

To The Proprietors of his Majesty's Colony of East
New Jersey in America.¹

GENTLEMEN

His Majesty having been frequently informed of the
little regard which severall of the Colonies concerned
have had to the Quota appointed by her late Majesty
of Blessed Memory in the year 1694 to be observed
during this War for the defence of the Frontiers of
the Province of New York in the following propor-
tions Viz.:

	MEN
Connecticut	120
Rhode Island & Providence	48
Massachusets	350
Maryland	160
Virginia	240
New York	200
Pensilvania	80
And any part of the Militia of East & } and West New Jersey not exceeding }	700

¹ The Councill's Letter to West New Jersey was the same only changing the
names. These L^{res} were sent to Mr. Basse.

And his Majesty being at the same time sensible of the necessity of that contribution either in Men or money for the general Security of his Colonies on the continent of America; has commanded us to Signifie unto all those above named, that it is his pleasure they should each of them contribute and pay their respective proportions to the government of New York according to her late Majesty's foresaid Regulation; We therefore particularly recommend it to your care that in relation to the Colony of East New Jersey his Majesties pleasure herein be for the future punctually observed and executed

His Majesty having also been informed by complaints from severall hands of the undue methods practised in some of his Colonies for seduceing the Inhabitants from others, And being sensible how much that practice is contrary to the common Interest of the whole has commanded us to write unto the several Governors or Governments of each Colony, that they take care that Effectual Laws be made in each of their respective Governments against the receiving and harbouring not only of Deserters, but also of such Fugitives as leave any of his Plantations contrary to the Laws provided for that purpose in each plantation respectively. Which therefore We also now accordingly recommend to Your Observation.

And whereas his Majesty has also received complaints that the Entertainment given to Pyrats in some of his Colonies, and more particularly in those under distinct properties had occasioned many ill minded persons, Seamen, and others to desert their habitations, and apply themselves to such wicked and destructive courses to the great weakening and dispeopling of the Colonies so abandoned by them, and to the great dishonour of the English Nation; Whereupon he has also required us to write to the Severall Proprietors and Governours of all his Plantations that

due care be taken for the future that no Pyrats or Sea Robbers be anywhere shelter'd or entertained under the severest penalties ; We are obliged thereupon to require your strictest care, as We doe of others that all mannér of discouragement be given in that Province of East New Jersey both to the Rise and progresse of such undertakings, And that upon the discovery thereof the Offenders be punished according to the utmost severity of the Law—We are

Your very Affectionate friends

J. BRIDGEWATER
PH: MEADOWS
W^m: BLATHWAYT
JN^o: POLLEXFEN
ABR HILL

WHITEHALL,
February 9th 169^t

Opinion of Sir Cresswell Lewinz, on the liability of East Jersey to New York for Customs.

[From P. R. O. B. T., Vol. I., A 58, No. 2.]

KING CHARLES the 2^d by Letters Patent Grants to the Duke of York his Heires & assignes all that Tract of Land in America now Called by the severall Names of New York East Jersey & West Jersey wth all waters Rivers & harbours to the pr^emises belonging And the Government thereof according to the Lawes of England And power to admitt p^{er}sons to tread & Traffique unto & wth in y^e Same.

The Duke of York Grants those parts Called East Jersey & West Jersey wth y^e Rivers Harbours & other Royalties thereunto belonging, and the Govern^t of those places and all Other privileges Granted by him to the King A: B: C: D: & their heires & assignes.

These places have Ever Since been Under the Government of the Respective Pp'rs. the Dukes Grantees thereof, & have held Gen^l Assemblies w^{ch} are in the Nature of parliaments within themselves & have made use of there Own portes & harbours for Lading & un-lading the merchandizes Imported into & Exported from thence.

After the Grant of these places made by the Duke of York the General Assembly of New York have Imposed Seaverall Customs Upon Merchandizes Imported & Exported there, in w^{ch} Generall Assemblies the P'vinces of East Jersey & West Jersey had the [?no] representatives being esteemed Distinkt Governments & Independent of New York.

The Collectors and Officers of the Customes of New York Under p'tence or color of an order from the Commissioners of the Customes in England Deney the Inhabitants of East & West Jersey the Use of there Own portes & harbours and fforce em up to New York Unless they will pay the Same Customs in their own portes which are payed at New York.

Qu: whether Customes upon merchandises Imported into & Exported from East & West Jersey can be imposed Otherwayes than by Act of Parliament Or the Gen^l Assemblies of those Collonys.

Answer. These Customes cannot be imposed but by Act of Parliament Or Some Assembly that Actes as a parliament according to the Rules and Government of the place.

Qu: whither the Com'issioners of y^e Customes in England Can Compell the Inhabitants of East & West Jersey to Enter their shipes and unlade their goods at New York or restraine them from Using their own harb's Unless they will pay the Dutys Imposed by the Assembly of New York where the Inhabitants of East & West Jersey had no representatives nor were Under their Jurisdiction.

Answer. East and West Jersey having been devided from New York by the Duke of York Grant also from the Government and Ever Sence by Allowances from y^e Crown Used & Enjoyed a Government of there own distinct from y^e Government of the p[']vince of New Yorke but had Assemblies of their own wherein the Make Rules & Orders for themselves as a Distinck p[']vince as New York Do for themselves. I Do not See how they can be bound by the Rules of New York or be Obliged by them or the Comissioners of the Customes here to Lade or Unlade there Goods at New York.

CRESWELL LEWINZ.

Vera copia—W^m. DOCKWRA,
 Secr: & Reg^r
 East Jersey.

2: Apr: 97.

A similar decision, differing but little in language, was given by Sir John Hawles under date of June 4th, 1697.—Ed

*From Attorney General Trevor to Secretary Popple,
 enclosing form of Bond to secure the perform-
 ance of their Duties by Deputy Governors in the
 Provinces.*

[From P. R. O. B. T., Prop., Vol 1, A 38.]

L're from y^e Att^{ny} Gen^l with a Draught of a Bond
 to be enter'd into by y^e Prop^{rs} of Several
 Plant^{ns} in America.

S^r:

According to their Lords'ps I have sent you inclosed
 a Draught of a bond to be entred into by the Pro-
 priet^{rs} of the several Plantac'ons in America for oblig-

ing them to cause their Deputy Governo^{rs} to obey such Directions as shall be sent to them by his Mat^{ty} or other p^{son} acting by his authority pursuant to the Acts of Trade relating to the Plantac^{ons}.

Your most humble

Serv^t

9^o Ap^l 1697.

THO: TREVOR:

[Addressed] For William Popple Esq. These

[Form of bond enclosed.]

NOVERINT universi p^r p^resentes me

teneri et firmit' Obligari Serenissimo Principi et Dn'o nr'o Gulielmo tertio Dei gracia Angl' Scotie ffrancie et Hibernie Regi fidei Defensor in . . . libris bone et legalis moneti Angl' Solvend: eid'm Dn'o Regi here d': vel Successorib's Suis ad quam quid'm Soluc'onem bene et fidelit' faciend' Oblige me Heredes Executores et Administratores meos firmit p^rp^rentes Sigillo meo Sigillat'

Dat' ——— die ——— Anno Regni dicti Dn'i n'ri Gulielmi tertij Regis nono &c Annoq' Dm' 1697.

THE CONDICON of this obligac'on is such that if the above Bounden . . . Proprietor of . . . in shall cause his respective Deputy Governor of . . . afore-said for the time being, from time to time and at all times to observe p^rform and obey all such Directions and instrucc'ons as shall at any time be sent to such Governor from the King's most Excellent Ma^{tye} or from any p^{son} or p^{sons} now acting or that hereafter shall act by his ma^{tye}s Authority, pursuant to, or for the better putting in Execuc'on, the several Acts of Trade relating to the Plantac'ons (viz^t) An Act made in the Twelfth year of the Reign of the late King Charles the Second Entituted an Act for the Increasing of Shipping and Navigac'on An Act made in the fifteenth year of his said late M^{tye} Entituled an Act for the In-couragem^t of Trade. An Act made in the two and

Twentieth and three and Twentieth years of his said late Ma^{ties} Reign Entituled an Act to prevent the Planting of Tobacco in England and for Regulating the Plantac'on Trade, An Act made in the Twenty fifth year of the Reign of his said late Ma^{tie} Entituled an Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantac'on Trades, An Act made in the Seventh and Eighth years of the Reign of his p^{resnt} Ma^{tie} Entituled An Act for preventing frauds and Regulating Abuses in the Plantac'on Trade, and all other Acts of Parliam^t now in force relating to the Plantac'on Trade Then this Obligation to be void or else to remain in full force & virtue.

From the King, to the Proprietors of East & West Jersey, relating to the Plantation Trade.

[From P. R. O. B. T., Proprieties, Vol. 25, p. 69.]

The King's Letter to the Proprietors of East and West New Jerseys relating to the Plantation Trade.¹

W. R.

Trusty and Welbeloved, We Greet you well. Whereas notwithstanding the many good Laws made from time to time, for preventing of Frauds in the Plantation Trade, it is manifest that very great abuses have been, and continue still to be practised to the prejudice of the same, Which Abuses must needs arise, either from the insolvency of the Persons who are accepted for Security, or from the remissness or

¹Delivered to Mr. Bass the 21th May 1697.

N. B. The Letter to West Jersey was the same (*mutatis mutandis*).

connivance of such as has been, or are Governours in the Several Plantations, who ought to take care that those persons who give Bond shall be duely prosecuted in case of nonperformance; You are to take notice that We take the good of Our Plantations, and the improvement of the Trade thereof by a strict and punctual observance of the Several Laws in force concerning the same, to be of so great importance to the benefit of this Our Kingdom and to the Advancing of the Duty of Our Customs here, That if We shall be hereafter informed that at any time there shall be any failure in the due observance of those Laws within Our Colony of East New Jersey by any wilfull fault or neglect on your part, We shall look upon it as a Breach of the Trust reposed in you, deserving the marks of Our highest displeasure, So We bid you heartily farewell.

Given at Our Court at Kensington this 22th day of April 1697 in the 9th Yeare of our Reigne

By his Majesty's Command

SHREWSBURY.

To Our Trusty and Welbeloved the Proprietors of Our Colony of East & West New Jersey in America.

From Secretary Popple to Mr. Basse, inclosing the form of Bond received from Attorney General April 9th, 1697.

[P. R. O. B. T. Proprieties, Vol. 25, p. 75.]

Let^t to M^r Bass ab^t a Bond to be entered into by y^e Propriet^{rs} of the Several Plantations in America,

To M^r BASS

S^t Whereas the lords Spiritual and Temporal in Parliament have (by a late Address) humbly repre-

sented to his Majesty as a matter of great Importance, both to this Kingdom and his Majesty's Plantations in America that the many good Laws which have from time to time been made for the Government of the said Plantations should be strictly observed and put in Execution, And in Order thereunto have humbly proposed to his Majesty that the Several Proprietors of the Plantations where his Majesty hath no Governours of his own nomination may Enter into Security here that their respective Deputy Governours shall from time to time observe and obey all Instructions that shall be sent to them from his Majesty or any acting under his authority, pursuant to the several acts of Trade relating to the Plantations; And whereas his Majesty hath thereupon been pleased to give Directions to the Lords Commissioners of the Council of Trade and Plantations to require Security from the said Several Proprietors accordingly; Their Lordships have commanded me to send you the inclosed form of a Bond which hath been prepared by his Majesty's Attorney General for that purpose, that you may communicate it to the rest of the Proprietors both of East and West New Jersey for their Compliance therewithall; And further to add that in Order to the more Speedy Execution of what his Majesty hath required in this particular, their Lordships are desirous to Speak with you on Munday next at four of the Clock in the afternoon.

I am &c

W: R:

Whitehall May 6th 1697.

*Draft of Commission to Jeremiah Basse, as Governor
of West Jersey.*

[From copy among Manuscripts of W. A. Whitehead.]

To our Trusty & Welbeloved &c Jeremiah
Basse Esq.

Greeting

According to the power and Authority resideing in us of Constituteing y^e Govern'r and Commander in Cheife of y^e Province of West New Jersey in America with all other offices Civill or Military thereunto belonging: haveing great confidence in the Ability prudence and Integrity of you the said *Jeremiah Basse* have nominated constituted and apointed and doe hereby nominate Constitute and apoint you our *Governor Generall and Com'ander in Cheife of the saide Province* giveing you full power and authority to *Co'mand Order and Govern* the same togeather with all *Islets Ilands Rivers and Seas* within the boundaries of the same *Province* or belonging thereunto and to doe and performe all and every thing and things which to the charge and office of a *Governor and Co'mander in Cheife* will appertaine for the space & Tearme of one year from the date of these presents and so long after untill some other perso' be nominated [&] constituted *Governor* in your roome by a nother commicon sent from London and arived in the same *Province* and theare published [on w^{ch} this present commisseon to be void]¹ Commanding all inferior *Officers* both Civill and Military which we hearby Comitionate you to Constitute and appoint to give due respect and obedience to you the said *Jeremiah Basse* as our *Governor Generall*

¹ The words within brackets interlined, and the words "according to Law" here erased.—Ed.

and Com'ander in Cheife of the saide *Province*, according to this our Commic'on and the power heareby given to you and according to the Lawes and Constitutions made or confirmed, or to be made or Confirmed, by us which you the saide *Governor* are yourself also to observe and follow as [to] your duty & office doth appertaine As also to observe and fullfill all such orders as shall be made and sent you by [us]¹ or the *Committee* for the time being under y^e publique Seal of the saide *Province* and we doe also Commissionate and Impower you y^e saide *Jeremiah Basse'* to nominate Constitute and appoint by Commic'on under your hand and the seale of the *Province* a *Deputy Governor* under you to serve in y^e saide *Province* dureing your nessesary absence theare from and no longer he being obliged to observe and [p'forme]² all s^{ch} orders as shall be made & sent under publique seale by us [or] y^e *Committee* for y^e time being & Governing according to y^e Lawes [& Constitutⁿ] of y^e saide *Province*. Given in London under our hands & y^e publique seale of ye said *Province* of West New Iersey this eighteenth of May: *Anno Dom: 1697 Annoq Domini Nostri Gulielmi Reg: Tertii none &c.*

THO: LANE.

¹ Although the draft from which this is printed is on parchment, and signed by Sir Thomas Lane it is not probable, the commission sent to America. That does not appear to have been executed before July 15th, 1697. Moreover, this document after being executed, seems to have been submitted to some one having authority to revise it, and hence the interlineations and alterations, and it was found in private hands in England. At the place indicated above, the following words were erased "the Kings Commic'ioners of the Counsell of Trade or the Commic'ioners of ye Customs or by us."—ED.

² "fullfill" erased.

Agreement Signed by the Governor, Council and Members of the House of Representatives of West Jersey, binding themselves to uphold, to the utmost of their power, the authority of the King as against all his enemies.

[From P. R. O. B. T. Proprieties, Vol. B 19.]

WHEREAS there has been a horrid and detestable Conspiracy formed and Carried on by Papists, and other wicked & Traitorous Persons, for assassinating his Majest^{ty}s Royall Person in order to Encourage an Invation from France on England, to subvert our Religion, Laws and Liberty; We whose names are hereunto Subscribed, do heartily, sincerely and solemnly profess, Testify and Declare, that his present Majesty King William's Rightfull and Lawfull King of the Realms of England, Scotland and Ireland, and that neither the late King James, nor the pretended Prince of Wales, nor any other Person hath any Right whatsoever to the same; And we do mutually promise and Engage to Stand by and assist each other to the utmost of our Power in the Support and defence of his Maj^{ty}s most Sacred Person and Government against the late King James, and all his Adherents, and in case his Majesty come to any violent or untimely death (which God forbid), We do hereby further freely and unanimously oblige ourselves to unite, associate & Stand by each other in revenging the Same upon his Enemys & Their Adherents, and in Supporting and defending the Succession of The Crown, according to an Act made in the 1st year of the Reign of King William and Queen Mary; Entituled an Act declaring

the Rights and Libertys of the subjects and settling
the Succession of the Crown

Subscribed at Burlington May the 20th 1697

Members of y^e House of Representatives

AND: HAMILTON Governor		JOHN HOLME
EDWARD HUNLOKE	} of the gov ^{rs} Council	JOHN READING
JOHN TATHAM		GEO TAYLOR
THO: REVELL		AND ^r ROBESON
NATH: WESTLAND		TIMOTHY BRANDRETH
JN ^o WORLIDGE		SAM ^l HEDGE
		JACOB DAYTON
		JOSEPH WOODROOFFE
		JOHN SHAW
		JOHN RAMBO
		PETER MATSON
		his [†] mark
		BENJAMIN BRAMMA
		his ⁸ mark
		JOHN ASHBROOK
		JOHN CRAFFORD

*Address of the Governor and Council of West Jersey
to the King, on his escape from the attempts of
assassins.*

[From P. R. O. B. T. Proprieties, Vol. 2, B. 19, No. 3.]

THE HUMBLE addresse of your Majesties most
Loyall Subjects, The Governo^r & Council of
your Majesties Province of West New Jersie in
America. May 30th 1697.

May it please yo^r most Excellent Majestie

WITH hearts full of joy we blesse the Divine good-
nesse in the delivery of your Majesties most Sacred
Person (and in it our Religion, our Rights, our Liber-
ties) from the attempts of most barbarous Assassins,

We do assure your Majestie that with y^e same cheerfullnesse we shall be allways most ready to Justify our Loyalty agreeable to y^e Association we have entered into.

Long and happy be yo^r Majesties Raign over us,
And may all devices against your Sacred life and Governm^t be confounded and brought to nought

So prayeth May it please your Majesty
yo^r Majesties

Most humble & most obedient Subjects and Servants

AND: HAMILTON G
EDWARD HUNLOKE
JOHN TATHAM
THO: REVELL
NATH: WESTLAND

Agreement of the Quaker Members of the House of Representatives of West Jersey, to uphold the interests of the King.

[From P. R. O. B. T., Proprieties, Vol. (2) B 19, No. 4.]

WEE the Subscribers to this present Instrument (being vnder y^e Denomination of Quakers) haveing vnderstood, that a Horrid Plott, and Conspiracy, hath been contrived against ye person and Government of King William y^e third, over England &c: which it hath pleased God, graciously to prevent; by a timely Discovery thereof: as appears at large, by an Act of Parliament presented to vs at this time by our Governour, Andrew Hamilton: Recommending it as propper, for us after y^e example of England &c: to Subscribe, to ye form an association in that Act Contained.¹ Or at least; that such of us whose Religious Principles

¹ This association was framed in Parliament in May 1696; the plot referred to having been frustrated a few months previously. Tindal says: "The association was carried from the Houses of Parliament over all England, and was signed by all sorts of people, very few only excepted."—Ed.

will not suffer us to Subscribe in manner and form therein Expressed; Should Answer y^e Intent of it, by Subscribing to a Declaration, of our fidelity, and Loyalty, to y^e King and Government as now Estab-lished, which we willingly, and Chearfully doe in manner following viz:

WEE doe Sollemnly Promise and Declare, in y^e presence of God, ye witness of y^e truth of what we say That we will alwayes be ffaithfull to King William and vse all such Endeavors, as we can for y^e preserva-tion and Safety of his person and Government, and doe Utterly Abhorr, and Detest, all Traiterouse and Dissloyall practices, against our King and Government, and are thankfull to God, for his preservations Con-tinued over his person; and y^e Realmes he Rules which we pray God long to Continue in peace and Safety.

SAM^{LL} JENINGS Speak^r.

FRANCIS DAVENPORT	WILLIAM COOPER
WILLIAM BIDDLE	JOHN HOLLINGHEAD
MAHLON STACY	PETER FRETTEWELL
DANIEL MILLS	JON ^d : BEERE
THO: GARDINER	BENJ WHEATE
THOMAS THACKERY	JOHN THOMPSON
RICHARD HERITAGE	WILLIAM PATE ?
JOHN TAYLOR	ARCHEBELL MICHELL
JAMES ATKINSON	FRED: JAM. LIPPINCOTT
SAM ^{LL} SPICER	ROBERT WILSON ?
JOHN ADAMS	WILLIAM WOOD
THOMAS RAPER ?	GEORGE DEACON
JOSHUA HUMPHRIS	JOHN HUGG
THOMAS LAMBERT	MATHEW MEDCALFE
JOHN SCOTT	The mark of
HENRY CALLINGOR	JOHN † WOOLSTON
RICHARD DAVKIN	The marke of
HANANIAH GAM	JOHN †) DAY
JOSEPH COOPER	SAM ^{LL} WADE
JOSEPH BROWNE	JOHN HUGG J ^r
JOHN WRIGHT	W ^x HALL

*Memorial of the Proprietors of East and West Jersey,
asking for the approval of the appointment of
Jeremiah Basse, as Governor of those Provinces.*

[From P. R. O. B. T., Vol. 1, A 44.]

Mem^t of y^e Prop^{rs} of E & West New Jerseys, signi-
fying their having nominated M^r Jeremiah
Basse to be Gov^r of those Provinces, & desiring
his Ma^{ty}'s approbation

TO THE R^T HON^{BLE} THE LORDS COMM^{RS} OF TRADE AND
PLANTA'CONS

WHEREAS by a late Act of Parliament all Govern^{rs}
to be Chosen by Propriet^{rs} of Lands within His Maj^{ty}'s
Dominions and Territories in America are to be
approved of by His Majesty

And the Proprietors of the Provinces of East and
West Jersey in America being Satisfyed in the Loyalty
of M^r Jeremiah Basse to the Crowne; his affec'on to
the present Government, Experience in the Affaires of
the Said Provinces, and ability for public Employment.
Have Chosen and appointed the Said Jeremiah Basse
to be Govern^r of the Said Provinces.

The said Proprietors doe therefore humbly recom-
mend the Said Basse to yo^r Lordships in order to have
his Maj^{ty}'s approbac'on and pray that the Said Basse
may be approved of for Governour of the Said
Provinces.

THO LANE
THO: HART
PETER SONMANS
THO: COOPER

Letter from Lords Commissioners of Trade to Jeremiah Basse, relating to the necessity for his giving security before being appointed Deputy Governor.

[From P. R. O. B. T. Proprieties, Vol. 25, p. 82.]

TO M^r. JEREMIAH BASS

S^r. The Lords Com^rissioners of the Council of Trade have commanded me to acquaint you that they Judge it expedient, that the Security which is required for the Governors of Proprieties, be taken here before they present to his Majesty or the Lords Justices, the names of any persons for those Governments. That you may thereupon take your own measures for the Expediting of what is to be done with relation to your nomination to the Government of New Jersey &c I am

W: P:

8 June 1697.

From Jeremiah Basse to Secretary Popple.

[From P. R. O. B. T., Vol. 1, A 48.]

Letter from M^r Jerem: Basse about Pirates and Piracies [and the Security demanded of him as Governor of New Jersey.]

London 15 July 1697

S^r As I always believe itt to be my duty so itt shall be my constant endeavor to Com^runicate to you any thinge that I beleive may conduce to the honor or interest of his Most Excellent Majesty or of this nation. & I cannot but hope that by a favorable construction of my first attempt in this kind you will

embolden me to Continue my writeinge to you when It may be I may have somethinge of greater Consequence to Offer to your Consideration.

You cannot be unsensible of the dishonour as well as damage that this nation sustaines by the increasinge of Piracies under the banner of England in any part of the World. And as the perticuler depredations of Avery on the coast of India & Arabia togeather with the ill effects thereof hath come under your Coynisance so I beleive you have not been uninformed of the increasinge of Pyrates in those coastes ocationed by the great expectations of Riches to be obtained theare & itt may be by the too much Connivance of those in whose power itt may have been to have suppressed them; the sundry Plantations boath oppon the Maine & in the Islands of America haveinge not a little contributed to the increasinge of this trade sundry vessels suspected to be bound out on this designe haveinge in my time sayled from one or another province on the Continent leavinge some of them Wives and families as pledges of their returne behind them & I am advised that four or five vessels are expected to returne with in these few months who have one board men appertaineinge to the Provinces of New England New Yorke the Jersies &c. & they will be emboldened thearto by the good entertainment that they have formerly met withal in some of these provinces & their ignorance at preasant of any thinge that may make them Jealeous of being worse entertained now unless any new orders concerninge them to the respective Governors should have reached their eares Which If they have Obtained they will endeavor to prevent the force of by runninge their vessels into some unfrequented Port & thence dispersing themselves wheare their inclinations lead them to believe they may be most secure in which places itt may be they will Abide till by extravagance haveinge ex-

hausted their stock they are forced to prepare for a New Expedition Which to prevent for the future itt beinge in my opinion very much our honor & interest so to doe I would desire Your advice:

What to doe with those that have formerly followed this trade and at preasant may be settled in any part of the Jarsies & also

What course will be best to take with those that heereafter may come in amongst us in order to the suppressinge of them for the time to come. the generality of our people receivinge no small advantage by the currencie of their monys I know are not very forward in their suppression & need to be engaged to itt by an expresse & positive command from that power that they dare not be disobedient unto. and I must acknowledge the damages I have personally sustained by these sort of men haveinge been taken & ill used by some of them fills me with a just aversion to them.

I must also begg your advise on some things relateinge to the Government Of the Jersies that I may not through Ignorance offend, but shall leave them to another oppertunity at Preasant Shall onely desire to be informed wheather every person that Is in any Place, either of State or trust wheather as Commiss^{rs} of the Peace Sherifs. &c or wheather Sittinge in the Assembly as the peoples representatives are not to qualifie themselves by takeinge the Ooaths & Signinge the Assotiation as presented by Act of Parliment the knowledge of this & the Instructions of the Lords Com'issioners of the Counsell of trade relateinge theareonto would be of no meane concerne to our provinces.

I am sorry the Absence of some of our prinsepall proprietors hath hindered me from layinge before them the bonds & proposals of Security demanded by the Lords Com'issioners of the Counsel of trade which by yours of the 8th June: I expected to be previous to my

nomination to the Government of the Jarsies. I cannot but acknowledge that ware the things true that are alleged against the proprietarie Colonies & their Governors theare would sceme to be some reason for this demand & Yet even then (I would humbly Offer itt as my opinion that) the security that Is the bond of the Governor resideinge & actinge in the saide provinces may be adjudged suffittent, espeatialy for those provinces that the proprietors are pleased to intrust me withall. No person beinge Capable of actinge without his Majestyes aprobaton which Indeed seeme to render them almost as much the choise of the crowne as of the proprietors It beinge rationall to suppose that the crown will not approve of any that theare is not good grounds to beleive will to their utmost promote the interest & honnor thearof and indeed espetially as to myselfe If I ware so foolish as to act in contradiction to that in which it is beleived the interest of the Crowne doth Consist I see not much probality of my haveinge opertunity so to doe Tobbacos the transportation of which to Holland or Scotland beinge the thinge prinsipaly complained of not groweing within the boundaries of the Jarsies in a sufficient quantity to supply their owne expence neither can I thinke the Crowne will run any risque in the acceptinge of a personall security from the Governor provided he hath an interest either in the Government or in England that may answer his bonds If forfeited & itt most rationall that If he offends he alone should be punished for his Offences which he will be by incurringe the penaltys of the Acts of Parliament forfeitinge his bond & looseinge of his Government. And In a word I cannot but looke upon itt as a little to great a Suspition of my probity & zeale to his Majestyes interest to require so great a Caution when those Gentlemen who have adventured to entrust me with the government have also entrusted me

with the management of all their Estate theare which hath Cost them some thousand pounds more than the sum demanded to be given bond for & this without ever demandinge my own much less other security. S^r I would willingly be so much in the good opineon of this government as to induce them to believe that I shall doe as much nay more that may conduce to itt's honnor & interest from that pationate desire of its Welfare & a Constant Affection to itt which I have ever accordinge to my ability discovered then I could be induced to by the feares of any penalty or damage. Excuse S^r What you judge amiss & beleve me to be S^r
Your obleidged & very humble Serv^{tt}



From Jeremiah Basse to Secretary Popple asking for a reply to the foregoing letter.

[From P. R. O. B. T., Proprietors, Vol. 1, A 49.]

Letter from Mr. Jerem: Basse about Pirates and Piracies.

LONDON y^e 21th July 1697

S^r

I was in some hopes to have Received some replie to mine of the 18th [15] Inst: & the rather In that I feare the time of my stay in England begins sensibly to shorten.

I am shure none ever went into those Colonies with more steady resolutions vigorously to promote every

thing that may be the advantage or honor of the crowne & shall be extreamely sorry If I am disabled through want of necessary orders from the Right honor^{ble} the Lords Comi'tioners of the Counsel of Trade Pyracies the great & just complaint of America ought to be discouraged & though I am sensible Who ever attempts it in that manner y^t I would willingly doe will theareby expose themselves to no meane hazards. Yet am fully resolved to Conforme my selfe to the instructions I hope & desire to Receive from that honorable board in order theareunto.

The preventinge frauds in trade Is the ground of those late acts of parliment that Relate to the plantations & even in this also I shall nead some rules to walke by. I should be Obleidged to you If you would favor me with a line in answer either to this or my former & that You believe me to be

S^rYour very humble Serv^{tt}

For Wm. Popple Esq^r
att Whitehall.

J BASSE.

From Secretary Popple to Jeremiah Basse, in answer to the preceding letters.

[From P. R. O. B. T., Proprietors, Vol. 25, p 92.]

Letter to Mr. Basse About Pyrats & Piracies.

TO M^r JEREMIAH BASSE.

S^r

Your Letters to me of the 15th and 21st Instant have both of them been this day laid before the Lords Commissioners of the Council of Trade and Plantations, And their Lordships upon Consideration thereof being

pleased with the Zeal you Express for the Suppression of Pyrats, and desirous to make use of all the light they can get to assist them in their deliberations how best to attain that end, have Commanded me to desire from you a more particular Explanation of some things which you hint at upon that Subject; Viz^t: Which of the Provinces are they that you understand to have been most blamable in their Conduct towards Pyrats? What particular Matters of Fact do you know, relating either to the Pyrats themselves or their abettors? who are the Pyrats now Expected to return, and to what particular place. By whom is it that you say you were taken and how did they use you? What methods do you think most proper to be used for the Suppressing of Pyrats? And how is it that you say you are desirous to go about that work? What Court is there in either of the Jersies that can or ever did try Pyrats? And what Law have they there to do it by? Your particular and full Answer to all which heads will be very acceptable to their Lordships.

To the remaining part of your Letter; which concerns the taking of the Oaths and signing the Association, I am not able to give you any better light, than by referring you to the Act of Parliament which relates thereunto; And as for the Bonds or Security to be taken from the Governors of Proprieties, you cannot but have understood by my Letter of the sixth May last That what hath been required by this Board on that subject hath been by his Majesties particular direction, upon the Address of the Lords Spiritual and Temporal in Parliament, And ought not therefore to be taken as anything peculiar to your Self, nor ought you expect that this Board should alter from the Rule which his Majesty has so directed them to observe, I am

WITEHALL 22 July

1696

W. P.

*From Jeremiah Basse to Secretary Popple, about
Pirates and Piracies.*

[From P. R. O. B. T., Prop., Vol. 1, A 50.]

L're from M^r Jerem: Bass ab^t Pirates & Piraciss.

LONDON y^e 26th July 1697.

S^r

As it cannot but be extreemely satisfactory to me who realy desire the Welfare of the Plantations & their settlement on the bassis of honnor & Justis to find that the Right Honorable the Lords Comis^{rs} of Trade & Plantations make itt no meane part of their buisness to inspect into the miscariages that have been amongst them & to direct unto wholesome meanes of removeing them So I shall still looke oppon itt as my duty to contribute my mite If that may afford any light to them in their deliberations. And in order theareunto shall distinctly consider yours of the 22^d Instant.

As to the first thinge Which of the Provinces &c. I cannot but thinke that Most of the Colonies of America boath on the maine & in the Islands have been somewhat to blame in respect of their conduct towards such persons as have committed thir rapins & piracies super altu mare some of them I believe through Ignorance of their duty others through inability to doe anythinge towards their Suppression & some no doubt blinded by the prospect of gaine & advantage have given to great a countenance to them but those that have been most noted for protection or furnishinge of them whilst I was in the Country ware Rhoad Island New York Carolina & Providence. I must acknowledge that I have known severall particuler persons that have been judged concerned in those

ill designes that have been entertained and settled in the provinces of Jarsie Pensilvania Mariland & Virginia, butt as to those in the Jarsies they have on examination produced as A warrant for our entertaineinge a Pass from the Governor of New York which Obstructed any further enquiry by us.

I am informed (& if I err in my informations I hope you will pardon itt) that theare is now out uppon that designe The Kent of about 200 Tuns 18 Guns One Ball late Comand^r who dieinge Comeinge from Jamaica was succeded by Thomas Day she is saide to have put into Carolina sould all her loadings att under rates tooke in men and provitions & Is gone privateringe. I suppose you are already informed of Ive & that came into Rhoad Island & thence to New Yorke fitted out againe & carried with him one Want in a briganteen & another Vessell they are saide to have since strengned themselves by takeing a Vessell belongeing to the Merchants of New Yorke commanded by one Glover. It is reported they have since made some remittances to the owners to make satisfaction for that depredation.

Theare is another Glover that came from Jamaica in a Sloop took a Rich Price from the French afterwards went on the coast of Gunia & is since joyned with the rest on the Coast of Arabia In the whole I have been informed that theare is gon from Boston one, Rhoad Island two New York one Pensilvania one Carolina one, & one from Barbados some others theare are that are run away with Vessels belongeing to the Merchants but are not yet certainly discovered to be gone thither, one of these rovers was met at the Cape bono Espèransa by the Nassaw homewards bound from India as I was informed by the Mate of her who beinge fearefull least the dutch should make prise of them got leave to putt some chestes of mony one board them which beinge granted he informed me they received

four one boord so ponderous that six men at the tackels could hardly hoist them in he saide then delivered them again att Sea & Learnt from them that they were bound to their rendevouze att the Island S^t Lawrance or Madagascar.

the persons expected to returne are Ives company all those that sayled from New Yorke & Rhoad Island, & it is believed that on the heareinge of the alteration of the government in New Yorke they will endeavor to Conceale themselves in the Jarsies or Pensilvania the Jarsies haveinge no fort to oppose them & not beinge much inhabited in their harbors they recon themselves secure theare some persons I am [have?] ascertained have already been makieng preparations for their reception and entertainement they have also entertained a Notion that the Jarsies not actinge by the King's im'ediate Com^s have not suffittient power to seise them & bringe them to deserved punishment which contributes not a little to their boldness in comeing.

I was taken by a Pyrate after about six howers engagement her commander was one Norman ali Vinblin a German he had a ship of 30 guns about 130 men Mixt English Dutch French &c about 20 to the southward of Porto Rico & Caried to the West End of Hispaniola a little to the windward of the Isle de Vaca com'only called the Isle of Ash, theare they unloaded our Vessell & built them fortes on a small key or Island that lay att the bottome of the bay they tooke a Sloope which they manned & sent to cruise betwixt Beata & Altovalla & the Island of Hispanialo for vessels bound to windwards from Jamaica they used us extreamely hard beate us pinched us of Victuals Shut us down in the night to take our Lodgeing on the Watter Casque detained us till they had Carrened their ship & fitted her for sayleinge and then designing on the Coast of Gunia gave us our Liberty.

Some methods in order to their Suppression I have

already formed & cannot but believe that they will prove efectual to that end had I butt power sufficient put them in practis waich could I hope to Obtaine by the Recommendation of the Right honorable the Lords Com^r of the Counsell of Trade I should soone lay before them the scheame of. And Indead shall need no farther power then the Crownes approbation to the Government & Com^{ission} of Viceadmiralty to suppress them in all those partes that my Com^{ission} will reach unto what are without the bounds of the Jarsies must be subdued by other methods.

I doe not know of any courtes in the Jarsies that have sufficient power to trie pyracies itt beinge the declared judgement of M^r Attorney Generall that we have no Admirall Jurisdiction & pyracies in my opinion not beinge properly to be tried by the Common butt Civill Law & Com^{ition} of Vice-admiralty I doe not know of any that hitherto have been tried for that fact in either of the two provinces & If they had I feare might have demurred to our power & authority that defect is supplied or at least I hope will be by his majesties commisionateinge Viceadmerals in Every province.

I am very sorry that their Lordships insist so positively on security to be given for the Governors of the proprietary Colonies since I find the proprietors grow still more & more averse to a Compliance with itt & think itt to great a hardship upon them. Certaine I am the want of the Crownes aprobation will prove of very ill Consequence to the plantations & as to my own part almost utterly disable me from either giving due protection to the people or fully punishinge the opposers of our peace and quiet. The Late act of Parliament Obleidgeth all Governors to be aproved by the Crown the people as they have the knowledge of this act so they will expect imediately at the arival of any Governor not oneley that the Proprietors Com-

mission be produced butt that [it] be also certified of the crownes aprobatation of the same person as Governor & this before they will Owne any subjection to him.

Some Government & such & one that may have not onely a suffitient power to protect & defend the people in their libertyes & estates butt to repress all injuries & violences committed against them is of absolute necessity the want of it will reduce the provinces into a State of Anarchy the strongest hand or the longest sword will be the best tittle to goods or estates All sortes of Ill practises in such a soyle that is not continually tended like weeds in an uncultivated garden will soon springe up, & what will not the unsatiabie thirst of Gold engage men to attempt when they are Consious that theare is not a suffitient power to take cognizance of & to punish their miscarriages.

The late Act relateing to the plantation trade hath in the Judgement of our Lawyers laide aside the preasant Governor of the Jarsies. The want of aprobatation will in a great measure disable me from actinge or at least actinge in such a manner as may tend to the good of the people & honnor of the crowne as may protect the Loyall & industrious subject & punish pirates & other malefactors & how miserable then must the condition of the provinces bee.

I know itt is your opinion that without the King's ap'robation as a due sanction to my commissior I cannot securely the tearmes wheareby I must Obtaine that sanction are not in my power to comply withall had the crowne required anything of me as a Caution for my good a bearinge had it demanded any testimony of my ability to govern my corage to maintaine the honor of Government & not to suffer itt to be affronted by the enimies of it had it required an evidence of Loyalty & sincerity in any thinge though never so dificult that I could personaly have complied with my ready Obedience should have showne

my willingness to comply, but I must content my selfe with a Constant endeavor in my station to suppress evill & advance good accordinge to the Utmost of my ability & if through a want of power their should be to great an increase of the one or decrease of the other I hope my conduct will not be to be blamed.

But S^r I have that Confidence in your zeale for the Generall good of his Majesties Subjects in the plantations that I doe still perswade my selfe you will Contribute your endeavors to obtaine some way or another a supply of this defect of power either to me or to some other person more deserveinge of itt & that either by accomodateinge the tearmes of aprobatation so as they may be complied with without a dependance On other persons or else to make up what is defitient in the proprietors commition by one more imediately from the Crowne which would be no matter of difficulty the Power of Admiralty beinge lodged in the crowne & our Commission to act Necessarily proceedinge from thence, I must begg your pardon for the imperfections of this teadious scribble & hope that you will believe me bee

S^r

Your very humble Serv^t

J BASSE.

Secretary Popple to Jeremiah Basse, in answer to the foregoing.

[From P. R. O. B. T. Proprieties Vol. 25, p. 103.]

Letter to M^r Basse about Pyrats

TO MR. BASSE

S^r Your Letter of the 26th of July had been read before the Lords Commissioners of the Council of Trade; and the business of Piracy that you speak of

again considered: Whereupon their Lordships have commanded me still to desire of you the most particular instances of matter of fact that you can give in the General things that you hint at Viz^t: about the entertainm^t: of Pyrates in Rhoad Island, N: York, Carolina & Providence: What are y^e: names of the Pyrats; and in what man'er & by whom have they been entertained; About y^e: Pyrats that you say are gone from Boston, Rhode Island, New York, Pensilvania Carolina and Barbados; Who are they; who are concerned with them? And what are their designes? About y^e: Pyrate w^{ch} you say you were informed of by y^e: mate of y^e: Nassaw; what is y^e: mates name? And how may he be spok withall; in Ord^r: to y^e: getting some further Informatⁿ from him? You see by these Quest^{ns}: y^t: y^e: thing their Lo^{ps}: aim at is such solid & p^t:icul^r: Informat^{ns}: as may be built upon So y^t: w^t: you can contribute there unto will be very acceptable to y^m: I am

W: P:

Whitehall 4. Augst: 1697.

Secretary Lowndes, of the Commissioners of the Treasury, to Secretary Popple of the Lords of Trade, transmitting documents referring to the payment of Customs in New York, by people in East and West Jersey.

[From P. R. O. B. T. Proprieties, Vol. 1, A 53.]

Lre from M^r Lownds by ord^r of y^e L^{ds} of y^e Treasury referring to this Board the Consideratⁿ of a Report of y^e Com^{rs} of y^e Customs upon a Petiⁿ of y^e Proprietors of E: & W: New Jerseys relating to their Ports.

SIR By Order of the Lords Commissioners of his Ma^{ty} Trea^{'ry} I send you the inclosed Report from the

Comm^{rs} of his Ma^{ty} Customes upon the Petic'on of Sir Thomas Lane Kn^t and Severall others the Proprietors of East and West Jersey in America, My Lords desire you to lay the same before the Right Honorable the Lords Commissioners for Trade and Plantac'ons for their Opinion thereupon, Which you are desired to transmitt together with the said Report to Sir

Trea^{ry} Chambers Your most humble servant
8th September 1697

W^M LOWNDES:

M^R POPPLE.

[Addressed] To William Popple Esq^r Secret^{ry} to the R^t hono^{ble} the Comm^{rs} for Trade and Plantac'on These

TO THE R^t HON^{BLE} Y. LORDS COMMISSIONERS OF HIS
MAJESTIES TREASURY

THE humble Petition of S^r Thomas Lane, S^r Jo^h Moore Kn^{ts} William Penn, Daniel Cox Esq^{rs} Paul Dominique, William Dockwra, Peter Sonman, Thomas Hart, Walter Benthall Merchants on behalf of themselves and the rest of the Proprietors of the Provinces of East and West Jersey in America.

Sheweth

That the late King Charles the second by Letters Pattents in the sixteenth year of his Reign under the Great Seal of England, did Grant to your Pet^{rs} power to constitute Marttine and other Officers and to make and Erect Ports in convenient places within the said Provinces, which power wth some other Priviledges Induced and Encouraged your Pet^{rs} to venture and lay out their Estates and to send over a Great number of People to settle and Improve the said Provinces.

That the better to prevent the breach of the Several Acts of Navigation to secure such Customes as should become due to the Crown; and to promote their own Trade, your Petitioners pursuant to the said powers have made and constituted the Townes of Amboy in East Jersey and the Townes of Burlington, Salem &

Cape May in West Jersey, to be Ports for the Lading and unloading Goods and Merchandizes.

Notwithstanding which and that y^e said Provinces are not any ways dependant on or part of the Province of New York, Yet the Collectors there pretend and presume to make all ships and Vessels bound to y^e said Jerseys, to come to New York to unlade or to pay Custome there for the Goods imported in the said Ships and Vesells, and have lately enforced Severall persons so to do, w^{ch} your Pet^{rs} are advised is illegal & greatly hinders and discourages the Trade of the said Ferries and consequently lessens his Maj^{ty}s Customes & Duties.

Your Pet^{rs} therefore humbly pray they may enjoy y^e liberty of their own Ports for the lading & unloading Goods & Merchandizes, & y^t the Collect^{rs} of New York may for y^e future be restrain'd from y^e s^d p^tensions & practices so illegal & injurious to your Pet^{rs}

And your Pet^{rs} shall ever Pray &c.

W^m DOCKWRA.

DAN: COX

WALTER BENTHALL

PETER SONMANS

in behalf of themselves and the rest

Whitehall Treasury Chambers

1^o March 1697.

The Lords Commissioners of his Majesties Treasury are pleased to refer this Petition to the Commissioners of his Majesties Customes, who are to consider the same, and Report to their Lordships a true state of y^e Petitioners case, together with their Opinions what is fit to be done therein.

W^m LOWNDES.

MAY IT PLEASE YOUR LO^{PS}

In Obedience to your Lordships Commands signified to Us by M^r Lownds, on the annexed Petition of S^t Thomas Lane, S^t John Moor Knights, William Penn, Dan^l Cox Esq^{rs}, Paul Dominique, W^m Dockwra, Peter Sonmans, Thomas Hart and Walter Benthall Mer-

chants on behalf of themselves and the rest of the Proprietors of East and West Jersey in America, setting forth That the late King Charles the Second by Letters Patents in the sixteenth year of his Reign, under the Great Seal of England did grant to the Petitioners Power to Constitute Maritime and other Officers, and to make and Erect Ports in convenient places with in the said Provinces, which power wth some other priviledges, Induced and Encourag'd the Petitioners to venture, and lay out their Estates and to send over a great number of People to Settle and improve the said Provinces. That the better to prevent the breach of the Severall Acts of Navigation to Secure such Customes as should become due to the Crown and to promote their own Trade, the Petitioners pursuant to the said Power have made and constituted the Townes of Amboy in East Jersey; And the Townes of Burlington, Salem and Cape May in West Jersey, to be Ports for the lading and unlading Goods and Merchandizes. Notwithstanding which and that the said Provinces are not any wayes dependant on or part of the Province of New York Yet the Collect^{rs} there pretend & presume to make all Ships & Vessels bound to y^e s^d Jerseys to come to New York to unlade or to pay Custome there, for the goods Imported in the said Ships and Vessells, and have lately Enforced Severall persons so to do which the Petitioners are advised is Illegal and greatly hinders and discourages the Trade of the said Jerseys and consequently lessens his Majestys Customes and duties. Praying they may enjoy the liberty of their own Ports for the lading and unlading Goods and Merchandizes. And that the Collector of New York may for the future be restrained from the said Pretentions & Practices so illegal and injurious to the Pet^{rs} Wee do humbly Report to your Lordships, That upon hearing the Severall Parties on

both sides, It seems that the Inhabitants of New York having granted a Certain Revenue to the Crown of England for the defence of that Province arising by an Impost or Custome on Imported & Exported Goods. Indian Trading, Goods carryed up Hudsons River to Albany and Excise of Liq^rs retayled, The Collector of these duties hath demanded the same on all Goods belonging to the East and West Jerzeys coming within the River (which being about a Mile and half over, divides the Jerseys from New York) being as he alleageth, agreeable to former practice before his time, which is owning the chief matter of Complaint in the Petition, But the said duties being not under Our Management, or Cogniza^{ce} And this Board having never given any directions Whereby the Inhabitants of the Jerzies have been denyed the use of their own Ports & Harb^{rs} We humbly submit that matter to your Lordships Consideration.

Humbly acquainting your Lordships That in the Establishment of Officers presented from hence for Virginia and other his Majesties Plantations on the Continent, which your Lordships were pleased to approve by your Warrant of the 20th of Novemb^r last, there is a Collector appointed at Perth Amboy in East Jersey, and another Officer at Bridlington in West Jersey with Suitable Instructions from Us to Collect the Rates and Duties Imposed by the Act made in the 25th Year of the Reign of King Charles the Second upon Tobacco and other of the Plantation Commodities therein enumerat^d w^{ch} shall be Shipt or laden from thence for any other of his Majesties Plantations, as also to inspect the like Commodities which Shall be laden upon Ships bound directly to this Kingdome, And to attend the delivery of all European Goods brought from hence which are the Cheif Matters we are concerned for, and for these purposes tis necessary, That there should be such Priviledged Ports for the

Officers of the Customes attendance in Order to the
dispatch of Business both Inw^{ds} and Outwards-

Custome house All which is humbly submitted
London 31. Augst to your Lordships Considerations.

1697.

ROB^T HENLEY

SAM: CLARKE

JO: AUSTEN

*From Secretary Popple to Secretary Lowndes, in
answer to the foregoing communication.*

[From P. R. O., B. T.; Proprieties, Vol. 25, 148.]

To William Lownds Esq^r

S^r

I have laid before the Lords Com[']iss^{rs} of the Council
of Trade & Plantations your Lett^r of the 8th Ins^t to
gether with the Report of the Commissioners of the
Customes upon a Petⁿ of the Proprietors of East &
West New Jersey that were inclosed in it; Both which
Papers There inclose [I] return you, according to your
desire And I am further directed by their Lordships to
send you the Enclosed Copy of an Instructⁿ rela ing to
the Trade of New York and the New Jersies which has
been given to all the Governors of New York succes-
sively ever since that Province has belonged to the
Crown of Eng^d And which therefore their Lordships
desire may be laid before the Right hon^{ble} the Lords
Commissioners of the Treasury, as the most material
thing that they have to offer to their Lordships con-
sideration, in the subject matt^{rs} of the above men-
tioned Papers.

W: P:

WHITEHALL,
14th Sep^r 97.

Order in Council, referring a Petition of the Proprietors of East Jersey to the Lords of Trade.

[From P. R. O. B. T. Proprietors, Vol. 25, p. 150]

At the Councill Chamb^r in Whitehall the 23 of
Septemb^r 1697. Present.

Their Excellencys the Lords Justices in Councill.

Upon reading the annexed Petition of y^e Proprietors of New Jersey in America; relating to their Rights & Properties which as they alleadge have been Invaded by the Government of New York, in taking Vessells out of their Harbour of Perth Amboy, compelling them to go up to New York, and denying the Pet^{rs} the benefit of a Port in the said Province and of the Draw Back upon Debentures; And praying to be Heard therein. It is this day Ordered by their Excellencies the Lords Justices in Councill, that it be and it is hereby Referred to the R^t hon^{ble} y. Council of Trade to Examine the matter of the said Petition and to Report to this Board how they find the same with their Opinion upon the whole matter.

JOHN POVEY.

23 Sep^r 1697

To their Excellencies the Lords Justices in
Councill.

*The humble Petition of y^e Propriet^{rs} of y^e Province of
East New Jersey in America.*

SHEWETH:

THAT your Pet^{rs} by a grant from y^e late King James the Second dated 14 March 1682, were Possessed of the said Province of East New Jersey in America, together

with all Rivers, Bays, Harbours, Waters &c leadg unto the same for the free use of Navigation, free Trade and Commerce.

THAT your Petitioners Right was by the Royall Proclamation of King Charles y^e Second confirmed, and all Persons whatsoever strictly charged, not to disturb or interrupt your Pet^{rs} therein.

THAT the said Privilege of Ports, free Trade and Commerce is a Property purchased with great Sums of Money by your Petition^{rs} and what cheifly induced and encouraged y^m to lay out their Estates to Improve the said Province, But your Pet^{rs} have had their Rights and Properties Invaded by the Government of New York, taking Vessells out of their Harbour of Perth Amboy, and forceing the Trade away from them and compelling their Ships to go up to New York, and denying your Pet^{rs} the benefit of a Port in the said Province and of the Draw back upon the Debentures allowed to all other Persons.

THAT in Order to redress their Grievances your Pet^{rs} have applyed to the Lords of the Treasury desiring to be heard before them, and your Pet^{rs} case was by them Referr'd to y^e Commissioners of the Customs, who Reported back to the Lords of the Treasury their Opinⁿ therein.

THAT upon your Petitioners Attendance on the Lords of the Treasury your Petitioners are informed, That it did not properly ly before that Board to determine, unless Referred thither by your Excellencies.

THAT the Subject matter of your Pet^{rs} Complaint, does not only intirely ruine their private Properties (Crushing them in their Infancy of Trade and Plantation) but is also a Public hindrance, to the Consumption of the Growth and Manufactory of England and consequently a Loss to his Maj^{ty} Revenue.

YOUR PETITIONERS therefore have recourse to your Excellencies, as the great refuge & Protection of the

oppressed, humbly praying the favour of a Day to be heard before your Excellencies, to the end that y^e Earl of Bellemont being now ready to depte (as Gov^r of New York) may be Prohibited to disturb your Pet^{rs} Privilidges of Trade in their Port of Perth Amboy, and to deny them the Right of draw back upon Debentures and that none of your Fetition^{rs} liberties & Froperties in the said Frovince may be invaded by that Neighbouring Governm^t

And your Pet^{rs} (as in duty bound) shall ever pray &c.

JER: BASSE

DAVID LYELL

THO: BARKER

PETER SONMANS

JOSEPH ORMSTOM

THO: LANE

JOSEHH WRIGHT

THO: HART

W^m DOCKWRA

WALTER BENTHALL

GEO: WILLOCKS.

A true Copy JOHN POVEY.

*State of the Case of the Proprietors of East Jersey,
submitted to the Lords of Trade.*

[From P. R. O. B. T. Prop., Vol. 1, A 58.]

A MEMORIALL of the State of the Case of the Proprietors of East New Jersey.

KING CHARLES the Second, in y^e 16th & 26th yeares of his Reign, did Grant, to the Duke of York, his Heires and Assignes, all that Tract of land, adjacent to New England, and being to y^e westward of long Island and Manhatas Island, and Bound on the East part, by the main Sea, and part by Hudsons River &c^a: (which land was then Called Nova Cesaria, or New Jersey).

March 14th 1682. The Duke of York Grants and Confirms the Said Province of New Jersey, to James Earl of Perth and others, with all Bayes, Rivers & Waters, franchises and Appurtenances, as also the free use of all Bayes, Rivers and Waters leading unto or lying between the Premises for Navigation, free Trade &c^a; with the Right of Government, which the late King Charles the Second did Confirm as by his Proclamation, hereunto annexed bearing date y^e 23^d of November 1683, does appear.

By which Grants the Proprietors Claime, (and are advised, by their Councils) that they have a Right, and Power of Constituting Ports within y^e Said Province.

That they have accordingly Constituted the Port of Perth Amboy, in the Said Province, and that divers Shippes for Severall years come directly to the Said Port, and have there unladed undisturbed.

But the Collector & Officers of New York, have Since presumed to Molest the Said Proprietors, in the free use, and Priviledge, of their Said Port, and pretend to Compell, all Shippes Bound to East Jersey, to come to New York, and Pay a Custome or Impost laid upon Goods there, according to an Act of their Generall Assembly.

And do further Pretend that from time to time Instructions to that purpose have been given to the Severall Governours of New York.

That the Proprietors Conceive neither the Said Act of the Generall Assembly of New York, nor the Said Instructions can binde the Proprietors of East Jersey to Pay Customes, or hinder them from the use of their own Port, as by their Council they are advised (whose Opinions they have hereunto annexed) for as much as East Jersey is a distinct, and Independant Province from New York, where the Inhabitants of East Jersey have no Representatives.

That the right of Ports, w^{ch} the Proprietors are advised is Granted with the Said Province, was what Cheifly induced and Encouraged the Proprietors to adventure & Send over People to Settle there, and that without the Same, they would never have laid out their Estates, in the Purchasing and Improving thereof.

That the disturbing the Said Proprietors in the free use of their Ports in their own Province, is Conceiv'd to be verry Arbitrary, and will wholly Ruine the the Trade of the Said Province, Destroy their Property, and will hinder the Exportation, and Consumption of the manufacture of this Kingdome.

That the Commissioners of the Customes, have lately reported to the Lords of the Treasury, that it is Necessary there Should be in the Said Province Priviledged Ports for the Attendance of the Officers of the Customes in order to the dispatch of buissness of Shipping both Inwards, and Outwards, and have appointed a Collector at the Said Port of Perth Amboy in the Said Province for that purpose.

The Proprietors therefore do humbly hope. That this Honourable Boord, (to whose Care and Protection his Majestie has Com'itted, The Security and Improvements of Trade, and the Rights and Priviledges of the Respective Colonyes abroad,) will not Suffer the Province of East Jersey to be deprived of their Right.

And for as much as the Earl of Bellamont, and the Governour of East Jersey are both readdy to Embark, it is humbly Prayed that this Boord will be pleased to Expedite their Report to the Lords Justices in Council for Preservation of their Properties, and Imunities before their Departure.

W^M DOCKWRA
 Secr: & Reg^r
 of East Jersey.

Letter from Secretary Popple, to the Attorney General and Solicitor General, Enquiring as to the Authority of the Proprietors of East Jersey to constitute ports in their Province.

[From P. R. O. B. T. Proprieties, Vol. 25, p. 164.]

To S^r. THOMAS TREVOR KN^t: his Maj^{ties} Attor: Gen^l
and S^r. JOHN HAWLES KN^t: his Majesties Sol-
licitor Generall

Gentlemen

The Lords Com'ssioners of the Councill of Trade and Plantations having been required by the Lords Justices to examine into and Report their opinion upon a Petition of the Proprietors of East New Jersey in America, wherein they claim a Right to constitute Ports in that Province, and pray that the Earl of Bellemont may be prohibited to disturb their Priviledges of Trade in their Port of Perth Amboy: And the said Propriet^{rs} having produced to their Lordships, as the Ground of their said Rights and Priviledges, the late Duke of York's Conveyance of that Countrey to the Earl of Perth and others, dated the 14th of March 1682, together with a Copy of K: Ch: the Second's Grant to the said Duke of York of a larger Tract of Land in America, wherein the said Province of East New Jersey is included; Their Lordships after the carefull perusal of the said Conveyance and Grant, have directed them to wait upon you therewithal: and have thereupon Com'anded me to desire your Opinion

1. What a Port is; And by what means any place in his Majes^{ties} Plantations in America may become a Port.

2. Whether by K. Ch: y^e 2^d's Patent to y^e Duke of

York, Power was given to the said Duke to constitute a Port or Ports in any of the Territories granted to him.

3. Whether the Duke of York, by his Conveyance to the Lord Berkley and S^r George Carteret did or could convey the Right of constituting Ports in any of the Lands thereby conveyed.

4. Whether upon the Division which the said Lord Berkley and S^r Geo: Carteret afterwards made of the Lands conveyed to them, they could convey any such Power or Right to the respective Proprietors to whom they sold their several shares.

5. Supposing the Territories of East & West New Jersey, now divided from New York, were formerly united with it under one Government, and that the City of N. York was then the Port for that whole Province so United, Whether upon seperating of East New Jersey from New York, by the said Duke of York's Conveyance to the Earl of Perth and others, there be any right conveyed to them or their assigns, of constituting a Port at Perth Amboy or elsewhere at their pleasure.

6. Whether upon any further Divisions that may hereafter be made of the said Province by the said Proprietors, each of the Severall Assignees will also have a Right of Constituting a Port or Ports in each of their Divisions. I am &c

W: P:

Whitehall. 6. October :97

From the Proprietors in England, to Governor Hamilton and Council in East Jersey.

[From a copy of its record in Book C of Commissioners, p. 273, in the Secretary's Office, Perth Amboy, among the Manuscripts of W. A. Whitehead.]

To the Hon^{ble} Coll: Andrew Hamilton Governor
and His Council for the Province of East New
Jersey in America. These

LONDON the 12th 8^{mo} 1697

GENTLEMEN

We have Received Several of yours, which we would sooner have answered, but Could not give any Certain advice about the Weighty affairs of our Province, which we are now with the utmost deligence Pursuing and have very Great Reason to hope that the issue shall be to our Content.

We have been Obliged (against our Inclination) to dismiss Coll: Hamilton from the Government, Because of a late Act of Parliament disabling all Scotsmen to serve in places of Publick Trust or Profit, and Obliging all Proprietors of Colonies to Present their Respective Governors to the King for his approbation, so we have appointed our Friend Jeremiah Bass, to succeed Coll: Hamilton in Government, whom we have also presented to the King, and he is by him Owned and approved of. He will give you a further account of our Proceedings for the good and Welfare of the Province and we desire that Each of you in your Respective Stations, to act according to your several Capacities for Promoting the Interest of the said Province. Assuring you that we shall not here be wanting on our Parts.

We must not forget to mention to you our Gratitude for the several Good Offices you have done the pub-

lick, tho' we wish Your hearty Endeavors had been more Successfull, and Brought the People to have Raised a sum for Clearing the Ports, and another for Maintenance of the Government, for Prosecuting the Publick affairs here, hath been with the Expence of much time, and Large sums of money, the Burthen whereof Lyeth only upon a few in and about this City. We heartily wish our Labours may have their desired effect, So Respectively Saluting you.

We remain Your Loving friends,

THOS: HART

THOMAS BARKER

DAVID LYELL

PETER SONMANS

WALTER BENTHALL

JOSEPH ORMSTON

THOMAS COOPER

JOSEPH WRIGHT JR.

GEORGE WILLOCKS.

*Answer of Attorney General and Solicitor General,
to the Enquiries of the Lords of Trade.*

[From P. R. O. B. T. Proprieties, Vol. 2, B 1.]

The Att^{ny} & Soll^r Gen^{ls} answer to y^e Queries sent them the 6th Inst relating to ports in East New Jersey.

1st We are humbly of opinion that a Port in our Law is understood to be a place appointed for the lading and unlading of Goods and Merchandise, for the better Collecting his Majesties Customes & other Duties, And that Such Ports (by an Act made the 25th Car 2^d Chap: 7th For better Securing y^e Plantac'on Trade) are to be appointed in the plantac'ons by the Commisioners of the Customes in England by and under the authority and directions of the Lord Treasurer or Com'issioners of the Treasury, in the

respective plantations, for the Collecting Such Customes as are due to his Majestie in those plantac'ons.

2^{ly} That the aforesaid power of appointing ports granted to the Commissioners of the Customes by the Said Act, was not granted to the Duke of York by the said Letters patents

3^{ly} The Duke of York's Grant to the Lord Berkley and S^r George Carteret, could not convey any such power because he had no Such power granted to him by the Crowne.

The 4th 5th & 6th queries are answeured before in the Answers to the former queries: for if the Duke of York had not such a power granted to him (as we conceive he had not,) Then his Assignees nor any deriving under them Cannot have such a power.

THO: TREVOR.

JO HAWLES.

[Oct. 18, 1697]

Letter from the Commissioners of Customs to Mr. Randolph, Surveyor General of Customs in America, relative to the establishment of the Ports of Perth Amboy and Burlington.

[From P. R. O. B. T., New York Vol. IV., D 33, No. 3.]

The Commissioners of the Customs order to Mr. Randolph about Port of Perth Amboy.¹

M^r RANDOLPH:

Having Received Intimations that some persons trading to East and West Jersies are not Content with the Priviledges allowed for the Loading and unloading

¹Produced by Mr. Bass, Gov'r. of the Jerseys to the Council of New York ye 23th July, 1698 in defence of a Port at Perth Amboy. Referred to in ye Earl of Bellomont's L're of ye 21st Sept. 1698.

of Goods and Merchandizes at Perth Amboy in East Jersey and in Birdlington [Burlington] in West Jersey, Whereby Directions from the Right Hono^{ble} the Lords Comissioners of his Maj'ties Treasury we have Established Officers to Collect the Duties Imposed by the Act made the 25th yeare of the Reigne of King Charles the Second to inspect the Enumerated plantation Com'odities which shall be laden upon shippes bound Directly to this Kingdome and likewise to Attend the Delivery of all European Goods brought from thence, but that such persons will attempt to Runn into private Creeks and harbours where there are noe officers, the better to Cover their Indirect practices. Wee direct that at y^r Arrivall in those parts you make it one Cheife part of yo^r Care and Endeavour for the Kinge's Service to Oblige all Merchants Masters of Ships and others to load and unload at those appointed and priviledged Ports of Perth Amboy and Birdlington aforesaid, being owned and agreed upon by severall of the proprietors in yo^r heareing to be sufficient for the trade of both places, and that there may be noe p^rtence for Goeing Elsewhere, lett the Officers be Cautioned to give their Constant and Diligent attendance in those Respective ports for the Dispatch of all Businesse both Inwards and outwards.

We rest yo^r Loveing friends,

Jo AUSTIN

SAM CLARK

ROB^T HENLY

BEN: OVERBON

Custom house, London

21th October, 97.

To Edward Randolph Esq^{re} Surveyor Generall of his Maj'ties Customs in America.

*Representation from the Lords of Trade to the Lords
Justices, against the right of the Proprietors of
East Jersey to establish Ports.*

[From P. R. O. B. T. Proprietors, Vol. 25. p. 176.]

TO THEIR EXCELLENCIES Y^{rs} L^{ds} JUSTICES.

May it please your Excellencies.

In Obedience to your Excell^{cy}s order in Council dated y^e 23rd of the last Month, that we should Examine the matter of a Petition of the Proprietors of East New Jersey thereunto annexed, and Report to your Excell^{cy} how we find the same, with our Opinion thereupon; We humbly represent to your Excellencies.

That the said Petitioners having set forth their Title to the said Province, togeth^r with all Rivers, Bays, Harbours, Waters &^c leading unto the same, for the free use of Navigation, free Trade and Commerce, as grounded upon a Grant from the late King James, dated the 14th of March 1682, Tho in reallity he were then only Duke of York, and derived his Title thereunto from a preceding Grant from the then King Charles the Second; they do im^ediately in the next words insert the Priviledge of Ports, as a property purchased by them, and as if it had been expressly before mentioned, tho it be not. And thereupon they proceed to complain of their Rights and Properties being invaded by the Govern^t of New York in compelling their Ships to go up to New York, and denying them the benefit of a Port at Perth Amboy Whereupon they pray for remedy

That in order to Our Information in this whole Matter, we have perused not only the fore mentioned Deed of y^e said Duke of York, but a Copy also (which they produced to Us) of the fore mentioned Grant of King Charles the second, for a large Tract of Land, in which

the Province of East New Jersey is included, and which Grant of King Charles the Second is recited in the foresaid Deed of the said Duke of York, as the ground and foundation thereof; But not having found in either of the Said Writings any mention of the Priviledge of constituting Ports in the Province of East New Jersey; We then directed the said Proprietors to attend his Majesties attorney & Solicitor Generall therewithall, And we thereupon propounded to his Majesty's said Attorney and Sollicitor Generall the following Queries Viz^t

1^o What a Port is; and by what means any Place in his Maj^{ty}s Plantations in America may become a Port.

2. Whether by King Charles the Second's Patent to the Duke of York, Power was given to the said Duke, to constitute a Port or Ports in any of the Territories Granted to him.

3. Whether the Duke of York by his Conveyance to the Lord Berkley & S^r George Carteret, did or could convey the Right of constituting Ports in any of the Lands thereby conveyed.

4. Whether upon the Division which the said Lord Berkley and S^r George Carteret afterwards made of the Lands conveyed to them, they could convey any such power or right to the respective Proprietors to whom they told their Severall Shares.

5. Supposing the Territories of East and West New Jersey, now divided from New York were formerly united with it under one Government, and that the City of New York was then the Port for that whole Province so United; Whether upon Seperating of East New Jersey from New York, by the s^d Duke of York's conveyance to the Earle of Perth and others, there be any right convey'd to them, or their Assignes, of constitut^s a Port at Perth Amboy or elsewhere at their Pleasure.

6. Whether upon any further Divisions that may hereafter be made of the said Province, by the said Proprietors, each of the Severall Assignees, will also have a Right of constituting a Port or Ports in each of their Divisions?

Unto which Queries we received from his Majesties Attorney and Sollicitor Generall the following Answers Viz^t

“ 1st We are humbly of Opinion That a Port in Our
 “ Law is understood to be a place appointed for the
 “ lading and unlading of Goods and Merchandizes, for
 “ the better Collecting his Majesties Customes and
 “ other duties; and that such Ports (by an Act made
 “ the 25th Carl. 2^d Chapter 7th For better Securing the
 “ Plantation Trade) are to be appointed in the Planta-
 “ tions by the Commission^{rs} of the Customs in Eng-
 “ land by & under the authority and directions of the
 “ Treasurer or Commissioners of the Treasury in the
 “ respective Plantations, for the Collecting Such Cus-
 “ tomes as are due to his Majesty in those Plantations.

“ 2. That the aforesaid power of appointing Ports
 “ granted to the Com^{is}^{rs} of the Customes by the said
 “ Act was not granted to the Duke of York by the said
 “ Letters Patent.

“ 3. The Duke of York's grant to the Lord Berkley
 “ and S^r George Carteret, could not convey any such
 “ Power, because he had no such power granted to
 “ him by the Crown.

“ The 4th 5 & 6 Queries are answered before in the
 “ Answers to the former Queries: For if the Duke of
 “ York had not Such a Power granted to him (as we
 “ conceive he had not) Then his Assignees or any de-
 “ riving und^r them can'ot have such a power.

Upon this it appearing evident to Us that the said Proprietors have no manner of Right or power to constitute Ports either in East or West New Jersey from

the late King Charles the second, the then Duke of York or any other person deriving authority from either of them; But that a Power of Constituting such Ports in any of his Majesties Plantations is vested by Act of Parliament in the Commissioners of his Majesties Customes, under the direction of the Lords Commission^{rs} of his Majesties Treasury; We humbly offer to your Excellencies in Order to a determination upon the Expediency of the thing, these following considerations viz^t

That before the Separation of the Jerseys from the Province of New York, the City of New York was the Com'on Port for both

That it is in no place (that we know of) either in England or elsewhere, usual to have two Ports independent on each other in one and the same River or within the same Capes or outlet into the sea, such a practice being manifestly lyable to great inconveniencies.

That Perth Amboy lies on one side of the mouth of the same River w^{ch} runs by the City of New York, (that River being divided in the Mouth of it by an Island called Staten Island) and is within the same Capes.

That upon the Separation of the Jerseys from the Province of New York the Magistrats of that City & Govern^{rs} of that Province have Severall times complained of the prejudice arising or apprehended to arise from thence unto that Province, Particularly the loss of their Trade; Consequently the loss of their Inhabitants; and the great diminution if not entire loss of his Majesties Customes there.

That in our humble Opinion, if the Proprietors of East new Jersey Should be allowed a free Port (either at Perth Amboy or else where in that Province) their Trade lying up the Same River and into the same Country, amongst the same Indians, as that used by

the Inhabitants of New York, all the forementioned consequences would evidently follow

And that in consequence of these and such like considerations, we conceive it hath come to pass, that the most that ever has been granted (that we can find) unto the said Proprietors, has been by an Order of the late King James dated the 14th of August 1687. whereby the then Gouvernour of New York was requir'd untill further Order; to permit Ships to goe directly to Perth in East new Jersey; Tho' that also upon Condition only, That Officers to be appointed by the said Gov^s or the Receiver Generall of New York should be there permitted peaceably & quietly to receive and Collect for his Majesties use, the same Customes and Imposts as are usually paid at N: York.

But the Constant Instruction which hath been always given to the Governours of New York upon that Subject both before and since, has been in the following form, which carrying with it the reason of the thing, We humbly crave leave here to insert viz^t

“AND WHEREAS we are informed y^t some of y^e
 “Colonies adjoining to Our said Province, under
 “Colour of grants from our self or upon some other
 “groundless pretences, endeavour all they can to
 “obstruct the Trade of New York & Albany. Our
 “Will & Pleasure therefore is, That you do not suffer
 “any Inovation within the River of New York nor
 “any goods to pass up the same but what shall have
 “paid the duties at New York to the end the chief
 “benefit of that Trade may be preserved to the In-
 “habitants and Traders of New York and Albany, the
 “same being agreeable to the Laws of our s^d Province,
 “and to former practice, as well as necessary for the
 “Collecting of those Customes & other duties w^{ch} are
 “to be raised for the support of Our Governm^t there;
 “And if you find y^e Inhabitants of E: Jersey have
 “any other way of Trading with the Indians than by

“ y^e s^d Riv^r of N: York, you are to use your endeav^{rs}
 “ to prevent y^e same, & to give us advice there of
 “ wth yo^r opinion w^h is proper to do therein.

WHEREUPON we humbly crave leave to offer to your Excellencies this one further consideration viz^t That the Province of New York being the Frontier of all his Majesties Territories in those parts, the most exposed to the French and their Indians, and upon that account the said Province having been obliged during all the late War to be at a very great charge for the maintaining of his Majesties Forces there, with very little assistance from any of their Neighbours, We are humbly of Opinion that it is reasonable all priviledges of this kind which do not infringe the Rights of others, Should as much as possible be preserved unto the said Province of New York.

All which never the less
 is most humbly submitted.

Whitehall October y^e 27. 1697.

J: BRIDGEWATER
 PH: MEADOWS
 JOHN POLLEXFEN
 JOHN LOCKE
 ABR HILL
 GEORGE STEPNEY

Authority to George Willocks from the Proprietors of both East and West Jersey, to receive Quit Rents.

[From Grants and Concessions, p. 214.]

Proprietors to George Willocks.¹ A power to receive Quit Rents, also to sell them under certain restrictions.

THIS INDENTURE made the *first* Day of *December*, in the 9th Year of the Reign of our Sovereign Lord WILLIAM the Third, of *England*, &c. *King*, Anno Domini 1697. Between *William Penn*, *Thomas Hart*, *Thomas Barker*, *Walter Benthal*, *Joseph Ormston*, *Joseph Wright*, *Peter Sonmans*, *William Dockwra*, *Thomas Cooper*, *Clement Plumstead*, *David Lyell*, *Archibald Campbel*, Esq; *Walter Riddel*, *Sir Thomas Lane*, *Paul Dockminique*, *Robert Mitchel*, *John*

Geo. Willocks

¹ originally of Scotland, having inherited the proprietary right of his brother, James Willocks, "Doctor of Medicine in Kennay," came to the province in 1684, bringing with him two servants; but after a few years he

returned to England, and nothing is heard of him until his return clothed with the authority vested in him by this commission, and in charge of a vessel and cargo to be disposed of for the benefit of the proprietors. Soon after his arrival he was appointed Chief Ranger, the duties of which office are not definitely known, and also one of the Commissioners for the Court of Small Causes. He made Amboy, at first, his place of residence, but afterward removed to Monmouth County, where he married Mrs. Winder, the widow of Samuel Winder, and daughter of Deputy Governor Ruddyard. In 1701, having been appointed Deputy Surveyor under John Reid, he again made Amboy his place of residence, and with some intermissions,—being stilled of "Elizabethtown" in 1711; of "Philadelphia," in 1724, and of London, in 1726;—he continued to reside there until his death in 1729. The possession of considerable business ability may account for the various stations to which he was appointed, but there is nothing to indicate that any very exalted opinion of him was entertained by his fellow citizens. Influenced by his wife, he left considerable property to St. Peter's Church, Perth Amboy, and a tablet to their joint memories was erected in the church some years since. Mr. Willocks left no children. The bulk of his property went to a nephew and niece, George Leslie, and Anna, wife of John Ritchie, who removed to the province in consequence. See Contributions to the history of Perth Amboy and the Surrounding Country—pp. 80-84.—Ed.

Bridges, and *Thomas Skinner*, being a Quorum of the Committee impowered by the Society or reputed Company of *West New-Jersey*, to transact all the Affairs of the said Society, testified by the common Seal hereunto annexed; *Thomas Foulerton*, *John Burnet* Attorney for *Robert Burnet*, *Joseph Ormston* Attorney for *Charles Ormston*, *Frances Hancock*, *Thomas Gordon* for himself, and Attorney for *Dr. John Gordon* and *George Alexander*, *Gilbert Molleson* for himself, and Attorney for *Robert Barclay*, *William Bingley* Attorney for *Anthony Sharp*, *William Bingley* for himself; Proprietors of the Province of *East New Jersey* in *America*, of the one Part, and *George Willocks*, of the said Province of *East New Jersey*, Gent. of the other Part. Whereas the said Proprietors are seized of and entitled to many Quit-Rents reserved upon Grants and Patents of Lands within the said Province, made by themselves and others, former Proprietors of the said Province, and are likewise entitled to great Arrears of the said Rents incurred and grown due for several Years last past, more or less. And whereas the said Proprietors have taken a Resolution to gather in the said Arrears, and in order to gratify the Planters and Landholders, are intended to sell their Quit-Rents to such of the said Planters or Landholders who are desirous to purchase the same, and who owe no Arrears of Rent, or will first pay and discharge such Arrears. Now WITNESS these Presents, that the said Proprietors abovesaid for the better putting their said Intentions in Execution have constituted, authorized, impowered and appointed, and by these presents do and every of them doth constitute, authorize, impower and appoint the said *George Willocks*, to be their true and lawful Attorney, for and in the Names of the said Proprietors to adjust, ask, demand, but if sued for, then at their own Cost and Charge to recover and receive with, of, and from

all and every the respective Planters, Tenants or Holders of Lands, Tenements, and Hereditaments within the said Province, all such Arrears of Quit-Rents, and or other Rents, as now are or on the 25th of *March*, now next ensuing, shall be due and owing to the said Proprietors; and on Payment thereof, or any Part thereof, to sign, seal and execute any proper Receipts and Discharges for what he shall so receive, either in his own Name, or in the Names of the said Proprietors, but for their use: And upon Non payment or refusal of Payment thereof, to destrain or bring Actions for the same as he shall think fit, and to proceed upon such distresses or Actions in due Course of Law, either to sale of the said Distresses or to Tryal, Judgment and Execution, and to acknowledge Satisfaction upon Record of all such Money's as he shall recover and receive in any such Suits; all which Distresses, Proceedings, Receipts and Discharges the said Proprietors, shall and will allow, justify and maintain. And the said Proprietors and every of them, do hereby likewise constitute, authorize, empower and appoint the said *George Willocks*, their true and lawful Attorney and Commissioner, to treat and contract with all, every and any of the said Planters, Tenants and Holders of Lands, Tenements, and Hereditaments within the said Province, for their respective Quit-Rents and other Rents, according and pursuant to the Directions and Instructions hereunder Written; and from and after such and so many Contracts made according and pursuant to the said Instructions, and Payment of, or sufficient security taken for the Purchase Money, to sign, seal, and deliver in the Names and as the Acts and Deeds of the said Proprietors, any proper and legal Assurances and Conveyances and Releases to the respective Purchasers, for granting the said Quit-Rents, and other Rents as by the said respective Purchasers or their Council shall be reason-

ably devised and required: All which Assurances, Conveyances and Releases, the said Proprietors do by these Presents, and shall and will upon request by any other subsequent Assurances, Conveyances, and Releases, ratify and confirm. And the said Proprietors do hereby direct the said *George Willocks*, from Time to Time, to pay all such Money as he shall receive in Specie, either for Arrears of Rent, or for sale thereof, to such Person whom the said Proprietors, or *Thomas Hart, Walter Benthall, Thomas Barker*, and *Joseph Ormston*, or the Survivor of them, shall appoint Receiver thereof, and also to take all Securities which he shall take for any Purchase Monies, upon such Sales, in the Name of such Receiver, and to deliver the same Securities to such Receiver in trust for the said Proprietors: And the said Proprietors for themselves, their Heirs, Executors, Administrators, and Assigns, do hereby Covenant and Grant to and with the said *George Willocks*, his Executors, and Administrators that he the said *George Willocks* his Executors, Administrators, shall and may have and receive as a recompence for his Care and Pains, in making such Sale of the said Rents as aforesaid, *Five Pounds per Cent*, (or for every *Hundred Pounds*) of all the ready Money, which shall be so raised by the Sales he shall make of any such Rents; and shall also have and receive to his and their own use from the said Receiver, an Assignment of such and so many of the Security's to be taken for any Purchase Money upon such Sales made by the said *George Willocks*, to be chosen by the said *George Willocks*, his Executors and Administrators, as shall amount to the Rate or Value of *Five Pounds per Cent*, (or for every *Hundred Pounds*) intended to be secured by the said Securities, and that the said Proprietors shall and will direct the Receiver to pay and assign the said Recompence to the said *George Willocks*, his Ex-

ecutors and Administrators accordingly; and that the said Proprietors their Heirs, Executors, Administrators, and Assigns, shall and will Ratify and Confirm whatsoever the said *George Willocks* shall do by virtue of the Authorities, and in persuance of the Instructions hereby given him; and shall and will indemnify him, his Heirs, Executors and Administrators, from all such Expenses, Losses and Damages. which he, they, or any of them, shall or may sustain, suffer, or be put unto, for or by reason of any non performance of the Premises by the said Proprietors: And the said *George Willocks*, for himself, his Heirs, Executors, and Administrators, doth Covenant and Agree, to and with the said Proprietors, their Heirs, Executors and Administrators, that he the said *George Willocks*, shall and will truly and faithfully pursue the Instructions hereunder Written, and perform the Trust hereby reposed in him, according to the best of his Judgment, and the true intent and meaning of these Presents. And these Presents further Witness, that for preventing any Obstructions that may happen in the Receipt or Recovery of the said Arrears of Rent or Sale thereof, in Case of the Death or Absence of the said *George Willocks*, the said Proprietors do hereby constitute, authorize, empower and appoint *John Reid* of the said Province of *East New-Jersey*, Gent., their true and lawful Attorney, from and after the Death of the said *George Willocks*, or Absence three Months from the said Province, or Embarking for Europe, to execute all and every the Powers and Authorities herein before granted to the said *George Willocks*, conform to the said Directions and Instructions hereunder Written: And do hereby grant unto the said *John Reid*, the like recompence for his Care and Pains to be taken therein as are before granted to the said *George Willocks*, and shall and will avow, justify, and maintaine whatsoever the said *John Reid*, shall do in

and about the Premises, pursuant to such Authorities and Instructions. IN WITNESS whereof the said Parties to these Presents, have interchangeably set their Hands and Seals, and the said Proprietors have likewise set the Seal of the said Province, the Day and Year first above Written. Province Seal. *A. Campbell*, Seal. *Thomas Barker*, Seal. *Walter Benthall*, Seal. *Joseph Wright, Junr.* Seal. *Walter Riddle*, Seal. *Joseph Ormston*, Seal. *David Lyell*, Seal. *Thomas Gordon*, Seal. *Joseph Ormston*, Attorney for *Frances Hancock*, Widow of *Arent Sonmans* Seal. *Joseph Ormston*, for *Charles Ormston*, Seal. *William Dockwra*, Seal. *Thomas Cooper*, Seal. *Thomas Fullerton*, Seal. *Clement Plumstead*, Seal. *Peter Sonmans*, Seal. *Thomas Hart*, Seal. *John Burnet*, for my Father *Robert Burnet*, Seal. *Gilbert Molleson*, Attorney for *Robert Barclay*, Seal. *Thomas Gordon*, Attorney for Dr. *John Gordon*, Seal. *Thomas Gordon*, Attorney for Mr. *George Alexander*, Seal. *William Bingley*, Attorney for *Anthony Sharpe*, Seal. *William Bingley*, Seal. *Gilbert Molleson*, Seal.

Directions and Instructions from the Proprietors of *East New Jersey*, in *America*, to be observed by *George Willocks*, before, in and after the Sale of the Quit-Rents, and other Rents, due and belonging to the said Proprietors, in Pursuance of the Authorities given him by the Deed, to which these Directions and Instructions relate, which are above Written. First within Fourteen Days after your Arrival in the said Province, you are to cause our Declaration now sent with you, to be published for the Information of the Planters, and Landholders of our Intentions to sell our Quit-Rents, and you are to Cause these Instructions, and the Deed under which they are Written, to be duly Registered among the Records of the said Province.

Secondly, You are not to sell any Rents unto any Person or Persons, until he or they have paid all Arrears of Rents, due for the Lands, out of which those Rents are reserved, or issue. *Thirdly*, you are not to sell any Rents at a less Price than Twenty Years Purchase, of the full Yearly Value of those Rents, and not to reserve less than One *Half-penny per Annum*, annual Rent upon every Landholder, to whom you sell off his Quit-Rents. *Fourthly*. You are not to execute any Grant, Conveyance or Release of any Rent or Rents, until you have made contracts for at least *One Hundred Thirty three Pounds Sterling*, Yearly Value of the said Quit-Rents; and therefore in all Contracts you are to take care to insert, a Clause for making void your Contracts, unless you can sell the Value above-mentioned, of the said Rents before the *first Day of April*, 1699. *Fifthly*. Upon the Payment of any Money's to our Receiver, according to our Directions in the Deed above Written, you are to take from him a Note, acknowledging his receipt therefor for the use of the Proprietors of *East New-Jersey* aforesaid; And upon the delivery to such Receiver of any Securities for Money, which you shall take in his Name, you are to take from him a Declaration under his Hand and Seal, that such Securities are taken in his Name, in Trust for the said Proprietors; which said Notes and Declarations of Trust, you shall from Time to Time, deliver to the Secretary and Register of the said Province, or his Deputy to be safely kept among the Records of the Province. *Sixthly*. After the Sale of the Value of *One Hundred Thirty three Pounds per Annum*, or more of the said Rents, you are to take from the Register Book of the said Province, a true and exact List or Certificate to be sign'd by the Deputy, Secretary and Register, of the Names of the Proprietors, and Sharers in Proprieties of the said Province, and of their respective Proportions therein, as they

are entered in the said Books, and in one Column of the said List, you are to set down the Proportion of Purchase Money, raised and secured by such sale, which every Proprietor, or Share in Proprieties, are intitled to, and then you are to deliver the said List or Certificate to such Person as we shall appoint to be our Receiver of the said Money and Securities. *Seventhly.* You are to use your utmost endeavour to procure an Act of the General Assembly, to be passed for confirming to the Purchasers of the said Rents, their respective Purchases, and for indemnifying them, from the Demands of any Proprietors, or Sharers in Proprieties. who are no Parties, executing the said Deed above Written, or who may descent to such Sale; as also for the securing of the Money to be paid to such Persons aforesaid, according to their respective Shares and Portions, for which end Instructions shall be sent to our Governor of the said Province, for assenting to such Law. *A. Campbell, Seal. Thomas Barker, Seal. Walter Benthall, Seal. Joseph Wright, junr. Seal. Walter Riddle, Seal. Joseph Ormston, Seal. David Lyell, Seal. Thomas Gordon, Seal. Joseph Ormston, Attorney for Frances Hancock, Widow of Arent Sonmans, Seal. Joseph Ormston, for Charles Ormston, Seal. William Dockwra, Seal. Thomas Cooper, Seal. Thomas Hart, Seal. Peter Sonmans, Seal. John Burnett, Seal, for my Father Robert Burnett. Thomas Foulerton, Seal. Clement Plumstead, Seal. Gilbert Molleson, Seal. Gilbert Molleson Attorney for Robert Barclay, Seal. Thomas Gordon, Attorney for Doctor John Gordon, Thomas Gordon, Attorney for Mr. George Alexander, Seal. William Bingley, Seal, William Bingley, Attorney for Anthony Sharpe, Seal. Thomas Lane, Paul Dockminique, John Bridges, Thomas Skinner, Robert Mitchell. West-Jersey Seal.*

MEMORANDUM, the publick Seal of the Province of *West New-Jersey*, was affixed to this Writing by Sir *Thomas Lane, Knt. Paul Dockminique, Esq; John Bridges, Thomas Skinner, Esq; Robert Mitchell* Merchant, (the Persons impowered by the Society of *West New-Jersey*) to strengthen and confirm the particular Act and Deed of the abovenamed Persons, and to no other Intent or Purpose whatsoever. *Thomas Lane, Paul Dockminique, John Moore, William Hammond, Francis Minhsall, Obadiah Burnett, John Bridges* being a Committee of the *West New Jersey Society*.

Authority from the Proprietors of East and West Jersey to Rip Van Dam, to receive from George Willocks or John Reid the amounts collected for Arrears of Quit Rents.

[From the Original in the Library of the New Jersey Historical Society.]

[Endorsed] The Proprietors to Rip Van Dam
14 December 1697



THIS INDENTURE made the fourteenth Day of December in the Ninth year of the Reign of our Lord and Sovereign William the Third of England &c^a. King Annoq: Dom: 1697 BETWEEN Thomas Hart, Thomas Barker, Walter Benthall and Joseph Orms-

ton of London Merchants and Others whose Names are hereinunto subscribed and seales affixed, Proprie-

¹ Although not mentioned in the body of the Instrument, the West New Jersey Committee, as will be seen, signed it, as they had signed the authority to George Willocks.—Ed.

tors of the Province of EAST NEW JERSEY in America of the one Part & RIP VAN DAM Merchant of the City of NEW YORK in America of the other Part. WHEREAS the said Proprietors by an Instrument as well under their hands & seales as under the Common Seale of the Province has Com'issionated & impowered GEORGE WILLOKES of the Province of East New Jersey Gentleman & in case of his Death John Reid of the same Province Gent. to Adjust and get in their Arrears of Quitt Rents now Due and growing Due to the Proprietors from the Planters, or others holding Lands within the said Province, and likewise to sell & Dispose of, the said Rents to the said Planters and Land holders, and to pay the Moneyes he or they shall so Receive and Raise in Specie unto the hands of such Person whom the said Proprietors shall appoint to be their Receiver thereof and to take Securities for such Moneyes as he or they shall give Creditt to any such Planter or Landholder in the Name of such Receiver and to deliver the same to him in Trust for all the Proprietors, or Sharers in Proprieties of the said Province who are or shall be intituled to the same in Proportion to their respective Interests therein. AND WHEREAS the said Proprietors amongst other their Instructions to the said George Willokes and John Reid have for the better Direction of such Receiver how and to whom to dispose of such Moneyes he shall Receive Order'd them to take out a Certificate from the Deputy Secretary and Register of the said Province (for the time being) an Exact Lyst of all the Proprietors and Sharers in Proprietyes, and of the Respective Proportions of Proprietyes, and deliver the same to such Receiver, and also a perticular Certificate from the Secretary and [Regi]-ster to be taken out by Each Proprietor and Sharer in Proprietyes to be produced as a Testimony of their tytle and Shares Now [. . . .] These Presents that the said Proprietors above named HAUE

Constituted and Appointed and by these presents DOE Constitute [and App]oint the said Rip Van Dam their Receiver to take and Receive from the said George Willokes or John Reid all such Moneys as they shall Respectively Pay upon the Accompt aforesaid or either of them AND DOE hereby Order that all the securitys for such Moneyes to be taken by the said George Willokes or John Reid aforesaid shall be taken in the Name of the said Rip Van Dam & Delivered to him upon the Trusts nevertheless and under the lymitations and Provisions hereid after Expressed: That is to say upon Trust that the said Rip Van Dam shall from time to time as he shall Receive any such Moneyes give his Note to the said George Willokes [or to John] Reid in case of the Death of the said George Willokes for the same acknowledging his Receipt thereof for the Use of the Proprieties [of East] New Jersey aforesaid and shall also from time to time signe a Declaration under his Hand and Seal that the securityes taken in his Name by the said George Willokes or John Reid upon the Accompts aforesaid or either of them are so taken in Trust for the said Proprietors and shall also permitt and suffer the said Proprietors at their owne costs and charges to put all or any of the said Securityes in suite in the Name or Names of the said Rip Van Dam his Heires, Exec^{rs} or Administrators (as the case shall require) for Recovery of the Moneys intended to be secured thereby the said Proprietors Indemnifying the said Rip Van Dam his heires Executors and Administrators from all Dammages that may Accrue to him or them thereby, AND the said Proprietors Partyes to these Presents DOE hereby Authorize and Direct the said Rip Van Dam his Executors and Administrators to pay out of the Moneyes which he shall Receive for Arrears of Rents such Debts of the said Proprietors as they shall by any Order under the seale of the said Province appoint to be paid Observing such course in

Payment as shall be Expressed in such Order And the said Proprietors doe further Order, Direct and Agree and Declare that the said Rip Van Dam shall and may out of the Residue of the Arrears of Rents & out of the Ready Money to be raised by the Sale of the said Quitt-Rents (and after the Delivery to him of such Certificate and Accompts as is Appointed to George Willokes) pay to the said George Willokes and John Reid Respectively their Executors Administrators & Assignes FIVE POUNDS p'cent for all such Ready Moneyes as they shall raise by the said Quit Rents and shall also Assigne to him and them respectively for their owne use at his or their Demand such and so many of the said Securityes to be taken in his the said Rip Van Dams Name as he or they shall Choose and as shall amount to the rate or Value of Five Pounds p'cent for all the Moneyes intended to be secured by such securityes as a Recompense for their care and Paines in making such sales & also the said Rip Van Dam shall & may DEDUCT & DEFALK thereout to his own use One P[ound] & tenn Shillings p'cent for all such Money as he shall Receive in Specie and shall pay out again in Specie to the said Proprietors or their Order [And] the said Proprietors doe further Order and Direct that after the Payment of such Debts as aforesaid & Deduction of such Recompenses & Gratuitys to the said George Willokes, John Reid and Rip Van Dam as aforesaid the said Rip Van Dam his Execc^{rs} and Administratōrs shall pay the Residue and Remainder of all the Moneyes which he shall Receive Either for Arrears of Rents sale of Rents or upon any Securityes for Money to be taken in his Name as aforesaid to the Proprietors of East New Jersey who shall be Named in the Certificate herein before mentioned & directed to be Delivered to him in Proportion to their Respective Interests to be Expressed in such Certificate or to the Exec^{rs} Administrators . . . thereunto

Lawfully authorized and who shall Promise a Particular Certificate from the Deputy S[ecretary] & Register of the said Province of his or their tytle as Proprietor or Proportion in any Proprietie to be compared with the General Certificate to be left with the said Rip Van Dam. AND the said Rip Van Dam for himself his Heires, Executors & Administrators doth Covenant and Agree to and with the said Thomas Hart, Thomas Barker, Joseph Ormston, and Walter Benthall on behalf of themselves & the rest of the Proprietors their Exec^{rs} & Administrators That he the said Rip Van Dam his Heires Exec^{rs} and Administrators shall & will faithfully Performe all & every the Trusts herein before Reposed in him according to the true intent & meaning of these presents, And it is hereby Declared by the said Proprietors that he and the said John Reid shall not Act in & about the Premises during the life time of the said George Willokes, nor be entituled to any of the Recompense of the Five p'cent hereby appointed for the sale of the Quit Rents which shall be sold by the said George Willokes IN WITNESS whereof the Partys to these Presents have Interchangeably set their hands & seales the day and year first above written

W^m DOCKWRA ●

Secr & Register

THOMAS GORDON ●

THO: COOPER ●

THO FOULERTEN ●

CLEM^r PLUMSTED ●

PETER SONMANS ●

JOSEPH ORMSTON ●

JOSEPH ORMSTON ●

Attorney for frances

Hancocke widow of

Arent Sonmans

JOHN BURNET ●

For my Fath^r Robert

Burnet

GILBERT MOLLESEN ●

Attorney for Robert

Barclay

GILBERT MOLLESEN ●

WALTER BENTHALL ●

Wm BINGLEY ●

Attorney for Anthony

Sharp

A^b CAMPBELL ●

JOSEPH ORMSTON ●
for Charles Ormston

THO: HART ●
DAVID LYELL ●
WALTER RIDDELL ●



THOS LANE
PAUL DOCKMINIQUE
JOHN BRIDGES
THO: SKINNER
ROB. MICHEL

Mem^m The Publique Seal of the Province of West New Jersey was affixed to this writing by S^r: Thomas Lane Knight, Paul Dorminique Esq^r: John Bridges Thomas Skiner Esq^r: and Robert Michell Merch^t (the p[']sones Impowered by the Society of West New Jersey) to strengthen and Confirme the p[']ticular Act and Deed of the above Named p[']sones And to no other Intent or purpose whatsoever.

THOS LANE
PAUL DORMINIQUE
JOHN MOORE
Wm HAMOND
FRAS MINCHELL
JOHN BRIDGES
OBADIAH BURNET

} being a Comittee
of the West New Jersey Society.

Order of Council, directing the payment of all duties to the Governor of New York, by vessels trading in Hudson's River.

[From P. R. O. B. T. Proprieties, Vol. 25, p. 188.]

AT THE COURT AT KENSINGTON the 25th day of
November 1697. Present.

The Kings Most Excellent Majesty in Council.

UPON reading this day at the Board a Representation from the Council of Trade in the words following.

Here follows the Representation at length [printed on page 180.]

His Majesty in Council approving the said Representation was thereupon pleased to dismiss the said Petition of the Proprietors of East New Jersey, And to order that the usuall Instruction relating to Duties to be paid by Ships Trading in Hudsons River, be continued to the Governour of New York for the time being who is not to Suffer any innovation within the said River in that behalf, nor to permit any goods to pass up the same but what shall have paid the Duties at New York. And the Right Honourable the Council of Trade are to take care from time to time that Instruction be given accordingly.

JOHN POVEY.

*The Lords of Trade to the Earl of Bellomont, relative
to Ports in New Jersey.*

[From N. Y. Col. Doc'ts., Vol. IV., p 297.]

(Extract.)

Since your Lord^{ps} departure from hence, the proprietors of East and West New Jersey having been very pressing for the priviledge of Ports in those Countries. We have been oblidge'd to enquire carefully into their pretended right thereunto, and to lay our opinion before His Maj^{ty} that they have no such rights, and that it is not convenient it should be granted to them; upon which His Maj^{ty} having been pleased to give directions accordingly, and a copy of our representation being inserted in the order of Council made thereupon, we send you herewith all a copy of the said order, that you may understand the reasons of that determination, and take care that the rights and priviledges of the province of New York be not infringed. * * * * *

My Lord

Your Lordship's most humble servants,

J BRIDGEWATER
P^H MEADOWS
W^M BLATHWAYTE
JN^O POLLEXFEN
A HILL

Feb^{ry} 23, 169⁸

Account of Disbursements by the Proprietors of East Jersey.

[From the Original in the Library of New Jersey Hist. Society.]

Accounts of Disbursements by the Proprietors of East New Jersey upon the Publick Affairs of the Province.

	£	s.	d.	£	s.	d.
James Earle of Perth anno 1683	£2: 10: 0			Robert Barclay anno 1684	£5: 00: 0	
84	1: 05: 0			ditto	5: 00: 0	
85	3: 15: 0			85	2: 15: 0	
86	2: 10: 0			86	5: 00: 0	
Interest for the Seaverall Sumes at 6 p'Cent: p' An'm to 1698	7: 08: 6	8	6	87	10: 00: 0	
Amounts to				p' G: Moleson to T: G 1697	2: 04: 0	
[-----]Viscount of Melfort 1683	£2: 10: 0			The Interest at 6 p'Cent "	19: 16: 0	5
84	2: 10: 0			Edward Billing Anno 1688	£5: 00: 0	
87	12: 00: 0			85	5: 00: 0	
Interest at 6 p'Cent to 1698	11: 05: 2	5	2	ditto	10: 00: 0	
[-----]Tarbett Anno	£1: 05: 0			p' T: Cox	87.. 15: 00: 0	
* 86	6: 00: 0			p' Dr Cox	98.. 24: 18: 0	18
Interest at 6 p'Cent p: An'm	4: 18: 6	3	6	The Interest at 6 p'Cent is to	59	
to this p' sent 1698 is				Dr. Wm. Robeson, anno 1685 p'rD B.	£3: 15: 0	
*Not: L'd N Campbell purchased out s'd Tarbett in anno 1685				The Interest at 6 p'r Cent to 1697	2: 14: 0	
				More £1: 5 in 85 with Interest	1: 03: 0	12
Arent Sommans Dec'd his	1684 £52: 10: 0			William Aikman } p' D: Barclay 1685 £1: 00: 0		
Sonens Peter Sommans Jo-	1686 57: 10: 0			now		
seph Wright & Joseph Orm-	1687 20: 15: 0			Walter Riddell } Interest for 12 years	1: 14: 0	14
ston for their 5 proprietaries	1688 12: 10: 0			Thomas Hart for G: Lawrie, anno 1688	£10: 00: 0	
& ¼ anno.	1694 04: 08: 0			ditto	5: 00: 0	
	1696 06: 12: 0					

[Account of Disbursements by the Proprietors of East Jersey Continued.]

	£	s.	d.	£	s.	d.
To T Gordon in 1697	£06: 12: 0		3	84	15: 00: 0	
The Interest at 6 p'Cent p'an'm to 98	07: 12: 3	276	9	85	5: 00: 0	
Robert Burnet Anno 1684	£7: 10: 0			86	15: 00: 0	
	86	7: 10: 0		p' W. Benthall	1688	10: 00: 0
	87	11: 05: 0		p' ditto	1694	2: 10: 0
p'rD B in Comp. w' th others, anno 1685	15: 00: 0			To T: Gordon	1697	2: 04: 0
The Interest at 6 p'Cent to 98	25: 07: 0			The Interest at 6 p'Cent to 98	[--] [---] [---]	[--] [---] [---]
Out of this is to be subtracted	66: 12: 0			Thomas Rudyard Dec'd has		
4£ 4s w' th the propore' onable				Cred't for his Publick Service		
part of the Interest for G:				in ye Province of E: N: Jersey		
Willocks				by A Letter Signed by most of		
having Payed his propore'on	6: 14: 5			the Proprietors for his Propore-		
of all taxes to the 24th				e'on of taxes to ye Date of ye		
1686 as appears under R: . . .				S'd Letter in anno 1685 w'ch		
hand and seale w'ch amounts				amounts to		
to				The Interest at 6 p'Cent		14: 08: 0
Remains to R. B.		59	17	This belongs to G: Willoks as		
[Walter] Benthall anno 1683	£2: 10: 0		7	Adm'r of s'd T Rudyard as also		
84	7: 10: 0			£6: 14: 5: on acco't of J Wil-		6: 14: 5
85	5: 00: 0			locks 3-32 parts.		
86	2: 10: 0			G: W: to T Gordon 1698.		
88	5: 00: 0			Thomas Barker Anno 1683		2: 10: 0
94	1: 02: 0			84		6: 10: 0
96	1: 02: 0			85		5: 00: 0
To T. G. 1697	1: 02: 0			86		2: 10: 0
The Interest at 6 p'Cent: to 98	16: 01: 3	41	17	94		1: 02: 0
				96		1: 02: 0

[Account of Disbursements by the Proprietors of East Jersey Continued.]

	£	s.	d.	£	s.	d.
James Brain Dec'd Anno 1683.....	£5: 00: 0			To T Gordon 97.....	£1: 02: 0	
84.....	10: 00: 0			The Interest at 6 p'Cent to 98.....	13: 07: 9	3 9
85.....	10: 00: 0			Thos: Cooper for himself & G: L 1683	£7: 10: 0	
86.....	5: 00: 0			..84.....	7: 10: 0	
88.....	10: 00: 0			..85.....	5: 00: 0	
The Interest at 6 p'Cent to 1698.....	27: 18: 0	67	18	..88.....	5: 00: 0	
George Alexander pr D: B: 1685.....	£ 1: 05: 0			..94.....	1: 02: 0	
The Interest at 6 p'Cent to 1698.....	0: 18: 0			..96.....	1: 02: 0	
Robert Blackwood Anno 1686.....	£ 2: 10: 0			To T Gordon 1697.....	1: 02: 0	
The Interest at 6 p'Cent to 1698.....	1: 13: 0	2	3	The Interest at 6 p'Cent to 98.....	22: 18: 0	56 4
Thomas Coxe Anno 1683.....	£5: 00: 0			William Bingley Anno 1686.....	£ 3: 06: 0	
84.....	15: 00: 0			The Interest at 6 p'Cent to 1698.....	2: 04: 0	5 10 8
85.....	7: 10: 0			Robt. Gordon Dec'd anno 1684.....	£ 2: 10: 0	
Interest at 6 p'Cent to 1688 [? 98].....	21: 02: 0	48	12	& Augustin Gor: } p'D B 85.....	10: 00: 0	
				don his son.....	6: 00: 0	
[.....] Robeson Anno 1685.....	£2: 10: 0			The Interest at six p'Cent {	7: 10: 0	
86.....	10: 00: 0			to this Instant - year 1698 }	16: 19: 0	42 19
".....	2: 10: 0			Dr. Dan'l Cox Anno 1688.....	£10: 00: 0	
The Interest at 6 p'Cent to 1698.....	10: 01: 0			The Interest at 6 p'Cent to 1698.....	5: 08: 0	15 8
Dr. Hamilton Dec'd Anno 1688.....	5: 00: 0			The West Jersey Company {	5: 10: 0	
The Interest.....	2: 14: 0			p'd to Mr. Sommans.....	96.....	
David Lysall, Anno 1697.....	2: 04: 0			With one year Interest.....	6: 7	5 16 7
The Interest for 1 year.....	0: 02: 8			St. J'nr Gordon p D: B 1685.....	£2: 00: 0	
To T. Gordon.....	1: 02: 0	35	3 8	86.....	1: 00: 0	
				The Interest to 1698 "	2: 01: 9	5 1

[Account of Disbursements by the Proprietors of East Jersey Continued.]

	£	s.	d.	£	s.	d.
William Gibson Anno 1683.....	£5: 00: 0			Capt: Hamilton Anno 1684.....	£6: 05: 0	
86.....	30: 00: 0			P D: B. 1685.....	85.....	1: 00: 0
The Interest at 6 p'Cent to 1698.....	23: 16: 0	16	57	The Interest at 6 p'Cent to 1698 is.....	0: 18: 3½	2
Charles Ormston p'D: Banno 1685.....	£4: 00: 0			Richard Mew, Anno 1683.....	£ 2: 10: 0	
ditto.....	2: 10: 0			84.....	10: 0: 0	
Interest at 6 p'Cent to 1698.....	4: 07: 6	17	10	The Interest at 6 p'Cent to 98 is.....	9: 18: 0	22
William Penn Anno 1688.....	£45: 00: 0			Robert Turner p:C Plumsted [?].....	£ 5: 0: 0	
97.....	4: 08: 0			The Interest at 6 p'Cent to 1698.....	4: 4: 0	[-- --]
To T. Gordon ditto.....	2: 04: 0			Clement Plumsted Anno 1683.....	£ 2: 10: 0	
Interest at 6 p'Cent to 1698.....	24: 06: 0	18	75	84.....	7: 10: 0	
Ambrose Rig Anno 1684.....	£5: 00: 0			85.....	7: 10: 0	
The Interest at 6 p'Cent to 1698.....	3: 65: 0	5	8	88.....	5: 00: 0	
William Dockwra Anno 1683.....	£15: 00: 0			96.....	1: 02: 0	
84.....	15: 00: 0			To T Gordon 1697.....	1: 02: 0	
85.....	15: 00: 0			The Interest at 6 p'Cent to 1698.....	16: 03: 4	40
87.....	10: 00: 0			Samuel Stanceliff Anno 1688.....	£ 10: 00: 0	
88.....	10: 00: 0			The Interest at 6 p'Cent to 1698.....	5: 08: 0	15
Interest at 6 p: C: to 98.....	45: 12: 0	12	110			
To Thom: Gordon 98.....	2: 04: 0	4	2			

*Proclamation of Governor Basse, for the Suppression
of Vice and Immorality.*

[From a copy among the MSS of W. A. Whitehead.]

BY THE GOVERNOR—A PROCLAMATION¹

It being very necessary for the good & prosperity of this Province that our principal care be in obedience to the laws of God & the wholesome laws of this Province to endeavor as much as in us lyeth the extirpation of all sorts of looseness & prophanitie & to unite & Join in the fear & love of God & of one another that by the religious and vertuous carriage & behavior of every one in his respective station & calling all heats & animosities & dissentions may vanish, & the blessing of Almighty God accompany our honest & lawfull endeavours & that we may Join our affections in the true support of his majesties Government over us who has so often & so generously exposed his royal person to imminent dangers to redeem us from the growing power of Popery and Arbitrary Government and hath by a singular blessing attending his endeavors procured our deliverance & a happy & honorable peace & is a great example & encourager of Religion and virtuous living I have therefore thought fit by & with the advice of the councill of this Province of East New Jersey strictly to prohibit all inhabitants & sojourners within this Province from cursing swearing immoderate drinking Sabbath breaking & all sorts of lewdness & prophane behavior in word or action and for the true and effectual performance hereof I do by and with the advice aforesaid strictly

¹ His first official act, by order of his Council at a meeting held the day after his arrival at Perth Amboy.—See Journal of Proceedings of Governor and Council 1682-1703, p. 197.—Ed.

charge & command all Justices of the Peace Sheriffs Constables & all other officers within this Province that they take due care that all the laws made & Provided for the suppressing of Vice & encouraging of Religion & virtue particularly the observation of the Lord's Day be duly put in execution as they will answer the contrary at their peril. *Given* under the seale of said Province this eighth day of April Anno Dom. 1698. in the tenth year of the Reign of our Sovereign Lord William the third over England &c. King.

By the
Governors Command



Dep Secr & Regr

The Council in West Jersey to the Proprietors in England.

[From P. R. O. B. T., Vol. 2, B 13, No. 1.]

Coppy of a Lett^r sent home by the Councill of
West New Jersey.

May it please yo^r Hon^{rs} BURLINGTON Apr^l 14th 1698

Our Letter to yo^r Hon^{rs} of the 23^d of Decemb^r last past may in Some measure evidence our great joy at the appearance here on the 12th inst of ye Hon^{ble} Coll^l Basse in the qual^{ty} of Governo^r for which Post he

brought your Com'ission which the same day he Opened to the Councill & by their advice forthwth published it: But a faithful transcript of those transactions, w^{ch} passed between the Late Gov^rno^r & Representatives on the one part, & ye Councill of the Other - the first designing by all Such Mediums as they thot Safe to make use of, to defeat not only, yo^r present Com'ission but yo^r Authority also: for the future, over the province, the other Studious to Obviate & Baffle such designe, wold more Sensibly comemorate y^e reasonableness of our Motives for such our Joy: and the Natural & necessary inducements wee had, to applaud and Congratulate o^r Common happiness; in Soe Seasonabl^e a Change then any expressions our tongues or Pens can pretend to be capable of. On which acco^{tt} wee Could not forbear to close with the first opp^rtunity to make you a Cordiall tender of our thanks having plenary assurance y^t dureing his Administration, Vertue will be cherished & encouraged merits Discriminated, and Vice Subdued, and Such prudent measures taken to promote the generall Welfare of the province in all respects as will prove effectuall in theire Application and that hee will neither abbet, encourage, or connive, at perversion of Judgm^t in the majesticty, or Suffer oppression to pass unpunished His Conduct & principles & his long experience of the Constitution of this Province, and of the peoples tempers & interest therein, has largely qualified him to answer that excellent performance & raised o^r expectations beyond the degrees of hopes even to the enjoyment of an assurance of it. And yett Such rude perversness has seized and Captivated that Class of people called Quakers y^t not one of that Rank wold set one foot forward to meet him upon the Road or Conduct him into Town (the notice was given long before of his Coming at a prefixt day) nor pay Soe much Regard to his person or quality as the

civillity of a visit at his Lodgings: the Other people both from the town and Countrey received him with unanimous demonstrations of Joy, & their hearty congratulations, & all the Instances of their regard & deference they were Capable to express. Wee shall not presume to enlarge further now then to wish yo^r health & prosperity & to request y^r Leave to Subscribe

May it Please y^r Hon^{rs}

Yo^r Hon^{rs} most faithfull and Obed^t Servants

In the Behalf of the Rest

JOHN TATHAM

THO: REVELL

JOHN JEWELL

EDWARD RANDOLPH

Instructions to Governor Basse, London 14th April, 1698.

[From Grants and Concessions, p. 220.]

Further Orders and Instructions to JEREMIAH BASSE, Esquire, Governor of the Province of EAST NEW JERSEY, in AMERICA, sent from LONDON, by the Committee of the Proprietors, there to be observed by the said Governor, VIZ.

IMPRIMIS, You are not to call a General Assembly of the said Province, until at least two Months be past, after the Receipt of these Orders and Instructions, but after the Expiration of the said Time, they meet with all convenient speed.

II.

Whereas *George Willocks*, our Fellow Proprietor, is appointed our Agent or Commissioner for selling our

Quit-Rents, and recovering and collecting the Arrears of the same as by his Article and Instructions more at large appears, to which we referr you. You are to give him all possible Assistance therein, and in every Thing else, wherein he is employed in the Proprietors concern, pursuant to their Agreement with and Instructions to him.

III.

That after the sale of at least, one half of the Value of the Quit-Rents, then at the General Assembly's desire you consent to a Law, for securing the Tittle to all Purchasers of Quit-Rents, against all such Proprietors, or Sharers in Proprieties, as have not, or shall not have signed the Commission or Articles and Instructions to *George Willocks*. As also the said Law do make Provision for securing the Purchase Money, to such Persons according to their respective Interest and Shares each one has in Proprieties.

IV.

You are to use your endeavour to oblige the General Assembly to raise a grateful Sum of Money, to be remitted to *London*, toward some ease of the great Charge these Proprietors have paid, and the great trouble and expense of Time, which they have been at in struggling many Years for the Freedom of the Port of *Perth-Amboy*, for Navigation and Trade, which is now obtained at last, Free from the Encroachments and Pretensions of any Neighbouring Colony, the Benefits and Advantages whereof will chiefly redound to the Inhabitants of the said Province.

V.

You are also to endeavour to get a law passed by the Representatives of the General Assembly for establishing a good lasting Fund, for Support of the Charge of the Government.

VI.

That upon the Peoples Purchasing at least one half of the Value of the Quit-Rents, and the Purchasers paying all their Arrears in ready Money, as also upon the establishment of a sufficient Fund for the Support of the Government, to be done by the Representatives of the People of the said Province in a General Assembly; You then consent to a Law (at their desire) to grant them the Privileges following, (*viz*) That annually on a certain Day, a General Assembly shall be called by you to meet and sit at the principal Town of *Perth Amboy*, in the said Province, and that the said Representatives have Liberty to Name double the number of Persons to serve as Justices of the Peace necessary for each County, and shall present their Names in Writing to you the Governor, out of which you are to chuse half the said Number, which shall be Commissionated by you to serve as Justices of the Peace, in the respective Counties of the said Province: And the like priveleges of Naming double the Number of Coroners and Captains, and other inferior Officers of the Militia, for Military Service in the Province, you the Governor to chuse one half out of them, and grant them Commissions accordingly: Which Justices of the Peace, Coroners and Military Officers so Commissionated by you, are to continue in their respective Offices at least for one Year, unless found Guilty of Maleversation in his or their respective Office, and may be continued for any longer time, without new Nomination, unless you the Governor shall require the Representatives in General Assembly as aforesaid to make a new Nomination; but it is to be understood, that all the Members of the Provincial Council, shall be first commissionated for Justices of the Peace from Time to Time within the said Province. Nevertheless if the Major-Part in Number of Persons, or Value of Quit-Rents, in any Town or County, refuse

to pay their Arrears, and Purchase their Quit-Rents, such Town or County shall have none of the said Priviledges granted them, but such Officers and Justices shall be appointed to be over them and commissioned as was formerly accustomed by you the Governor only. PROVIDED ALWAYS, that a Clause be inserted, if such law be passed for Priviledge to the Representatives for Nomination of double the Number of Officers, as abovementioned, that such Priviledges shall continue and be in force no longer time than the General Assembly do continue a sufficient Fund to Maintain and Support the Charge of the Government.

VII.

That you do not consent to a Law for imposing or ascertaining the Yearly, Quarterly, or any other Sallary, Tax, or Allowance for the Maintainance of any sort of Preachers or Ministers of whatsoever Perswasion they be of in Matters of Religion.

VIII.

That you do not consent unto any Law, that may lay any Tax or Imposition whatsoever, upon any of the uncultivated Land in the said Province.

IX.

That you endeavour to get an Act of Assembly passed for recording all Deeds, Grants, and Conveyances of Lands, Tenements, and Hereditaments, within the said Province in the Publick General Register in the Secretary's Office, for the better Security of Posterity, and the greater Satisfaction to all Purchasers, when all such Titles, as well those heretofore, as those that come after, shall appear upon publick Record.

X.

That you lay before the Assembly the great Advantage that will redound to the Trade of the Province in General, to cause the publick Road to pass through

the Port Town of *Perth Amboy*, from *New-York*, &c. to *West-Jersey*, and *Pennsylvania*, to which good end, that you endeavour to get an Act passed to lay a Tax on the Country, to bear the Charge of a Work tending so much to the publick Benefit of the Province.

XI.

That you consent to pass a Law or Act of Assembly that no Attorney or other Person be suffered to Practice or plead for Fee or Hire, in any Court of Judicature, in any Suit or Cause or Process in Law whatsoever, but such as are admitted to Practice by Licence of the Governor of the Province for the Time being.

XII.

That you cause all the laws already made in the Province to be effectually put in Execution, or that new Acts be pass'd to confirm or enforce the same.

XIII.

You are to cause Copies of all the Laws of the said Province, that shall be made hereafter, to be transmitted to the Committee of Proprietors in *London*, by the next Ships bound for *England*, from Time to Time.

XIV.

You are to cause these Instructions to be entered upon the publick Records of the Province.



A. Campbell. Thomas Hart. Thomas Fullerton. Thomas Barker. Walter Riddle, David Lyell. John Burnett, for my Father, Robert Burnett. Joseph Ormston. Walter Benthall. Thomas Gordon. William Bingley, for my self, and Anthony Sharpe. Thomas Cooper. Clement Plumstead, William Dockwra, Secretary and Register.

*From Governor Basse to Secretary Popple, announcing
his arrival in New Jersey.*

[From P. R. O. B. T. Proprieties, Vol. 2, B 13.]

L're from Mr. Basse, Gov^r of the Jerseys, to the
Sec^{ry}

Perth Amboy y^{ce}
April 1698.

S^r:

I cannot Omit giving you an Acco^{ts} that after a long and tedious voyage I at length arrived at New Yorke in Company of the Earle of Bellamont¹ and forthwith went over to the Jersies, and by the advice both of the Councill there & his Excellencye Published my Com[']ission from y^e Proprietors & y^e Kings Com[']ission for the takeing the Plantac[']on Oath, which I accordingly did haveing as preparatory thereunto before his Excellency, taken the Oaths Appointed in y^e Roome of the Oaths of Allegiance & Supremacie & Signed y^e test & Association²:—how I was Received by the People you will perceive by the inclosed letter to the Proprietors by the Councill of the Province, since my arrival nothing of moment hath happened but that on y^e 9th of Aprill, a Pyrate, came into Sandy Hooke landed Some men & killed Sev^rall Hoggs; some of the men being met with by the Count[']y inhabitants informed them that they belonged to Road Island, & that foure or five of the Red-Sea Pyrates, were, or wold bee soon on this Coast—I imediately sent advice of it to the Earle of Bellamont but the Sloop hearing

¹On April 2d. See following letter.—Ed.

²See Proceedings of Governor of Council, April 7th, 1698.—Ed.

of the alteration of the Government: both at New Yorke, and in this Province, putt away to Sea, I co^d most hartily wish that Some methods might bee fallen upon to Suppress these Sea Woalves, and Secure our East India trade, Another thing prejudiciall to his Ma^{tie} that I have observed is the illegal tradeing to Corasee, & Madagascor w^{ch} his Excell^y I p^rceive takes all due Methods to Discourage: I am of the Opinion that a Small Fortification placed at Sandy Hooke, with tenn or twelve men, one of w^{ch} ought as a Weighter to bee put on board every vessell bound up y^e Bay, & Sent down p^r the next: wold doe better Service for this end, & the preventing Smugling then the more chargeable maintenance of a Man of Warr: I have comuni- cated this to Esq^r Randolph the Surveyor Gen^l who Seems much to approve of it, I must also begg leave to remind you y^t in Order to end the various Controversies between ye Provinces about the imposeing of Rates & duties on goods exported & imported: it might not be amiss to bring all to an equall Levell by an Act of Parliam^t & I have just cause to believe no other means can prove effectual, the Severall Assemblies being very hardly brought to such a Compliance, & it being the only Method to reduce the trade of the severall Provinces to a greater degree of Eqallity S^r I cannot but hope y^t you will excuse what is amiss & if in anything I may bee capable of Serving his Ma^{tie} that you will be pleas'd not to be unmindfull of

S^r Yo^r most Hum^{bl} Serv^{tt}

J BASSE.

Earl of Bellomont to the Lords of Trade.

[From New York Col. Docts., Vol IV., p. 305.]

To the Right Honourable the Lords of the
Council of Trade.

MY LORDS

In my letter of the eighth of January last I gave your Lordships an account of my arrival at Barbadoes.

On the ninth of March I left that Island and on the second of April I landed at the City of New York, and entered on the Govern^t * * * * *

I presume your Lords^{pp^s} will likewise thinke it worth your serious consideration that the Govern^t of the Jerseys have obtained leave to make two Ports for trade in their Govern^t, which will be a destruction to the Trade of the City and province of New York, who have established laws, for Customs by which a considerable revenue is raised to support the Govern^t but if the said ports of the Jersies are permitted to lade and unlade ships free from such impositions, all Merchants will resort thither, being but twenty miles distance, which will be the ruine of this the King's Govern^t which is the Bulwark, defence, and support of His Maj^{ties} neighboring provinces, and the laws of this province that exacts customes & imports of goods do expire this next year, and I fear it will be difficult if not impossible to get them revived, or that the people will be willing to lay that Clog on their trade which the Jersies will be freed from, so that a revenue which well managed may advance six thousand pounds or £7000 p^r annum will fall and nothing be left to support the Government.

I would not permit proclamations to be printed in this City establishing Perth Amboy and Burlington to be free ports: until I made your Lordships acquainted with this matter, and received His Maj^{ties} further

pleasure about it: I am assured that the Assembly of this province at their meeting will fully represent this matter to your Lordships, to be laid before his Maj^{ty} with all the fatal inconveniences that attend it¹

* * * * *

My Lords

Your Lordships most humble &
faithful servant

New York May 8th 1698.

BELLOMONT.

Commitment of Lewis Morris² for Contempt of Court.

[From the Original among the manuscripts of the New Jersey Historical Society.]

Att the Court of Com'on Right held at Perth Amboy y^e 11th day of May 1698. The Court orders That Lewis Morriss Esq^r for denying y^e Authoritie of this Court, And other his contempts, shall be fined fifty pounds, and be committed to prison till paid.³ By order of y^e Court

EDWARD SLATER Clerke.

To y^e Sheriff of y^e County of Middx. A. True Copy.

JOSEPH ROLPH, Shriffe

¹ A similar paragraph in Letter to the Lords of the Treasury under date of May 25th 1698. N. Y. Col. Docs., Vol. IV. p 318.—Ed.

² LEWIS MORRIS, whose name for so long a time is found connected more or less intimately with every important event affecting the government of the Province of New Jersey, was born in 1671 at Morrisania in New York. His first entrance into public life was in 1692, when only twenty-one years of age, being appointed one of Governor Hamilton's Council and a Judge of the Court of Common Right. He soon exercised great influence in public affairs, his legal attainments and great sagacity particularly qualifying him to become a wise counsellor to those in authority, until he became, himself, the Governor. Jeremiah Basse arriving to assume the government of the province in 1698 with the concurrence of only ten Proprietaries, instead of sixteen, Mr. Morris ranged himself with the opposition, and in consequence he was arrested and imprisoned by virtue of the instrument given in the text. Future references to him in these volumes will throw light upon his career, and see "Papers of Lewis Morris, Governor of the Province of New Jersey from 1738 to 1746," forming Vol. 4 of the Collections of the New Jersey Historical Society.—Ed.

³ Several documents, referring to this and other instances of difficulties between Lewis Morris and the Courts and Governor, will be found in connection with a memorial from William Dockwra to the Lords of Trade, under date of October 31st, 1709.—Ed.

Proclamation of the Earl of Bellomont, against the establishment of Ports in New Jersey.

[From P. R. O. B. T. New York, Vol. 4, C. 17.]

Proclamation by the Earle of Bellomont for maintaining y^e Port of New York in its privileges against the Jarzies:

BY HIS EXCELLENCY

Richard Earl of Bellomont, Captain General and Governour in Chief of His Majesties Province of New York, and Territories depending thereon in America, and Vice Admiral of the same, &c.

A PROCLAMATION.

Whereas the Proprietors of East-New-Jersey have been very pressing with the Right Honourable, the Lords Commissioners for Trade and Plantations, to have the Priviledge of a Port at Perth-Amboy within the said Collony of New-Jarsey, asseraining that they have a Right thereunto by virtue of a Grant they obtained from the late King James, dated the 14th of March 1682, though in reality he was then only Duke of York, and derived his Title thereunto from a preceeding Grant from his Royal Brother King Charles the Second; and have thereupon complained, that their Rights and Properties have been invaded by the Government of New York, in compelling their Ships to go up to New-York and denying of them the benefit of a Port at Perth-Amboy. Which Complaint having been taken into the Consideration of the said Right Honourable, the Lords Commissioners for Trade and Plantations, who, with the Advice of his Majesties Attorney and Sollicitor General, gave unto His Majesty their humble Opinion, That by an Act of

Parliament made in the 25th year of King Charles the second, Cap. 7, entituled, An Act for the better securing the Plantation Trade, That all ports are to be appointed in the Plantations by the Commissioners of the Customs of England, by and under the Authority and Direction of the Lord Treasurer, or Commissioners of the Treasury in the respective Plantations, for the collecting such Customs as are due to his Majesty in these Plantations. And that the aforesaid Power of appointing Ports, granted to the Commissioners of the Customs by the said Act, was not granted to the Duke of York by the said Letters Patents; and also the said Duke of York's Grant to the Lord Berkley and Sir George Carteret could not convey any such power, because he had no such power granted to him by the Crown. Whereupon it appeareth evident, That the said Proprietors have no manner of Right or Power to constitute ports either in East or West New Jarsey, from the late King Charles the second, the then Duke of York, or any other person deriving Authority from either of them, but that a Power of constituting such ports in any of his Majesties Plantations, is vested by Act of Parliament in the Commissioners of His Majesties Customs, under the Directions of the Lords Commissioners of his Majesty's Treasury.

And the said Right Honourable, the Lords Commissioners of Trade and Plantations were further humbly of Opinion, That all priviledges should, as much as possible, be preserved unto the Province of New-York. Which his Majesty was most graciously pleased to Approve; and thereupon was pleased to dismiss the said Petition of the Proprietors of East New-Jarsey and to order, That there be not any Innovation within the River of New York, nor any Goods to pass up the same, but what shall have paid the Duties at New-York, to the end the benefit of that Trade may be preserved to the Inhabitants and Traders of New York

and Albany, the same being agreeable to the Laws of his Majesties said Province, and to former Practice, as well as necessary for the collecting of those Customs and other Duties which are to be raised for the support of his Majesties Government in his said Province.

And whereas I am Informed, That notwithstanding of the Declaration of His Majesties Royal Will and pleasure in the premises, the proprietors and other the Inhabitants of the said East New-Jersey, do contrary thereunto, endeavour to settle and establish a port at Perth-Amboy, to the great Obstruction and Decay of the Trade and Revenue of this His Majesties Province. I have therefore thought fit, by and with the Advice and Consent of His Majesties Council, strictly to charge and command His Majesties Collector and Receiver General of this His Majesties province of New York, and all Custom-House-Officers under him, and all other person and persons whom these presents may or can concern, that all and every of them in their respective places and Circumstances, do take effectual care that no Ship or Vessel be suffered or permitted to go unto Perth-Amboy, or unto any other Port or place within the said East-New-Jersey with any Goods or Merchandize whereon any Duties or Customs do arise by virtue of the Laws of England and this province, without their first coming and entring the same in his Majesties Custom-House at New York, and paying there the aforesaid Duties established by the Laws, as aforesaid. And if any Ship or Vessel shall, contrary hereunto, go into any port or Harbour in the said New-Jersey, then his Majesties Collector and Receiver General, or any Officer appointed by him, shall seize and stop the same until discharged by due course of Law. And all Persons are hereby strictly Charged and Commanded to take Notice hereof accordingly, as they will answer the contrary at their Peril.

Given at Fort William Henry the Twenty Fourth Day of May, 1698, and in the Tenth Year of the Reign of Our Sovereign Lord, WILLIAM the Third, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c.

BELLOMONT.

GOD SAVE THE KING.

[Endorsed] Transmitted by y^e Earle in his Lett^r dated 25th May 1698.

*Earl of Bellomont to the Lords of the Treasury,
Enclosing the Foregoing Proclamation.*

[From New York Col. Docts., Vol. IV., p. 318.]

To the Right Hon^{ble} the Lords of His Maj^{ty}s
Treasury :

My Lords [Extract]

* * * * * I have refused to permit Proclamations to be printed in this City by the Gov^r of the Jerseys publishing that Perth Amboy and Burlington are free ports, because I find that the laws of this Province do raise a considerable Revenue for the support of this Govern^t from Customes on Goods, which the ports in the Jerseys will be free from, and the port of Amboy being but twenty mile from this; The Merchants will all transport themselves thither, and carry away all the trade to the destruction of this Govern^t I thought this affair of so great consequence, that I have likewise given this account thereof to the Lords of the Councill of Trade, that I may have His Maj^{ty}s pleasure therein for my direction. * * * *

BELLOMONT.

New York May 25th 1698 .

Earl of Bellomont to the Lords of Trade.

[From New York Col. Docts., Vol. IV, p 314.]

To the Right Hon^{ble} the Lords Commiss^{rs} of Council of Trade and Plantations.

My Lords [Extract]

* * * * * Your Lord^{ps} representation of the 27th Oct^r 1697 and His Maj^{ty}s order in Council thereon, relating to the Port of New York, I immediately communicated to the Council and have accordingly published a Proclamation (which I herewith send) declaring His Maj^{ty}s pleasure in maintenance of the Priviledges of this port against the pretended right of Perth Amboy in East Jersey, which has given great satisfaction here, for, upon a report that the proprietors of the Jersies has obtained His Maj^{ty}s consent, that Perth Amboy in East Jersey and Burlington in West Jersey, should be declared ports, several of the Merchants of this Town were going to remove to Perth Amboy, where they proposed to themselves, the advantage of importing all sorts of merchandise free from duty; of this their resolution I writ Your Lord^{ps} an account in my letter of the 18th inst: before the receipt of your last letters. * * * * *

My Lords Your Lordships most faithful humble servant

New York 25 May 1698

BELMONT

*Deposition of John Elston, one of Every's Crew,
taken before the Governor of the Jerseys.*

[From P. R. O. B. T., New York, No. 4, D. 4.]

John Elston's Affidavit May 27th 1698. Referred to in the Earle of Bellom^{ts} lett^r of ye^e 1st of July, 1698.

PERTH AMBOY, May 27th 1698

John Elston aged about 20 yeares Declares that about the yeare 1692 being in London shiped himself with the Lieutenant of Capt Gibson (Averry being then Cheife Mate) they proceeded on the Voyage to the Groyne where (upon some Disorders amongst the Seamen for want of their pay) they Runn away with the said ship turning said Capt Gibson into a Pinnace after they were under saile with others of the said Capt Gibsons officers. This said Elston being then asleep knew nothing of said Action, till Coming upon Decke found the Ship under Saile, and then supposed said ship was Going for England Capt Gibson being sick they tooke him out of the Cabbin, and as above sent him ashore. Saies that the first Land they made was the Cape de Verd Islands stopping at one of them Called the Isle of May, that there was 3 shippes there supposed Bound for Barbados ffrom thence proceeded to the Coast of Guinea touching at the Gold Coast and severall other places, which he does not Remember; that Dureing the time of their being on the Coast they tooke two shippes Danes and Swedes Laden with Goods for the Guinea trade takeing as many men out of them as were willing to saile with them turning the Rest on shore on the Island of Belonging to the Portuguese and turning the shippes a Drift, that in the Acc'on they had a Dispute with

said shippes for about halfe an hour looseing one man namely Thomas they Creaned their ship on the Coast at the Island of . . . from thence they went for the Cape of Good hope but stopped not there but at the Island Madagascar arriving at the Port of . . in said Island where they tooke in provisions and water, ffrom thence, we went for the Islands of Johanna and Comaro where they went on shore and traded with the Indians who Informed them that there was theire [three?] ships on the other side of said Island two of which appeared in sight and both came within the space of two Gunns shott which made us to sigh and Run from thence we Directed our Course for the Bight Stopping a very little space at a Portuguese Island, not Goeing ashore nor within a Gunns shott yett the ffort fired one or two Gunns towards us, from thence to the aforesaid Islands of Johanna and Comero to heare what newes the aforesaid ships had Brought and where we had left one of ships Comp^a (sicke of the Dry Belly Ake) from thence we sayled for the Cape that makes the Gulph of Arabia on the Redd Sea where we Gott in fresh provisions as Goates &c^a the Inhabitants being very Civill to us that about two dayes afterwards sayleing along shore, we came to an Arabian Mosque, to which our Company blew [drew?] up, from thence to the Entrance of the Redd Sea, where we came to an Anchor waiting for ships and Juncks Comeing from Mova, that we lay there about a fortnight or 3 weeks without takeing any purchase. That in the time of our soe lying and Continuing amongst said Islands, we sent our Pinnace up to Mova, and at her Returne they brought us word that the fleet was Ready to saile as I heard, for the next night after the ffleet sayled and passed us undiscovered. The Day following we saw a small vessel or Junck without of the Port of Mova which Caused us to weigh Anchor and Chased her about an hour then tooke her with our

Pinnacle, That at this time there was added to our Company 4 or 5 sayle more we tooke the Master of said small Vessel and some of his men and examined them, whether the ffilet was sayled or not. Their Answer was that they sayled the night before, we tooke nothing out of her but some Locus and provisions and such Greene Trade keeping the Master of the Vessell on Board for a Pilott, and his Vessell following us. We made the best of our way after the aforesaid ffilet as Did the Rest of our Consorts, but there was but one of them that Could Keep us Company. When we came into the Bay of Bengall, and finding that we had out Run the ffilet, We hawled up all our sayles and lay by. A Little before Day a ship Came by us within about a Pistoll shott after which we made sayle and after Day fired at her, whome we tooke being a ship of about six hundred Tunns a slight ship haveing only their Money on board the Quantity Reputed to be about (or more then) Twenty thousand pounds Wee kept her in Company about 24 hours takeing out what we thought proper for our own use, and then lett her Goe. We proceeded further in to the Bay. Capt: . . . Wake Master of a small Barke of about 80 Tunns with 8 or 10 Gunns supposed one that came from New Yorke within said Bay, we Discovered their sayle supposing them to be Dutchmen of Warr we stood away from them firing a Gun to Leeward letting them know that we were freinds. Standing out of the Bay aforesaid wee mett with another Ship which we fought about an hour and a halfe, she being about sixteen hundred Tunns forty or fifty Gunns mounted and others in hold. That we had then in Company the aforesaid Capt: Wake, and Capt Tew's Sloop Burthen about 70 Tunns 6 or 8 Gunns who Both Assisted us in the Engagement, on our part we had one or two men wounded we Entred her and kept her about twenty-four hours That we

Esteemed her worth about two hundred thousand pounds the said John Elston was not aboard of the ship, but as he heard there was some women on board of her: The next place we went to was further on the Coast of India where we bought fresh provision Rack &c^a and from thence touched at a ffrench Island neare Madagascar where we took in more fresh provisions from thence we Directed our Course to the West Indies touching at some other Islands but tooke no other purchase, at last Arrived at providence one of the Bahama Islands where the Governo^r gave us leave to Come in for which we gave him a Considerable sume of money, but what Quantity Cannot say. That the ship was Delivered to the Governo^r to take Care of her to the use of the owners, but before they came away she Drove ashore and was lost. Capt: Every with about 16 of his men bought a Sloop, and as he believed went for England the Rest of the men Dispersed themselves as they thought fitt. The persons that Came with the aforesaid John Elston as he Remembers namely John Baker, Edward Lacy, William Merrick, the Boatswaine Doctor and some others who went a shore at ffishers Island. That the persons above menc'oned were Assisting and Acting at the takeing of both the shippes in the Bay aforesaid of Bengall That the aforesaid William at the Groyne belonged to the Ship Dove and Came on Board the ship Charles alias ffrancis with Severall others from other ships there and Came with us to the Island of Providence and from thence by way of ffishers Island to East Jersey.

Jurat Coram nobis

JERE: BASSE

JN^o: BISHOP

JOHN ELSTON

a True Copy
BELLOMONT.

*Proclamation of Governor Basse, establishing Perth
Amboy as a Port.*

[From P. R. O. B. T., New York Vol. IV., C 51.]

Gov^r Bass, his Proclamation ab^t y^e Ports of y^e
Jerseys.

BY THE GOVERNOUR OF EAST NEW JERSEY &C.
A PROCLAMATION.

WHEREAS by an Act of Parliament made In the 25th yeare of King Charles 2^d The Power of Establishing Ports In All his Majesties Collonies and Plantations are Invested In the Comissioners of the Customes of England, under the directione and Authoritie of the Lord Treasurer or the Comissioners of the Treasurie for the time being, *And whereas* the sayd Comissioners under the directione and Authoritie Afores^d pursuant to those Powers, *Have* constituted & Appoynted PERTH AMBOY In East New Jersey to bee *A Port & Have* Accordingly Comissionated officers & delivered them Instructiones and necessarie orders for the securing and receiveing his Majesties Dueties & customes upon All Merchandies Imported and Exported to & from the s^d Port, and to Act & do whatsoever besides doeth Appertaine to their respective officers & trusts, *And* the Governour being charged, both by Oath & for the tender whereof A Dedimus Potestatem was sent under the great Seale of England. *And* a particular precept signed by his Majestie under the Privie Seale, And by Large orders & Instructiones from the Lord's Justices to the Governour of the s^d Province for the time being, which is subscribed by the Lords Comissiones of the Treasurie to take effectual care, that All matters & things Relateing to the Acts of Trade &

Navigation bee duely observed & Effectually executed & to cause Due prosecution of such persones as shall any wayes hinder or Resist any of the s^d officers of the Customes. In the performance of their Duetie. And the s^d Port of *Perth Amboy* being further named & declared by the s^d Comissioners of the Customes to bee an Appoynted & Priviledged Port In A particular Letter of Instrucones from the Comissioners Afores^d directed to Edward Randolph Esq^r Surveyor Generall of his Majesties Customes In America Requiring him to oblidge All Merchants Masters of Ships & others to Loade & unloade at the Appoynted & priviledged Port of *Perth Amboy* In the s^d Province & that there may bee no pretence of goeing Elsewhere, that the officers do Attend their Respective Ports for the dispatch of *All* business &c:

I DO THEREFORE with the Advice & consent of the Councill of s^d Province (answerable to the trust reposed In mee) declare to make knowen that by the Authorities afores^d *Perth Amboy* In East New Jersey is A Port duely Established & Appoynted whereto All persones lawfully tradeing cannot fayle of protection by the Authorities of the Act of Parliment & other Powers before Recited, The sayd Act Certifieing by whome & by what methods Ports are to be constituted Given under my hand and the Seale of the s^d Province At *Perth Amboy* this thirtieth day of May Anno Dom: 1698. In the tenth yeare of the Raigne of our Sovereigne Lord William the third over England &c:

KING.

Correspondence between Governor Basse and the Earl of Bellomont, relative to the delivery of two privates to the latter.

[From P. R. O. B. T., New York, Vol. 4, D 3.]

L're from M^r. Bass Gov^r of y^e Jerseys to ye E. of Bellomont ab^t two of Every's Crew, wth the E of Bellomont's answer.

PERTH AMBOY, y^e 17th June 1698.

My Lord,

I noe sooner received the Precept Signed by m^r Tudor for the delivery of the two prisoners for pyracie and Dep^dation super altum mare but I Imediately Convened the Councill of the Provence, it being the first writt of this kind that ever came into this Province. I found them unanimous in their opinion that p^rcepts from the Admiralty board on Admiralty affairs ought to be obeyed, but withall they Judged it highly Reasonable that the Com'on, [?] should be recorded in this province to which they give obedience they otherwise Acting by an Implicite faith, Your Lordships Commission of Vice Admirall Superceding the p^rtentions the Proprietors had to that Right (they are Informed by . . . of the like Usage in other cases) ought to bee published in every provence where it takes place together with those other Comm'ons by which y^e Court is held, These my Lord were the Reasons that Induced me to stop a p^rcept ready drawne to the Sherriff for the Delivery of the prisoners to your Marsh^l not thinking it Safe to act by my own opinion & knowledge of your L^dship^s Authority Contrary to the Generall adjudgment of my Councill untill I receive farther Orders together with a publication of your L^dships and the Judge Admirall Commissions, which I could wish were in as litle time as possible the Expence of the Country

in Securing them being Still uneasy, & our Goale being not soe secure as that in your City of New York I hope y^r Lordship will excuse what is amiss, and believe me to be—

Your Ldships very hum^{ble} Serv^t

JER: BASSE.

[Earl of Bellomont in answer to the foregoing.]

SR.

I have Communicated yours of the 17th of Instant to the Gentlemen of the Coucill of this Province who Joyne with me in opinion that your disobeying the p^rcept of his Majesty's Court of Admiralty of New York is a high Contempt of his Majesties Authority, & that your Councils opinion Cannot Justify you in it, who acknowledge in your letter to be fully aprized of the said authority which you acknowledged to Coll. Smith Judge of the Admiralty who offered you further satisfaction if you desired it, at your last being at New York to which you replied you were full Satisfyed, and would give obedience to the p^rcepts when offered to you.

The Jerseys being subjected by his Majestie to the Court of Admiralty of New York and the powers & the Authorities of s^d Court being upon record there Access may be had to the s^d Records by any that please which is a Sufficient publication to the Jersies and will take away all Excuse for the disobedience to its authority the records of a Court being always kept where it is held, Therefore by advice and Consent of the Council I doe hereby require you to give all due obedience to such precepts as shall Issue out of the said Court of Admiralty of New York as you will answer the Contrary at your Perill which I accordingly hereby Signifye to you.

Your humble Servant,

New York June 18th 1698.

BELLOMONT.

*Reasons of the Attorney General of New York, why
Perth Amboy should not be a Free Port.*

[From N. Y. Col. Doc'ts., Vol. IV., p 382.]

To His Excellency the Right Honourable the Earl
of Bellomont.

May it Please your Lordship.

In the yeare 1664 King Charles grants to the Duke of York all the lands betwixt Connecticut and Delaware River. In the same yeare the Duke of York grants all the lands betwixt Hudson's River and Delaware River to S^r George Carteret and John Lord Barclay.

Sir George Carteret appoints in the year 1665 [Philip] Carteret, his Governour to settle East New Jersey part of the said grant.

In the year 1672 the Dutch take this Province and the East and West Jerseys. In the year 1774 S^r Edmund Andros by articles of peace receives this province from the Dutch with orders to deliver unto his Royall Highness the Duke of Yorke who had a new grant for the same from King Charles the Second.

The Duke of York gives a new grant to Sir George Carteret for East New Jersey in the said year 1674, another to John Lord Barclay.

Sir Edmund Andros confirms all things done by the Dutch: New Yorke made a free port: Sir Edm^d Andros confirms the duties laid by the Dutch upon trade, takes of in the year 1675 the Burgers pack or Excise at New York, but exacts the other duties. In 1676 Colonel Carteret pretends to clear a sloop at [for?] Carolina, was obstructed by S^r Edmund Andros.

In the year 1678 put a duty of twenty shillings p^r. hogshead upon rumm.

In the year 1679, Governour Carteret declares that all vessèls that will come and trade to East New Jersey shall be free.

One M^r Hooper orders a Ketch from Barbadoes to goe thither upon that proclamation: the Ketch was brought up to New Yorke and made to enter here & pay the dutys before she could carry her rumm to New Jersey. In the same year S^r Edmund Andros seized upon the Governour and Government, calls an Assembly there, comes to no conclusion. In the year 1681 the executors of S^r George Carteret sell East Jersey the purchasers send over Thomas Rudyard, Samuell Groom to be Governours, they erect a town at Amboy, pretend to great priviledges, make some settlements there, but brings noe shipping further than Staten Island, where they were permitted to convey household goods.

In the time of Colonel Dongan a ship goes to Amboy without reporting at New York, was afterwards brought hither and permitted to load from this port. Complaint was made home thereupon and the King ordered they might have a port at Amboy upon condition that his collector at New York should appoint and take security that all ships that should come and load or unload at Amboy should pay the duties arising to His Majesty in New York; upon which terms they accepted a Collector, and was accordingly sworn to execute that office. And in this state continued untill the time of the happy Revolution. Since which time there hath been noe pretensions unto a freedome of a port until now.

Reasons humbly offered why Amboy ought not to be a free Port:

Imprimis the Province of New York hath a revenue established upon the trade to and from the Province by which his Majesty is enabled to defray the charge of his government, which cannot be duely paid if

Amboy be admitted a free port, because the scituation of Amboy is nearest to Sandy Hook where ships enter from the sea and if they can goe twelve miles to a Port and be free from all duties, they will never come twenty-four miles to pay considerable duties, so that the revenue will certainly fall.

If it should be permitted to be a free Port albeit they have officers appointed by the Custom house, yet they are not able to avoid the abuses that will be committed against the Act of Trade, because the inhabitants of that Province will always prefer their private gaine to the generall good of the Nation of England, and there being no force of government to suppress such unlawfull dealing, it will become (by being a free Port) a nursery to all the unlawfull trade of America: because at New-York who hath a strong garrison and Ships of War to attend, yet it is with great difficulty that the said unlawfull trade is suppressed, and if not by your Lordships strict diligence, would fall into great disorder and confusion.

It is also against the policy of England; for Hudson's River is the same with the River of Thames; for altho' there is not so great a breadth between the East and West side of Hudson River as there is between the mouth of the River of Thames, yet there is no other Port appointed in the said River butt the Citty of London, and from the same reason the greatest distance between Amboy and Yorke not exceeding thirty miles, all the inhabitants of New Jersey cannot exceed by a moderate computation twelve thousand [hundred] families, who lay upon themselves a considerable burthen for the supporting the King's government, and therefore more reasonable that New York should be the port, as London is to the River of Thames, then that Amboy should be a port, and not only destroy so great a revenue to the King, but also force the inhabitants of this Province, who depend upon trade to

repare where they may live more easy and by that means weaken the strength of so usefull a Province to his Majesty. And by maintaining the port of New Yorke there can be no greater violence done to the subject then there is in the river of Thames, but being found more for the King and Nation's service that London should be the port then any other place in the River of Thames (tho there be many convenient places for ports on both sides the river) yet it would be in prejudice of the improvements of London; and soe debarred. And by the same motive the lesser ought to yield to the greater, being in like manner the more for the King's service and interest that 200 yield to 5000, and four or five saile of vessells come to Yorke and pay duties then that the navigation of 100 sail that come to New York should goe to Amboy & loose not only the trade of the Province but the revenue that depends thereon. Many more arguments can be offered but this in the meantime for your Lordships present information is humbly submitted by

May it please your Lordship
Your Lordships most obedient
and most faithfull servant

JA: GRAHAM

New Yorke

June the 30th 1698

Earl of Bellomont to the Lords of Trade.

[From New York Col. Docts., Vol. IV, p. 332.]

'To the Right Hon^{ble} the Lords Commissioners for
Trade.

MY LORDS.

In my last of the 25th of May I gave your Lordships an account of my receipt of His Maj^{ty's} orders in rela-

tion to the Port of New Yorke and the Jerseys and send your Lord^{ps} the Proclam^{tn} I published thereon; but I finde since my proclamation Coll: Bass published a Counter proclam^{tn} in the Jersey's which I now send you; he likewise hath wrot several letters to me on that subject, much disputing my orders and ascerting the right of the Port of Perth Amboy; but he hath since been with me and seen the Kings orders, and I thought he was so well satisfied that there would be no dispute but that the Jerseys should submit to the Court of Admiralty of New Yorke: and soon after a ship was seized there by Mr. Randolph and tryed in the Court of Admiralty here, but sometime since two Pirates of Every^rs crew being seized in the Jerseys a precept issued out of the Court of Admiralty here to demand them and to bring them prisoners thither. On this Coll: Bass called his Council and they were unanimous not to deliver, until the Commission for the Court of Admiralty was published and recorded in the Jerseys as appears by Coll: Bass his letter now sent of the 17 June last. On the receipt of this I call His Maj^{ty}s Council, and by their advice sent a command to Coll: Bass (which I now likewise sent you) with which Coll: Bass being startled, he ventured without the consent of his Council to send me the two prisoners supposed to be Every^rs crew. I herewith send their examinations taken before Coll: Bass. I can find no evidence here against them, so that they would be cleared on a tryall here, and I have no instructions to send them for England so that I must admitt them to bail. One of them is not now above nineteen years old, his name is John Alston, was about 12 or 13 years old and was a boy in the ship when Every run away with her, and as he said forced him away too for a cabin boy, that he had no share with the rest, but a small part which they voluntarily gave them, that he acted no ill thing with his owne hand, and could not avoid being in the ship,

being forced away: his account appeared to me probable, and inclines me to represent this circumstance to your Lord^{sh} that if you think fitt he may be represented as an object of His Maj^{ty}'s mercy, he is not named in the Proclamation. * * * * *

My Lords—I am with respect—Your Lord^{sh}
most humble and faithful servant

BELLOMONT.

New York July the 1st 1698.

Earl of Bellomont to the Lords of the Admiralty.

[From N. Y. Col. Docts., Vol. 4, p 359.]

To the Right Hon^{ble} the Lords of the Admiralty.

(Extract.)

MY LORDS

* * P. S. I had omitted to acquaint your Lord^{sh} that a precept issued out of the Court of Admiralty of New Yorke, to take two supposed Pirates out of the custody of the Gov^r of Jerseys, but he by advice of the Council (as he said) did not obey it on pretence that my commission of Vice Admirall (which as yet I have not) was not published and recorded in the Jerseys, nor the other Commissions of that Court. But I sent him a commanding letter, which he obeyed, and sent the Prisoners, as your Lord^{sh} will perceive by the letters which shall be laid before your Lord^{sh} by the Agent.
[New York July 6th 1698]

Minutes of the Council of New York, relating to the clearance of a vessel from New York to Perth Amboy.

[From P. R. O. B. T., N. Y., Vol 4, D 31.]

Minute of the Council of N: Yorke of y^e 23rd July 1698 ab^t a Port at Perth Amboy.

At a Council at New Yorke the 23th July 1698.

Pr^sent. Capt: JOHN NASSAU Lieu^t Governo^r
 STEP. CORTLANDT } Esq^r GABR MONVIELE }
 NICH: BAYARD } JOHN LAWRENCE } Esq^s

Coll^o Cortlandt Did inform the board that this Day the Governo^r of the Jerseys Accompanied Stephen Jerom Master of the Ship Dispatch and Demanded Clearings for Amboy, in order to Unload Goods without paying the Duty, and upon Argument Tendred to give Security in £1000 to abide by all at Westminster-hall, and to pay the Duty and Charges in Case they shall be Cast in his Maj[']ties Courts.

The Governo^r of the Jerseys and Mr. Willock were called in, and his Excellencies proclamation read to which the Governo^r of the Jerseys did answer that they Did not Claime their right to a Port from the Duke of Yorks Grant but from the Act of Parliament of the 25th King Charles the Second Chapter the Seventh. Amboy being Established a Port by the Comissioners of the Customes, under the Directions of the Lords of the Treasury, That My Lords Proclamation could not Oblige them to part with their Right whereof they were possessed, unlesse they Did understand, that it was Destroyed by the same power that Gave it, That it was unreasonable and Contrary to the Law of the Province of New York to levy money upon his Maj[']ties

Free Subjects of East Jersey, by virtue of the Acts of Assembly of this Province, while the Subjects of East Jersey had no person to Represent them in those Assemblies.

That the Master had Signed Bills of Loading to Deliver Goods at Amboy, and that the Commissioners of the Customs had signed to Cocketts of that Town.— That the Council of the Jerseys were Resolved to protect any Ships Coming thither and to Repell force by force, but to p^rvent force and violence they Doe tender to Give Security as Coll^o Cortlandt Did already Inform.

The Governo^r of the Jerseys Gave in Coppies of Mr. Cokers Comission to be Collector of the Jerseys; King Charles the second's Proclamation, King William's Letter to the proprietors of East Jersey, the Com^{rs} of the Customes Report upon the Proprietors petition, and the order of the Comissioners of the Customs to Mr. Randolph about a port at Perth Amboy. It is the opinion of the Council, that a Cobby of these Minutes, and other papers be sent up to his Excellency.

P order

DAVID JAMISON Ck Council.

Deposition of Ducie Hungerford, about the seizure of a Vessel at Perth Amboy.

[From P. R. O. B. T., New York, No. 4, D. 34.]

The Deposition of Ducie Hungerford Esq^r Coll^r of his Maj^{ty}s Customes Att New Yorke in America.

Who being duely sworn upon the holy Evangelists of God deposeth and saith that having intelligence of a Sloops entring and unloading severall goods and

Merchandise att Perth Amboy in East Jersey wthout first duely entring the same att his Maj^{ty}s Custome house in New Yorke, He this Deponent did on the 23^d July last repair to Amboy taking to his Assistance M^r John Parmyter in order to seize the s^d Sloop to the Kings use, according to Law and Severall Acts of Parliament, and Pursuant to Proclamation issued forth by his Excellency the Earl of Bellomont dated the 24th May last directing and commanding every officer of the Custome house in their respective places and dutys to stop, seise, or hinder any vessel wthsoever that contrary to said Proclamacon should go to Perth Amboy, there to break bulke and unload any goods and Merchandise whatever wthout due entry first made att his Majesties said Custome house in New Yorke of said vessell and Goods Att this Depon^{ts} arrivall att Amboy he found by search in the Coll^{rs} office there, that there had been entred and landed sundry goods and merchandise from on board the said sloop Viz^t a hh^d. Tyoll wine drinking gllasses &c. whereupon this Deponent endeavoured to gett on board the said vessell in order to seise her as aforesaid, But coming nearer found severall of the Inhabitants of Amboy had gotten on board of her amongst whom were M^r Cole and one M^r Leveridge and two men belonging to M^r Basse Captain Richard Wise and Mr. Joseph Heron, who wth Clubbs Oars, handspikes &c Stood on her Side to Keep this Deponent from coming on board the said vessell—And this Deponent further saith that on his approaching and coming near the said sloop the said Heron swore God dam him he would knock this Deponents brains out if he offered to come there or words to that purpose, and they all bid this Depo^t keep of att his Perill by w^{ch} means he this s^d Depon^t was hindred and prevented from doing his duty according to his office in seising the Vessell aforesaid And this Deponent further saith that some time after being on the shore in

Company wth M^r Parmyter the said Wise from on board called to this Deponent and asked, if he had a mind to come and sink by her side, and after many threatning words, The said Wise, Heron, and others to a great number came from on board the said Sloope up to this Depn^t in a violent and tumultuous manner wth clubbs oars &c and put this Depon^t in great danger and fear, whereupon he and Mr. Parmyter both went back as farr as safely they might, but the said numbers of people suddenly rushing on them they were att last forced to stand wth their swords in their hands to keep them off in their own defence but offered no assault or violence to any, and were at length constrain'd to deliver up their swords, and then was by the Constable of the place rudely seised on and violently hailed before a Justice of Peace by name Samuells Dennis, after he had kept this Depon^t in Custody about two hours wthout order, or warrant as he himself owned, and was after kept in Custody by the said Justice or by his order about two hours longer to whom this Depon^t shewed his Commis'ion, and told him by whose and what authority he came to seise the said sloope and that it was according to his duty and place, and pursuant to his Excellency's said Proclamac'on, but the said Justice Dennis denyed that his Excellency's said Proclamation had any force there, nor could they Take any notice of it But charged this Deponent wth comitting a Ryott tho in truth there was none save the said M^r Parmyter and this Deponent, nor did they offer any force or violence to any w^ever And this Depon^t further saith that he desiring the said Justice not to admitt the said Wise to give Evidence for that he was somewhat in drink, as plainly appeared to this Deponent, upon w^{ch} the said Wise loudly swore God dam him he would knock out this Depon^ts brains if he did not hold his Tongue, or words to that effect, and was then comeing towards this Deponent to strike him, but was hindred by some people Standing by.

And this Depon^t further saith that after he had been kept in Custody by both Constable and Justice from about six a clock in the Evening till about half an hour after tenn att night he was sett att liberty, and soon after returned to New Yorke not being able to make the intended seisure being violently hindred and prevented as aforesaid

DUCIE HUNGERFORD.

Jurat Coram nobis the 18th day
Septemb^r 1698.

BELLOMONT
JA: GRAHAM

Earl of Bellomont to the Lords of Trade.

[From New York Col. Docts., Vol. IV, p 380.]

To the Right Honourable the Lords Commissioners of the Council of Trade.

[Extract.]

MY LORDS

* * * * *

Your Lordships formerly sent me orders to maintain the priviledges of this port against Perth Amboy in East Jersey: upon which I issued a Proclamation signifying his Majesty's order in Council thereupon; and Colonel Basse, Governor of the Jerseys setting forth a counter proclamation, I sent for him and shewed him the Orders your Lordships had sent me, and that in the presence of the Attorney Generall; yet this man has since had the impudence and folly to deny that he ever saw my orders and pretends he will by force maintain the port of Perth Amboy. When I was at Albany he appeared before my Lieütenant Governor and the

Councill and controverted the right that place had to be a port and produced severall coppies of papers (but not one original) to prove that the Lords of the Treasury & Commissioners of the Customes allowed it a Port. My Lieutenant Governour's letter to me at Albany, and the minutes of Councill will inform your Lordships of this matter, they are (No 6) and with them are bound up coppies of all Colonel Basse's papers, which he produced before my Lieutenant Governor and Councill, as evidences of Perth Amboy being allowed a Port. I must not forget to acquaint your Lordships that when I shewed Colonel Basse the orders you sent me, he urging the validity of those papers, I now come from mentioning, and that the Act of Parliament of the 25th Car. the 2^d gave the sole power of constituting Ports to the Lords of the Treasury and under them to the Commissioners of the Customes; I told him if he could produce an authentick originall order from the Lords of the Treasury or the Commissioners of the Customes, erecting Perth Amboy into a Port, I would pay that defference to their orders as not to disturb any ships going in there, provided security were given that all goods landed there should afterwards pay the duty claimed by the port of New York in case upon my writing to the Ministers in England the matters should again be determined in favour of the port of New York: and I remember I argued with Colonel Basse the impossibility of the King's making such an order in Councill without the concurrence of some of the Lords of the Treasury, who as members of the Privy Councill would have sett his Majesty right if the matter had been wholly under the direction of their Lordships of the Treasury by that clause in the Act of Parliament. Besides I told him it could not be imagined that such eminent lawyers as my Lord Chancellour and Lord Chief Justice of England would sitt at Councill and not inform his Majesty that

such an order was against law, were it really soe. To shew what little respect Colonel Basse paid to the orders of the government I send your Lordships an affidavit made by M^r Hungerford who together with Colonel Cortlandt is appointed to execute the office of Collector and Receiver Generall in M^r Brookes his stead, which is bound up with the above said paper * *

I conclude with much respect, My Lords

Your Lordship's most humble
and obedient servant,

BELLOMONT

New York Sep^t 21st 1698.

Secretary Popple to Governor Basse, commending him for his zeal in suppressing Piracy.

[From P. R. O. B. T. Proprieties, Vol. 25, p 256.]

To JERIMIAH BASS Esq^r Gov^r of his Majesties province of East and West New Jersey in America.

S^r

I communicated the letter which you were pleased to write me, dated in Aprill last, to the Lords Commissioners of the Councill of Trade and Plantations: upon which their Lord^{ps} have comand^d me to Acquaint you, that your advices are very Acceptable to them, and to desire the continuance thereof, The Method which you say you have proposed to M^r Randolph for preventing Smuggling and illegal Trade, will I suppose come under the Consideration of the Commissioners of the Customes, to whose province it particularly belongs.

What you write about equalizing the Duties on Commodities in the Severall plantations by an Act of Parliament here is a Matter of great weight upon which I presume not to make any Judgement. But as I know that the Suppression of Pirats and the discouragement of them in the Plantations, either by preventing their fitting out from thence or apprehending and punishing those that return thither, is absolutely necessary not only in respect of England, but for all honest Men even in the plantations themselves, I cannot therefore but commend the Zeal you have many times expressed in that matter, and remain confident that you will omit nothing in your power that may contribute to so good a Work, whether it be by intelligence and advices hither or by the care full Execution of what is required from you in the place of your residence there I heartily wish you all manner of happiness in the Post where you are placed, And am &c

W. P.

Whitehall }
 Octob^r y^e 25th 1698. }

Secretary Popple to Mr. Lownds, Secretary of the Commissioners of the Treasury, inquiring whether any directions had been given by them relative to the Port of Perth Amboy.

[From P. R. O. B. T. Proprietors, Vol. 25. p. 262.]

To M^r Lownds.

S^r:

The Lords Com^{rs} of y^e Council of Trade and plantations having lately received Lett^{rs} from the E of Bello-mont wherein he writes that M^r Bass at p^rsent Gov^r of

East & West New Jersey, notwithstanding his Maj^{ty's} Ord^r in Council of the 25th Novemb^r 1697 (whereof I send you here enclosed a copy) had Controverted before the Council at New Yorke the Right of the proprietors of the Jersey's to have a Port at Perth Amboy, directly contrary to his Maj^{ty's} fores^d Order in Council and to all y^e Instructions that have been constantly given to the Gov^{rs} of New Yorke and pretended to maintain that Right by Force; Their Lordships being highly sensible of how pernicious consequence the allowance of the priviledge to y^e Jersey's would be to the Trade of his Maj^{ty's} prov^{ce} of N. Yorke & to his Maj^{ty's} Revenues there, have comand^d me to Desire you would please to inform y^m whether y^t matt^r have been before y^e R^t Hon^{ble} y^e Lords of ye Trea^{ry} & w^t directions their Lord^{ps} have been pleased to give about it I am &^c

W. P.

Whitehall }
Decemb^r the 14th 1698. }

Earl of Bellomont to the Lords of Trade.

[From New York Col. Docts., Vol. IV., p 438.]

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

[Extract.]

MY LORDS

* * * * *

Mr. Basse the Governour of the Jerseys in contempt of the orders your Lordships formerly sent me, loaded the ship Hester at Perth Amboy in East Jersey and was sending her on a voyage; on notice whereof I sent M^r Hungerford one of the present Collectors, and one

of my Lieutenants with forty soldiers and seized and brought the ship away. I have since offered to restore the ship provided Basse would have her cleared at this Port, but he refusing so to do we are going to have her tried. The whole proceeding about the said ship is contained in the papers herewith sent (No. 1) viz^t two minutes of Council and two letters, one whereof writ by Mr. Cozens, Clerk of the Council to Basse, by order of myself and Council, and Basse's answer to that letter. M^r Basse sent me word he had positive orders from the Proprietors not to yield upon no account to any orders I had received, and he threatens to try in Westminster Hall whether Perth Amboy be a port or no, and to sue me for damages for bringing away the ship Hester.¹ She is a leaky ship of about 120 tun and her loading is 28,000 barrel staves. Now that I speak of the Jerseys it will be proper to acquaint your Lordships that I have not yet complied with his Majesty's instruction which orders my regulating the Militia of the Jerseys, because there is no civill government there, for Basse having not the King's approbation, as the Act of Parliament of the seventh & eighth of the King obliges all governours of Plantations to have, the people do not own Basse's authority, and for fear they should call it more publickly in question, he dares not call an Assembly. Besides 'tis said he has been formerly in very mean circumstances in that country, and his carriage now is very foolish, which makes him contemptible to the people.

* * * * I am with respect My Lords

Your Lordships most humble

New Yorke and obedient Servant

December 14th 1698

BELMONT

¹ Governor Basse did, as he threatened he would do. The case was taken into Westminster Hall, and its thorough discussion resulted in the establishment of Perth Amboy as a free port, and a verdict was rendered in favor of Governor Basse, for several hundreds of pounds sterling. See East Jersey under the Propri. Govts., 2d Edition, pp. 205-207. Proceedings of N. J. Hist. Society, Vol. X, p 144.—Ed.

Secretary Popple to Secretary Sansom, transmitting sundry documents referring to the Controversy about the Ports of New Jersey, for the consideration of the Commissioners of the Customs.

[From P. R. O. B. T. Proprieties, Vol. 25, page 282.]

TO JOHN SANSOM, ESQ^r.

Sir:

The Lords Commissioners of the Council of Trade and plantations having been lately informed by the Earle of Bellomont from New York of some opposition made by M^r Bass Governor of the Jersy's, to his Majesties Order in Council of the Twenty fifth of Novemb^r 1697; relating to a Port at Perth Amboy; they have commanded me to send you the following papers for the information of the Commissioners of his Majesties Customs in that matter Viz.

(¹) [*] Copy of their Representation to the Lords Justices Dated the 27th October 1697.

[*] Copy of his Majesties order in council upon their said Representation dated the 25th Nov^r 97.

Copy of the Earl of Bellomonts proclamation in Pursuance of the forementioned Representation and Order Dated at N. Yorke the 4th of May 1698.

[*] Copy of M^r Bass's proclamation challenging the Right of a Port at Perth Amboy in opposition to his Majesty's foresaid Order in councl^l dat^d at perth Amboy y^e 30th May 1698.

[*] Copy of a Minute of his Majesties Council of New York upon a Dispute about the clearing of a Ship for Perth Amboy, without paying customes at New York. Dated the 23rd of July 1698.

[*] Copy of Ducy Hungerford's Affidavit relating to the opposition made to him at Perth Amboy, upon a

(1) [*] The documents thus marked will be found under their respective dates on preceding pages.—Ed.

seizure that he endeavoured to make there in pursuance of his Majesty's forsaid Order in Council and the Earl of Bellomonts proclamation upon it. Dated the 18th September 1698.

Unto which I am commanded to add that their Lordships observing that M^r. Bass now waves the former pretence of a Right derived from the Duke of York and builds chiefly upon the commissions granted by the Commissioners of his Majesties customes to their Officers at Perth Amboy from whence he seems to infer either a direct Establishment or at least Tacit Supposition of a Right to a Port in that place by vertue of the act of Parliament of the 25th Ch: 2^d. They are desirous to know if the Commissioners of the Customes have received the like Informations from the Earl of Bellomont about this Business and what Order they have taken therein; Or if they had not received So full Information before, Their lordships desire they would now please to consider the Papers I send You, and let them know their thoughts thereupon; Because it seems much for his Majesties Interest, and of great importance to the province of New York, and consequently to the Security of his Majesties other plantations in America, (of which New York is the most considerable frontier) that his Majesties forsaid Order in Council and the Instruction constantly given to all the Governors of New York upon that Subject, be punctually observed.

Their Lordships observing also that the Earl of Bellomont in his Letter of the First of July last makes mention of a vessel Seized by M^r. Randolp in the Jerseys and afterwards Tryed in the Court of Ad^{miralty} of New York, they desire you would let them know the Subject and Success of that Tryall, I am &c^o.

W. P.

Whitehall }
Decemb^r: the 22^d 1698. }

Petition of the Proprietors of East Jersey, that Andrew Hamilton may be approved of as Governor.

[From P. R. O. B. T., Proprietors, Vol. 2, A 42.]

Petition of the Proprietors of East New Jersey.

TO THE KINGS MOST EXCELLENT MAJ^{TIES}

The humble Petic'on of y^e Proprietors of the Province of East-New-Jersey in America.

Sheweth

That Andrew Hamilton Esq^r by appointment of your Peticoners hath been Governor of East-New-Jersey for many yeares last past, In which Office he behav'd himself wth so much Zeal & affection to your Maj^{ties} Service dureing the late War ag^t the French of Canada, and wth so much justice & Prudence towards yo^r Maj^{ties} Subjects the Inhabitants of that Collony, that your Petic'oners at the generall request of that People have again nominated him to be Governor of the same Province: as a person most acceptable to the Country, and thereby most capable of serving y^e Crown both in Peace & War.

Your Pet^{rs} doe therefore most humbly beseech yo^r Maj^{ty} to allow & approve of their choice of the said Andrew Hamilton to be *Governour* of the said Province of East New Jersey.

And yo^r Pet^{rs} as in duty bound shall ever pray &c [¶].

Signed by Order of the Proprietors on behalf of the whole

WM DOCKWRA
One of y^e Prop^{rs} & Secr. & Reg^r
of the Province^e

Secretary Popple to Attorney Generall Trevor, asking his opinion as to the qualification of Andrew Hamilton, as Governor of East Jersey, he being a Scotchman.

[From P. R. O. B. T. Proprieties, Vol. 25, p. 308.]

TO SIR THOMAS TREVOR, Knight,

His Majestys Attorney Generall.

S^r:

His Majesty having been pleased to Refer unto the Consideration of the Lords Commissioners of the Council of Trade and Plantations a Petition of the Proprietors of East New Jersey in America, Praying that Andrew Hamilton Esq^r whom they have nominated to be Governor of that Province may have his Majesties Royall allowance and approbation for that Employment, Their Lordships have commanded me to acquaint you that the said Hamilton is a Scotchman born, and thereupon, to desire your Opinion whether he be qualified for that Employment, in respect of the Act for preventing frauds and regulating abuses in the plantation Trade, or any other Law of this Realm. I am &c

W. P.

Whitehall Jan. 7 }
the 17th 1698 9 }

Attorney General Trevor to Secretary Popple, in answer to the foregoing letter.

[From P. R. O. B. T. Proprieties Vol. 2, B. 44.]

L^re from M^r Att^{ny} Gen^l in answer to one writ him ab^t M^r Hamilton, a Scotchman, propounded to be Gov^r of the Jerseys.

For W^m Popple Esq^r

S^r:

According to the Comands of the Lords Com^{rs} of the Council of Trade Signified to me by yo^r L^re of the

17th. of Jan'y last I have considered of the matter wherein my Opinion is required by their Lords'ps, and am humbly of Opinion That a Scotchman borne is by Law capable of being appointed Governor of any of the Plantac'ons, he being a natural born-Subject of England in Judgm^t and Construcc'on of Law, as much as if he had been born in England.

Your most humble Serv^t

THO: TREVOR

2^d Feb'y 1698. [1698-9]

Letter from Secretary Sansom to Secretary Popple, transmitting a report of the Commissioners of the Customs, about Perth Amboy.

[From P. R. O., B. T.; Proprieties, Vol. B 2, 52.]

Lr'e from M^r Sansom in answer to one writ him y^e 22th of Dec^r last ab^t Perth Amboy, with y^e Copy of a Report of ye Com^{rs} of ye Customs to y^e L^{ds} of ye Treasury upon ye same subject.

SR

I received your Letter dated thie day—For answer to which You will please to be Informed That the Comm^{rs} haveing perused the severall Papers Transmitted in yours to me of the 22th of December Last Relating to the Business of Perth Amboy, and such others as They had before them concerning that matter Have this day Finished a Report to the R^t Hon^{ble} the Lords Comm^{rs} of his Ma^{ty} Trea'ry from whome Papers to the like purpose were Referred to them, to Consider of, and have sent the same forward their Lord^{ps} of which

For the more speedy Information of the R^t Hono^{ble} the Lords Comm^{rs} of the Councill of Trade, I herewith send you Copy.

As to the Later part of your said Letter of the 22th of December Touching a vessel seized by M^r Randolph in the Jerseys and afterwards Try'd in the Court of Admiralty of New Yorke, Desiring to know the Subject and Success of that Tryall. The Comm^{rs} have spoke to the mast^r of the Ship, By whome They were Informed Mr^r Randolph had sent them Acco^{ts} of thie matter, And are Told by the said Mast^r That being in Distress in his Passage home, he Threw Mr. Randolphs Pacquet over board, amongst other things, Soe that the Comm^{rs} are yet without Notices from M^r Randolph in that business. I am

S^r You most humble servant

JNO SANSOM

Custome house, London

21th February 1698 [-9].

MR. POPPLE.

Copy of a Report from the Comm^{rs} of the Customs to the Lords of the Trea^{'ry} About the Settlement of a Port at Perth Amboy. [Transmitted with the foregoing.]

MAY IT PLEASE YOUR LORDS'PS

In obedience to your Lords'ps com'ands Signified to Us at Our late Attendance on your Lordships on a Letter from M^r Popple to M^r Lownds of the 14 December last Concerning the Dispute between his Excellency the Earle of Bellomont Governour of New York &c^a and Coll^l Bass Governour of East and West Jersey about the Settlement of a Port at Perth Amboy Wee do humbly report to Your Lords'ps that Wee have Considered the said Letter and other Papers therewith Referred to us on this Subject And do Humbly Report to Your Lords'ps That besides the Act made in the 25th

Yeare of the Reign of King Charles the Second for better Securing the plantac'on Trade whereby the managing and collecting the Rates and Duties payable by that Act is Lodged in the comm^{rs} of the customs under Your Lords'ps Authority. There is another Act in the 7th and 8th Year of his present Ma^{ty}s Reign for preventing Frauds and Regulating Abuses in the Plantac'on Trade which for the better execution the Severall Acts of Parliament relating thereunto doth provide That the Lords Comm^{rs} of the Treasury and Comm^{rs} of the customes in England for ye time being Shall and may constitute and appoint Such and So many Officers of the Customes in any City, Town, River, Port, Harbour, or Creek of or belonging to any of the Islands Tracts of Land and Proprieties when and as often as to them Shall seem needfull Pursuant to which Law (not men- c'oned by the R^t Hon^{ble} the Lords Com^{rs} of the Council of Trade in their Representation to Their Excellencies the Lords Justices of the 27 of October 1697) Your Lords'ps were pleased by Your Warrant of the 20^h of November 1696 to approve of a Collector at Perth Amboy in East Jersey and another at Bridlington in West Jersey which Constitution in those places was proposed with others to Your Lordship's from the Opinion of the Surveyor Generall of the Customes in his Majesties Plantacions. That it would be a Reason- able Accommodation to the Traders in those Provinces as well for the Security of the Revenue as for the more Effectual Observance of the Severall Acts relating to the Plantac'on Trade to which Purpose the Officers have Instructions from this Board to Collect the Rates and Duties Imposed by the aforesaid Act in the 25 Yeare of the Reign of King Charles ye Second upon Tobacco and other Plantation Comodities therein Enu- merated which shall be Shipt or Loaden from thence for any other of his Ma^{ty}s Plantac'ons.—as also to in- spect the like Com'odities which shall be Laden in ships bound directly to this Kingdom And to attend the De-

livery of all European Goods brought from home and prevent the Importation thereof from other places and likewise to take Care That all Goods be Imported and Exported in Ships Qualified according to Law which are the Chiefe Matters those Officers are charged with Nor was Establishment of a Collector at Perth Amboy any wages intended (nor can it in our humble Opinion be understood) to exempt those inhabitants of New Jersey from the Payment of any Dutyes they were before chargeable with to the Government of New York and are wholly different from those which the Collector of the Customes is charged with at Perth Amboy and are not under Our Direction as may appear from Our Report to Your Lords'ps of 31 August 1697 upon this Subject Copy whereof is hereunto annexed

All which is humbly Submitted to

Your Lords'ps Consideration

CHARLES GODOLPHIN

SAMUEL CLARK

WALTER YONGE

BENJ^t OVERTON

WILL^m ST QUINTIN

Customhouse London

21 Feby 1698. [1698-9.]

*Order of Council referring to the Lords of Trade a
Petition from the Proprietors of East Jersey.*

[From P. R. O. B. T. Prop., Vol. 2, B 56.]

Order of Council upon a Petition of Y^e Proprietors
of East New Jersey, about a port at Perth
Amboy.

At the Court at Kensington
the 9th of March 1698 [1698-9]

Present

THE KINGS MOST EXCELLENT

MA^{ty} IN COUNCILL

UPON reading this day at the Board the Petition of

the Proprietors of the Province of East New Jersey in America, concerning the Port of Perth Amboy in the said province It is Ordered by His Ma^{ty} in Council that it be and it is hereby Referred to the R^t Hon^{ble} the Council of Trade to examine the matter of the said Petition, a Copy whereof is hereto annexed, And to Report to this Board what they conceive fit to be done therein And it is further Ordered that M^r Attorney Generall and M^r Solicitor Generall do attend the Council of Trade at the said Examination.

JOHN POVEY

[Enclosed in the foregoing.]

TO THE KINGS MOST EXCELLENT MA^{ty}

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

Humbly Sheweth

THAT the Earle of Bellomont Your Ma^{ty}s Governor of New York in America in November last, Comanded Thirty or Forty Armed Men to Seize the Ship Hester, then Riding at Anchor within the Harbor of Perth Amboy in East Jersey (ready to sail with the product of that Country to the Maderas) and to carry the said Ship up to New York, where his Excellency caused an Information to be fil'd, in Order to her Condemnation, for not Enttring and clearing at that Port.¹

¹ At a Council held at Perth Amboy the 26th of November 1698.

Present { GOVERNOR BASSE
JOHN ROYSE
JOHN BISHOP
SAM^{LL} DENNIS }

The Governor did Inform this Board that yesterday in the afternoon Capt. Mathews & Mr. Hungerford with between fifty and Sixty men in Arms did come from New York & by Surprise forcibly entr'd the Ship Hester & forcibly detain'd her, and also forcibly do keep & retain Capt Richard Wise Com'ander of the s'd Ship & all the Seamen & Mariners (to her belonging) prisoners aboard the Said

That the Earl of Bellomont Justifies his Proceedings by vertue of your Ma^{ty}s Order in Councill made the twenty fifth day of November 1697, in Confirmation of a Report of the R^t Hono^{ble} the Councill of Trade, wherein ther Lo^{pp}s declare their Opinion that your Petitioners have no Grant of any Port in East Jersey, And that the Allowance of such a Port will be Detri-mentall to New Yorke.

That the said Report is grounded upon Severall mis-Informations of matters of Fact, and the Proprietors had no Notice of the said Report or of your Ma^{ty}s confirmation of it, till the same were published by the Earl of Bellomont in America, whereby yo^r Pet^{rs} lost all opportunity of asserting their Right of Entring and Clearing Ships in East Jersey.

That your Pet^{rs} are advised by Eminent Councill that they have an undoubted Right of Entring and Clearing Ships immediatly at East Jersey, and if they are deprived of a Common benefit of a Port (enjoyed by all other English Colonies) that fertile Country will be Deserted by the Inhabitants and return to a Wilderness, and your Pet^{rs} Estates there (which have lost them great Summs of Mony to purchase and Improve) will be totally lost.

That to obviate all objections which have been or can reasonably be made by the Inhabitants of New York against a Port in East Jersey, your Pet^{rs} will oblige themselves to procure an Act of Assembly of that Province for Imposing the same Dutys upon Goods,

Ship, and have hurt & wounded Several of the sd Marriners: His Honour the Govern^r doth desire the Opinion & advice of this Board, whether he shall convene the Country & forcibly retake the Said Ship, or forbear & Suffer those people to do what they please.

It is the positive & unanimous Opinion of this Board that there be no force to retake the Said Ship Hester." At a subsequent meeting December 12th the following was recorded "It is the positive and unanimous Opinion of this Board, the Governor do not medle or concern any further with the Ship Hester any manner or way, in Compliance with the Govern^r or Govern^t of New York."—Records of Governor and Council 1682—1703 pp 201, 202.—Ed.

to be Imported into and exported from East Jersey as are or from time to time shall be payable for the Goods at New York, and to be applied to the like uses as the Customes of that Port are applied.

Your Pet^s therefore most humbly pray that your Ma^{ty} will be graciously pleased to permitt the free use of the Port of Perth Amboy, upon their procuring such Act of Assembly for Imposing the like Customs as aforesaid, Or that (for yo^r Pet^s vindication against the clamor of the Inhabitants of East Jersey, upon this occasion) your Ma^{ty} will direct Your Attorney Generall, to Consent to a Tryall at Barr in West Minister Hall, upon a faign'd Issue, whereby yo^r Pet^s claim may receive a Judiciall Determination.

And yo^r Pet^s as in duty bound, shall ever pray &c.

W ^m DOCKWRA	THO: COOPER	THOS LANE
JOHN BURNET for	THO. BARKER	P SONMANS
Robert Burnet	JOSEPH ORMSTON	WAL: BENTHALL
Wm BINGLEY for	GILB'T MOLLESEN	for himself &
myself and	and for	THO: HARTE
Anthony Sharpe	Robert Barclay	J. COFFTING
		E. RICHIER.

A true Copy JOHN POVEY.

Memorial from the Proprietors of West Jersey, asking for the appointment of Andrew Hamilton as Governor.

[From P. R. O. B. T., Proprieties, Vol. (2) B 57.]

TO THE RIGHT HONOURABLE THE COUNCILL OF TRADE AND PLANTATIONS.

The humble Memoriall of the Proprietors of West Jersey in America.

May it please Your Lordships

Collonell Andrew Hamilton having executed the Office of Governour of the provinces of East and West

Jerseys for severall yeares past with great Fidelity & reputation and the Prop^{rs} of East Jersey having againe made choise of him to serve in the same Station, and humbly besought his Majesties Approbation of him by their Petition which is referred to Lour Lordsp^s Wee humbly represent to Lords^{ps} That wee have likewise elected Collonell Hamilton Governour of West Jersey, as the fittest Person in our Judgment to serve the King's Interest, and give satisfaction to his Ma'ties Subjects in that Colony And do therefore humbly request Your Lords^{ps} That in the Report which Your Lord^{ps} shall think fitt to make upon that Petic'on of the Prop^{rs} of East Jersey, Your Lords^{ps} will be pleased to certifiye to his Majesty Our Election of the said Collonell Hamilton to be Governour of West Jersey and Our humble desire of his Majesties Approbation of him.

THOS LANE
 PAUL DOCMINIQUE
 E. RICHIER
 JOHN MOORE
 MICHAEL WATTS
 JOHN BRIDGES
 ROB^t MICHEL
 W^m HAMOND

[March 13th 1698-9]

Andrew Hamilton to Secretary Popple, relative to the action of the Lords of Trade on his appointment as Governor of New Jersey.

[From P. R. O. B. T., Proprieties No. 1, B. 59.]

Lr'e from M^r Andrew Hamilton to y^e Sec^{ry} desiring a speedy Report upon the Petic'on & Meml^t of of y^e Jersies ab^t his being appointed Gov^r.

Being inform'd that their Ld'ps have been taken up with multiplicity of affairs, I was unwilling to interrupt their Ld'ps with any motion of mine.

But now for the Season of the year disposing those concerned in Shipping bound to New York & Boston, to dispatch them speedily, & the latest to sail 14 dayes hence, puts me under a necessity to remind their Ld'ps of the petition & Memorial of the Proprietors of the Jerseys concerning me, which lyes before the Board.

The State also of the Post in America which is under my care,¹ doth call for my speedy repair thither, The Acts of Assembly of those Colonies which ascertain the Rates upon letters being near expired, & will not be easily renewed without my personall application.

I humbly therefor move their Ld'ps by you Sr that a Report may be made against next Council day if it may suit with their Ld'ps convenience

Sr

Your most obedient servant

23^d March 98 [98-99]

AND: HAMILTON

Memorial of the Proprietors of East Jersey to the Lords of Trade, in relation to the seizure of the ship Hester, & their claim to free ports.

[P. R. O. B. T., Proprieties, Vol. 3, C¹.]

TO THE RIGHT HON^{BLE} THE LORDS OF THE COUNCILL OF
TRADE AND PLANTATIONS.

The Humble Memorial of the Proprietors of East
New Jersey in America.

THE said Proprietors having lately presented their humble Petic'on to his Majesty in Councell, since referred to, and lying before your Lordshippis, wherein

¹ Col. Hamilton, at that time, was Postmaster General for New Jersey and some of the other colonies. See Vol. I., p 509, Note.—Ed.

they complain of the Governor of *New-Yorke* his seizure of the Shipp *Hester* within the Harbour of *Perth-Amboy* in East Jersey, which his Excellency Justifies by virtue of his Majesties Order in Council made in Confirmation of a Report from Yo^r Lordp^s declaring Your Opinion that the Proprietors have no Grant of any Port in East-Jersey; And the Proprietors having in their said Petic'on sett forth that Your Lordp^s Report was grounded upon Severall misinformations given your Lordp^s of matters of Fact; They humbly crave leave to Explain themselves therein.

Whereas Your Lordships in that Report declare that the Prop'tors have no manner of right or power to constitute ports in East Jersey from K: Charles 2^d, the Duke of Yorke, or any other person deriving Authority from either of them, They humbly Declare that the right claimed by them is but the Com'on & Naturall Right of coming into & going out of that Province with Shippes for the necessary Support of the Inhabittants (A priviledge which every other Collony of America doth enjoy to this day.)

And that no Customes being payable there for any Goods Imported from Europe thither, or for the product of that Collony to Europe, the West Indies or elsewhere, They conceive and are advised they have power to Import and Export such Goods from any part of that Province without Interruption, And for the Enumerated Goods of the growth of the Plantations and Transported from one Plantation to another upon which a duty is Imposed by the Statute of the 25 of K: Ch: 2^d The Proprietors insist that the Comm^{rs} of the Customes under the Direction of the Lords Comm^{rs} of the Trea'ry had Constituted *Perth Amboy* a Port for that purpose before Yo^r Lordp^s late Report, which the Proprietors are willing shall be the Port for Importing & Exporting all Goods whatsoever to and from the said Collony.

That the separation of the Jerseys from New Yorke (being in the year 1664) was before the Statute that Impowered the Com^{rs} of the Customes to Constitute Ports in America, or before any Customes were payable at New York; so, That as the people were under no limitation from England of Using the most convenient Harbours in their Collony for Importation & Exportation; New York cannot pretend that by the separation of the Jerseys any Revenue or Customes are lopp'd off which were formerly payed out of those Provinces to the Province or Port of New York.

And whereas Yo^r Lord^{ps} in Yo^r said Report sett forth that New York and Perth Amboy lye within the same Capes & River, and that it is not usuall to admitt of two Independant Ports within the same River, The Proprietors humbly insist that Yo^r Lord^{ps} are misinformed in that particular, for tho' Virginia and Maryland lye within the same Capes & River they have different Ports, and every Creek is permitted to be so; and the same is practised in New England. And tho' the entrance from the Sea to New York and Perth Amboy be through the same Channell close by Sandy-Hooke because of Shoals and Banks that lye along to Nassau or Long Island, yet being once within the said Channell the courses flowings & Ebbings, are different, for New York lying North from Sandy Hook upon Hudsons River, and Perth Amboy lying West upon Rariton River, (as will appear by the Mapp) if Ships bound for Perth Amboy must first enter at New Yorke they will be subject to the Inconveniencies following.

They must first goe down again to Sandy Hook before they can fall into the Channell of Rariton-River, and are subject to be driven to Sea as often Pilots have been, conveying Shippes down to Sandy Hook, one instance whereof is now in England; The Pilot in 8^{br} or 9^{br} last conveying down the Kings Shipp the Fuoy to Sandy Hooke, a Gale Sprung up that the Cap^t could

not put him ashoar and was forced to bring him to England.

If a Ship bound outward from Perth Amboy with the product of that Collony shall be obliged to clear at New York She may be blown off in going round; and so is seizable in any of the Kings Ports for want of Coquets.

A Northerly Wind is a fair wind to goe to Sea from Perth Amboy but blows quite down Hudsons River, that Shippes with that wind cannot come at New York & so lose a fair wind:

In the wintertime Shippes can goe to Sea from Perth Amboy, once in two or three Tides, but it is impossible to goe to New York, because of the running Ice in that River, and therefore must lose their Season till the Winter is over.

East Jersey affords great store of Horses fitt to be Transported to the West Indies, They are never put aboard till the Wind offers fair to goe to Sea; And should Vessels loaded with Horses be obliged to Clear at New York, they may lose the Wind that might carry them to Sea, and be the loss of their Voyage, besides many inconveniences too tedious to trouble Your Lordships with.

The Proprietors hoping Yo^r. Lord^{ps} are satisfied they intended no disrespect to your Lord^{ps} by that Allegation in their Petition, They humbly represent to yo^r. Lord^{ps} that the Chief design of their present Petition, is to take away the principall Objection made by Yo^r. Lord^{ps} against a Free Port in East-Jersey, viz: the Detriment it will bring to New York, and therefore the Proprietors made the proposall, and will still undertake to perform it, of obtaining an Act of Assembly for the same duties at Perth Amboy, as are and shall be paid at New York.

And though they have further pray'd that a Tryall at Bar may be granted for a finall decision of their

Right, The Proprietors doe only thereby intend, that if their proposall of obtaining the like Customes be not accepted, to be vindicated against the clamours of the Inhabittants upon that Occasion, who unless the Case receive a Judiciall Determination have and will Impute the want of a Free Port wholly to the Proprietors remissness of Asserting their Right in a due course of Law.

The Proprietors therefore humbly pray Yo^r. Lord^{ps} Consideration of the Premises, and that Yo^r. Lordships will admitt them to a hearing, before Yo^r. Lord^{ps} make any Report upon their last Petition

	W ^m Penn
	Thomas Harte
	Tho: Cooper
David Lyell	Tho ^s Barker
	Clem ^t Plumsted
	John Burnet & for
	Rob ^t Burnet
	Gilbert Molleson for
W ^m Dockwra, Peter Sonmans	Walter Benthall
	Robert Barclay
	Joseph Ormston

[March 23^d 1698-9]

Memorial of the Proprietors of East Jersey to the Lords of Trade, asking for a speedy report upon their petitions.

[From P. R. O. B. T., Proprietors, Vol. 3, C 4.]

Mem^t of the Proprietors of East New Jersey about a Port at Perth Amboy.

THE PROPRIETORS having (at the last time they attended Yo^r. Lord^{ps}) suggested, that the allowing a Port in East Jersey upon the conditions then propos'd would be no Detriment But rather an Advantage to New York, doe now in Obēdience to Yo^r. Lord^{ps} Com-mands humbly offer the following reasons for it.

1st The people of both Provinces being under Equall Taxes of Importation & Exportation, the Merchants or Inhabittants of New-Yorke (w^{ch} is a place well settled & abounding with all Conveniency's for Trade) to East Jersey, which has yet few Buildings & not capable of Receiving them till they have spent a great deal of time & money to make the necessary provisions for Trade.

2^{ly} Most if not all the Improveable Lands of New Yorke are already taken up & settled, whereby that Province is now as well peopled as it is like to be for many Years; And will therefore return under the same Difficulty's both for Men & Money in time of any future Warr, as they were in the last Warr, and England will still be under a necessity of Supplying them with Men & Money on such Occasions.

3^{ly} But if East Jersey have a Port, that Country (w^{ch} has a great deal of Fertile Land lying vacant) will soon be peopled from the remoter Barren Collony's, And capable of Furnishing Men and Money in case of any Invasion from the French or Indians. The only Reason which has yet Cramp't that Country from Increasing in people, being the incapacity of Importing thither what they want, & Exporting from thence the product of their Labours:

4^{ly} The Moyety of the Customes arising at East Jersey being paid and applyed to the Support of the Frontieers of New Yorke, that Province will be eased of such part of their present charge, or at least England will be discharg'd from that Expence of Men and Money which it is now forced to be at for that purpose.

5^{ly} Whereas it has been Objected that East Jersey was once a part of New York & Contributed to that Revenue in proportion to the Customes that arise upon Goods consumed by the Inhabittants of that Province; If they shall be now permitted to supply themselves

by their own Importation then the Customes of New Yorke will proportionally Decrease.

IN ANSWER to which, The Proprietors offer to put themselves under the same Customes with New York, And will pay in, to the Treasury of New-York, Yearly for the support of the Frontieers as much as the Custome of Goods consum'd in East Jersey has amounted to in any Year since the disjoyning of that province from New-York, if their Lordshipps shall be inclinable to accept of that Offer rather than a Moyety of the Customes arising at East Jersey.

THE PROPRIETORS are much surpriz'd at the Objection Yo^r Lord^{pp}s make to their Right of Government, which they enjoy'd dureing y^e Reign of the late King Charles 2^d not only by an uninterrupted allowance of it, But by a Particular Declaration recognizing their Authority and Commanding the Inhabittants to obey them, And by the late King James, and since by his present Majesty.

THEIR TTYLE TO IT, IS THIS.

King Charles the Second by Letters Pattent granted the powers of Government of East Jersey to the Duke of Yorke.

THE DUKE OF YORKE in 1682 granted all the same powers of Government to the Proprietors as appears by the Grant now produced to Yo^r Lordshipps, which King Charles 2^d back'd with the Declaration above mentioned.

THE PROPRIETORS enjoyed it accordingly, and though in the Commission Granted to *Coll. Fletcher* late Governor of New York the Jerseys were at first incerted, Yet upon the Petition of D^r Cox then chief proprietor of West-Jersey and a hearing at the Council Boord, after a long Debate by Councell, wherein the Absigneableness of Government was particularly

discuss'd It was Ordered that the Jerseys should be struck out of Coll. Fletchers Commission, and they were struck out accordingly.

The proprietors humbly pray Your Lord^{pp}s Consideration of the premises and that Yo^r Lord^{pp}s will be pleased to make a speedy Report upon their Petitions referred to Your Lordships.

By Order of y^e Proprietors

W^m DOCKWRA

S & R^s

Aprill iij 1699.

From Secretary Popple to Wm. Dockwra, informing him that the Lords of Trade had concluded to authorize a trial at Westminster, to test the Proprietors' claim to the Port of Perth Amboy, and to their Government of the Province.

[From S. P. O. B. T. Proprieties, Vol. 25, p 399.]

To M^r. DOCKWRA

Sir,

The Lords Commissioners for Trade and Plantations having taken into consideration the Petition of the Proprietors of East-New-Jersey in America (refer'd unto them by his Majesty's Order in Council of the 9th of March last) relating to a Port at Perth Amboy, in which they pray that for their Vindication against the Clamours of the Inhabitants of East-New-Jersey on that occasion His Majesty's Attorney General be directed to consent to a Tryal at Bar in Westminster Hall on a feign'd Issue, whereby their Claim may receive a Judicial Determination, And their Lordships having likewise considered the further Memorials that have been laid before the said Proprietors, or by your-

self in their behalf, in pursuance of his Majesty's said Order of Reference; They have commanded me to acquaint you (for the Information of the said Proprietors) that they intend to offer to his Ma^{ty} in Council, on Thursday next that such a Tyrall be had at the Bar in Westminster Hall, whereby the said Claim together with the Right of Government of the Province of East-New-Jersey, upon which the same is grounded, may accordingly receive a Judicial Determination.

I am &c. W P.

Whitehall

April the 14th 1699.

Representation from the Lords of Trade to the King, informing him of their determination to have the claim to a Port in East Jersey tried in Westminster Hall.

[From P. R. O. B. T. Proprieties, Vol. 25, p 400.]

TO THE KING'S MOST EXCELLENT MAJESTY.

May it Please Your Majesty.

In Obedience to Your Majesty's Order in Council of the 9th of March last upon a petition of the Proprietors of East-New-Jersey in America, relating to a Port at Perth Amboy: We have considered their said Petition with what they have further offered to Us upon that Subject; and finding no reason to alter our former Opinion represented to their Excellencies the Lords Justices the 27th of Octob. 1697 That the granting them the priviledge of that Port would be extremely prejudicial to Your Majesty's province of New Yorke; But observing that in the close of their said Petition they pray, That in case Your Majesty should not permit them the free use of the said Port of Perth Amboy upon the Terms by them proposed, Your Majesty

would be pleased for their Vindication against the clamours of the Inhabitants of East New Jersey upon this occasion, to direct Your Attorney Generall to consent to a Tryal at Bar in Westminster Hall upon a feigned Issue, whereby their claim to the s^d port may receive a Judicial Determination, We thereupon most humbly offer to Your Majesty, That such a Tryal at Bar be had in Westminster Hall, whereby the Proprietor's said Claim; together with the Right of Government of the said Province, may receive a Determination.

All which neverthesse is most humbly submitted

Signed

J. BRIDGEWATER
 PHILIP MEADOWS
 W^m BLATHWAYT
 JOHN POLLEXFEN
 ABR. HILL

Whitehall

Apr. the 18th 1699.

Memorial of the Proprietors of East Jersey to the Lords of Trade, relative to the proposed trial of their rights to a Port.

[(Indorsed) P. R. O. B. T. Proprieties, Vol. 3, C. 7.]

TO THE RIGHT HON^{BLE} THE LORDS OF THE COMITTEE
 OF TRADE & PLANTATIONS.

The Humble Memoriall of the Proprietors of the
 Province of East New Jersey in America.

Sheweth

That the Proprietors having by Y^r Lord^{PPS} command Received Notice from M^r Popple of Y^r Lord^{PPS} intention to offer Yo^r Opinion to his Maj^{ty} that a Tryall at Barr be had in Westminster Hall, for bringing their Claim

of a Port in East-Jersey, together with the Right of Government of that Province, upon which (Yo^r Lord^{pp}s conceive) their said Claim is Grounded, to a Judiciall Determination, Doe humbly crave leave to Represent to Represent to Yo^r Lordships.

That their proposall to have such a Tryall of their Claim to a Port was intended only as their last resort to Justify themselves against the Clamours of the Inhabittants, but their principall Design & Desire in the Petic'on was & is to avoid all Controversy with his Maj^{ty} And to remove the Objection made by New-York in putting the Trade of East Jersey under the same Duties of Importation & Exportation and therefore they humbly pray that Yo^r Lord^{pp}s will together [with] Yo^r Report lay before his Maj^{ty} their Memorials delivered to Yo^r Lord^{pp}s upon this Occasion.

That the Proprietors made no offer to try their Right of Government in such feigned Issue, and are advised their right to a Port doth not depend upon their Right of Government, And the Law having prescrib'd a proper Method of trying the Right to Royall Franchises, claimed by Subjects—The Proprietors conceive they cannot without Injustice to themselves and the Inhabittants of that country, Submitt their Right of Government to be part of such an Issue,—Nor can the Omission of it be any prejudice to his Ma^{ty} since if the right of a Port should depend upon the right of Government his Maj^{ty} will have the benefitt of that Point in evidence at the Tryall, as much as if it were part of the Issue itselfe.—

All which they humbly submitt to Yo^r Lord^{pp}s Consideration

By Order & on behalf
of the Proprietors

Apr. 19th 1699

W^m DOCKWRA
S^r & R^r

*Letter from the Town of Newark to the other Towns
in East New Jersey, in reference to a certain Act of
the Legislature, and reflecting upon the conduct of
Governor Basse.*

[From the Original among the Manuscripts of the N. J. Hist. Society.]

To y^e Townes of Perth Amboy Elizabethtowne
Woodbridge ffreehold Bergen Shrewsbury
Middletowne Piscataqua Aquechenonck &c.

Gentlemen.

The meetings of our towne have considered an Act entitled an act for redressing a force of our Neighbor Province;¹ and we find y^t y^e money Ordered to be raised by that act is put into such hands as we have no reason to trust nor are we any waies secured y^t y^e money will be applied for y^e countrys good: but have great reason to believe y^e contrary which has made us resolve not to pay it, but to resist all force that shall be used for y^e gathering of it and because the taking away of y^e Ship Hester has been made the only pretence for raising y^e money mentioned in that act we have thought fit to let y^e Proprietors know y^t the country was ready enough to have deffended her and that we are owing only to y^e cowardess of y^e Govern^r for her Loss and we have also thought fit to Acquaint y^m how he has Invaded our rights and Priviledges.

¹ Printed in Grants and Concessions p 376: raising £675 by tax, to meet the expenses likely to be incurred in resisting the encroachments of New York. The money was to be remitted through "Mr. Edward Earl, Mr. John Cooper, Capt. Samuel Walker, Mr. William Lawrence Jun^r and Peter Vanest, being chosen by the Deputies; Captain Andrew Bowne, Mr. John Royse, Captain John Bishop, Mr. Thomas Warne and Mr. Samuel Dennis, appointed by the Council, seven whereof shall be a Quorum" acting as Commissioners, to Sir Thomas Lane, Knight, our present Governor Jeremiah Basse, Esq. Mr. Thomas Hart Mr. Robert Waley, and Mr. John Loften, Merchants in London who were appointed Agents to act according to such instructions as they might receive from the Commissioners.—Ed.

These be things friends and neighbours we thought fit to write unto you Hoping youle Joyne wth us in Hindering the execution of so unreasonable an act and to remonstrate our Grievances.

We are your ffriends

Signed by order of y^e Towne of NEWARKE

Aprill y^e 21: anno: 1669: NATHANIELL WARD, Clerk.

Aprill y^e 21st 1699 Signed By Order of ELIZA: TOWNE
SAM^{LL} WHITEHEAD Clerke

Aprill 25th 1699.

Signed By order of PERTH AMBOY

JOHN BARCLAY Clerk.

Earl of Bellomont to the Lords of Trade.

[From N. Y. Col. Docts., Vol. IV, p 521.]

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

My Lords

[Extract.]

* * To confirme your Lordships in the maintenance of the Port of New Yorke against the pretentions of the Proprietors of East Jersey, I send your Lordships the copy of the Duke of York's letter to Colonel Dongan when Governour of New Yorke¹ which accidentally has fallen into my hands. 'Tis copyed by M^r. Spragg then Secretary of this Province, and I believe it is a true one. This letter shows that the Duke of Yorke was tender of the priviledges of New York in that respect and that he rejected the pretensions of the said Prorietors to have freedome of Port at Perth Amboy, in East Jersey * * * BELLOMONT.
New Yorke May the 15th 1699.

¹ See Page 475 of Volume I of this series.—Ed.

Proclamation of Governour Basse against certain immigrants from Scotland.

[From P. R. O. B. T., among West Indies, Vol. 383.]

By y^e Hon^{ble} Jeremiah Basse Esq^r Gov^r of his Majesties Provinces of East & West Jersies.

A PROCLAMATION.

WHEREAS by a Letter from White Hall dated y^e 2^d of January last past directed to me from y^e Hon^{ble} James Vernon Esq^r one of his Majesties principal Secretaries of State, I am given to understand that severall Shippes of force have been fitted out in Scotland, with design, (as some of y^e Adventurers therein have declared) to settle themselves in some part of America, and that the Enterprize hath bin laid and Contrived, & is now effectually carried on by Projectors and Undertakers without their Acquainting of his Majesty with their Intentions; So that his Majesty cannot but look upon such an undertaking to tend to y^e Breach of Peace with his ffriend & Ally y^e King of Spain, & to Militate against y^e Treaties his Majesty hath entered into with that Crown, & of dangerous consequence also to his Majesties Colonies in y^e West Indies;

These are therefore in his Majesties name, & in pursuance of his Majesties Commands signified to me in y^e said Letter strictly to prohibit & forbid all & every his Majesties Subjects, & others Inhabiting within this Gov^{rn}^t to hold any Correspondence or to give any Assistance, Aid, or Reliefe whatsoever to any of said Shippes, or to any Person, or Persons concerned therein while they are engaged in y^e afores^d Enterprize; or to Transport, or carry, or cause, or suffer to be Transported, or carried any Armes Ammunition, Provisions

or other necessaries whatsoever out of this Province either in their own Vessells, or in any other Shipps, or vessells for y^e use of y^e said Shipps, or Persons, or any of them, as they do tender his Majesties Pleasure & Service, and will answer y^e Contrary at their Peril.

Given at Burlington ye 25th day of May Anno R R Gulielmi Tertij Angt &^c Undecimo: Anno Domⁱ 1699.

Letter from the Towns of Newark, Elizabethtown, Perth Amboy and Freehold to the Proprietors, condemning Governor Basse.

[From P. R. O. B. T., Proprieties, Vol 6, D 28.]

Worthy Gentl.

The Representatives of this Province of East New Jersey, haveing made an address to Jeremiah Bass Wherein as we are informed, they Tell him he has Spent his Estate in Endeavouring the good of the Province, and they hope he will long continue their Governour; with much more the like fullsome fflat-teries. Wee think it our duty to Informe Your Hon^{rs}; That address was made and Passed, by A Number of his own Creatures in the house, and that it is Very Farr, from being the Sentiments of the Generallity of y^e Province, that he has Spent any money for their good; and as farr from their desires, that he may continue their govern^r for instead of Keeping up the hon^r of Governm^t as was his duty, he has upon all Occasions basely Prossituted it; Which to Instance were but to recount all his Acts of Governm^t Wherein it was Possible for him So to do. Wee owe the Unhappy circumstances Our Port lies under to his Cowardize and

Sloath; who when he knew of a Force, coming to take the Ship Hester, an hour before their arrivall, took no care to prevent her being Surprized and when he had Force Enough to Retake her; being Earnestly desired by them to head'em himselfe, or to Comic'onate Some other; he refused & Trembling left them. the Ship Lay two days before the Town of Perth Amboy; the Souldiers ridiculing the Govern^t of the Jerseys; Calling for their Govern^t all their Continued Insults, he no other ways resented, then by desiring Them not to be angry, and Presenting their Cap^{tn} with Brandy and oy^r Provisions and drinking the Earl of Bellomonts health to them. were the Ill Effects of these Proceedings, our only Sufferings; We might P'haps, have been Patient under our Pressures; but as meanness of Spirit, is Seldome Unaccompanied with other Vices So are we no less oweing to his Malice, then his Folly for our hurt, Our Rights and Priviledges, are by him invaded in the highest degree; and in lieu of the Free Electing Representatives, we are Forc^t to Submitt, to the Arbitrary Will of himselfe, and his Councill; by whose advice (Tho unminuted) he took the Writt from the Constable, the people being met to Elect, Pretending informality in it, and because one of his own Faction could not be Chosen, he appointed the Election two days after; tho the same methods were at first took, as ever had been Since East Jersey has been a Province, and he has not only Stuck, by advice of his Councill, to Violate Our Libertys, and Privilidges, but Likewise Your Possitive Instrucc'ons remaining upon the Publick Records, Which by his Commic'on he is tied Up to Obey. One Instance Shall Serve Viz^t Instrucc'on 8th To Lay no Tax upon uncultivated Land, &c. The Proceedings of the last Assembly, Will Sufficiently Informe Yo^r Hon^{rs}, That no Govern^t has had a Councill, that could better Suite and Answer his Sinister designes then That of Mr. Basses.

These things Much hono^d we thought fitt to let you know that you may take Such Prudent Measures, as may be most Conducive for your owne and Our good.

By Ord^r of the Town of New Worke

Aprill, 21th 1699

NATH: WARD Clk

Aprill 21th 1699

By Ord^r of Elizas Towne

SAM^l WHITEHEAD Clk

Aprill 25th 1699

By Ord^r of Perth Amboy

JNO BARCLAY Clk

June 1st 1699

By Order of Freehold

Copia Veria

WM Laing Clk

Order of King in Council, referring a petition of the Proprietors of West Jersey for an approval of Andrew Hamilton as Governor, to the Lords of Trade.

[P. R. O. B. T. Proprieties, Vol. 3, C. 21.]

At the Court at Kensington the 31th day of May
1699.

Present

THE KING'S MOST EXCELLENT MA^{TY} IN COUNCILL.

Upon reading this day at the Board the Petition of the Proprietors of the province of West New Jersey in America Humbly praying His Ma^{ty} to allow and Approve of their Choice of Andrew Hamilton Esq^{re} to be Governor of the said province of West New Jersey. It Ordered by His Ma^{ty} in Councill that it be Referr'd to the Lords Comm^{rs} of Trade and plantations to examine the matter of the said Petition, a Copy whereof is hereunto annexed, And to Report to this Board what They conceive fit to be done & thereupon.

EDWARD SOUTHWELL

[Petition enclosed in the foregoing order.]

To the Kings most Excell: Ma^{ty}

The humble Petic'on of the Proprietors of the
Province of West New Jersey in America.

Sheweth

That Andrew Hamilton Esq^r by appointment of yo^r Pet^{rs} having Executed the Office of Governour of the province of West New Jersey in America for severall yeares past with great Fidelity and Reputation Yo^r Pet^{rs} at the Generall Request of that people have againe Nominated him to be Governor of the same Province; as a person the most acceptable to the Country, and thereby most capable of serving the Crown both in Peace and Warr.—

Yo^r Pet^{rs} therefore doe most humbly beseech Yo^r Ma^{ty} to allow and approve of their Choice of the said Andrew Hamilton to be Governor of the said province of West New Jersey.

And Yo^r Pet^{rs} (as in Duty
bound) shall ever pray &c

JOHN MOORE	PAUL DOCMINIQUE
JAMES BODDINGTON	ROB: MICHEL
MICHAEL WATTS	John BRIDGES
JOSEPH BROOKSBANKS	FRAN: MINSHULL

A true Copy

EDWARD SOUTHWELL

*Letter from Colonel Quary, Judge of the Admiralty
in Pennsylvania, to the Lords of Trade, about
Pirates.*

[From P. R. O. B. T., Proprieties, Vol. 3, C. 30.]

L're from Coll Quary to y^e Board, ab^t Pirates arrived in Pennsylvania & other places.¹

Right Hon^{ble}

June 1st 1699

The Inclos'd is a Coppie of my last since w^{ch} there is arrived into this Governm^t about 60 Pirates in a Ship directly from Malligasco, they are part of Kids Gang about 20 of them have quitted y^e Ship & are Landed in this Governm^t about 16 more of them are Landed at Cape May in y^e Governm^t of West Jersey, the rest of them are still on board the Ship w^{ch} lies at Anchor near y^e Cape of this Governm^t waiteing for Sloops from New-Yorke to unload her. She is very rich Ship all her Loading is rich East India Baile Goods to a very great vallue, besides abundance of money y^e Cap^t of the Ship is one Shelly of New Yorke & the Ship belong to merchants of that place, the Goods are all purchased from the Pyrats at Malligasco which pernicious trade is y^t w^{ch} gives encouragem^t to y^e Pirats to continue in those parts haveing a Market for all the Goods they Plunder & Robb in the Red Sea & severall other parts of East India; I had yerly notice of their arrival & went down the River. I quickly Seased two of these Pirats & Convey'd them safe to Burlington Goale in y^e Province of West Jerséy where they will be secure, had I brought them to this Governm^t I could not expect but that they would have been set at liberty as several of

¹ As recorded, this and the two succeeding letters are preceded by abstracts, in which, under different headings, designated by the letters of the alphabet, the subjects treated of are briefly pointed out. These abstracts it has not been thought necessary to print.—Ed.

y^e Pirats of Averys Crew ware; as soon as ever I had Lodged them two men in y^e Goale: I went in pursute of two more of those Rogues & followed them so close y^t I Lodged them in Philadelph^a went Immediately to y^e Lieftenant Gover^r. Markham. I gave his hon^r a p[']ticular acco^t of these Pirates I told him how many was Lodged in this Government & that p[']ticularly there was two of them in this Town w^{ch} I would Immediately apprehend in case he would order y^e Constables to assist me w^{ch} he did & accordingly I went & seased them & Lodged them safe in the Goale, how Long they will be kept there I know not I likewise discover'd their mony & Goods w^{ch} he hath taken into his hands. I did on behalfe of the Lds of the Admiralty desire that y^e Pirates Goods might be Lodged in the possession & Jurisdiction of ye Admiralty it being granted by the Crowne to ye Lord high Admiral of England, but he refus'd it, nor would he so much as let me take an acco^t of the money & Goods, though I secur'd both it & and the Pirats wthout any trouble of y^e Govern^t I tould him w^{ch} way all the rest of y^e Rogues might be Secur'd & wth all propos'd to him that if he would press one of the Vessells that then lay before the Town & raise me forty men I would Immediately Seize the Ship & bring hur & all in her up to y^e Town or forffit my life, but all I said would not prevaile wth him, its a very miserable thing to live under a Govern^t Consisting of upwards of Seven thousand men capable to bear Arms where there is no Militia or any other means to defend the Kings Subjects or serve his Majestie let the occasion be never so great. I have sent express to y^e Gover^{rs} of Virginia & Maryland and also to all y^e Gover^{rs} to the Northwards, the Gover^r of the Jerseys is very ready & active on this occation he hath provided a Sloop & hath man'd & fited hur very well & is now going to Cape May in order to secure the Pirats y^t are landed there. I goe Downe wth him y^e next Tide part

of the way, I hope to give yo^r Ldships a good acco^t of what is don there in few days; I have in my hands 2000 peeces of eight w^{ch} I took from the two first Pirates that I Seazed & Lodged in Burlington Goale. I desir'd to know yo^r Ldships ord^r about it. I have been at Charge in hireing of Boats & Shallops & pay-ing y^e men in order to y^e Seazeing the Pirats w^{ch} I hope to be reimburst out of the Effects in my hands, no man can serve yo^r L'dships so efectually in giveing y^e true aco^t of the Piratts mony & Goods as my selfe so that if yo^r Ldships please to give me yo^r order of a Power Ile take care that there be no fraud or abuse so Don to those y^t have y^e Right to y^e Piratts mony & Goods of all the Piratts y^t shall be Seazed in these Neighbouring Governm^{ts}. I have so often troubl'd yo^r Ldships with Letters giveing an acco^t of y^e Contempts & affronts y^t are put upon his Majesty & his authority in this Governm^t & also of the Admiralty Comission in opposition to w^{ch} they have set up a Court of Admiralty of theirs, for y^e Seazeing trying Ships but haveing never Rec^d any order or direction from yo^r Ldships or y^e favour of a Line in answer I am not willing to trouble you more on y^t Subject; only will take the freedom to mind y^r L'dships y^t all y^e Gentlemen that are Concern'd for the Kings interest & Service in this Governm^t are very uneasy not only upon the acco^t of their being affronted & threaten'd by those in y^r Government, but to find there is no notice taken of their complaints in England w^{ch} Confirm's what y^e Quakers here say of M^r. Penns haveing so great an Inrest at Court y^t no complaints can be heard against the Governm^t let them act never so Illegal or Extravagant as for my own part I am easy enough for should this place be allowed to be a free Port I shall receive as much advantage in point of Trade as any man here but I doe assure yo^r L'dsps this y^t if some speedy Course be not taken it will be impossible to get men to serve

the King here, especially in what relates to the Admiralty there being no Sallerys allow'd to any of them. I have often Writt to yo^r Ldships on this and severall other Subjects to w^{ch} I humbly begg the favo^r of an answer w^{ch} may be a Guide to me for the future & to render me the more Capable of his Majestie's Service & yo^r L^dships w^{ch} is the earnest desire of

Yo^r Lordships most faithfful Serv^{ts}

ROBT. QUARY¹

*From Colonel Quarry to the Lords of Trade, about
Pirates in Pennsylvania and elsewhere.*

[From P. R. O. B. T., Proprieties, Vol. 3, C 31.]

L^re from Coll Quarry to y^e Board, ab^t the arrival
of Kidd & other Pirates at Pennsylvania &
other places.

PHILADELPHIA June 6th 1699.

Right Hono^{ble}

Since my writing the enclosed I have by the assistance of Coll Bass Gov^r of the Jerseys apprehended 4 more of the pyrats at Cape May & might have wth ease secured all the rest of them and the ship too, had this Governm^t given mee the least ayde or Assistance, but they woud not or soe much as issue out a Proclama-

¹ ROBERT QUARY was Governor of South Carolina in 1684 and 1690, and at one period, intervening, was Secretary of the Province. He afterwards was Judge of the Admiralty in New York and Pennsylvania, and was a member of the council of five of the Colonies at the same time. From the character of his communications to the authorities in England, it is evident that he was an emissary of the Government, charged with the duty of reporting the condition of the respective colonies he visited. While apparently honest in his aims, he was not always wise in his selection of sources of information, and consequently was led sometimes to imbibe erroneous impressions respecting the action of individuals, leading to unexpected difficulties between the officials in England and their subordinates in the colonies. Quarry died about 1712.—Ed.

tion; but on the contrary the people of this Governm^t have entertained the pyratts, convey'd them from place to place, furnished them wth provision & liquors, & given them intelligence & sheltered them from justice: & now the greatest part of them are conveyed away in boats to rhoad Island. all those persons that I have employed in searching for & apprehending these pyratts are abused and affronted & called Enemys of the Countrey, for disturbing and hindring honest men (as they are pleased to call the pyratts) from bringing their money & settling amongst them. Yo^r Ld'pps were pleased to send to this Governm^t a Copy of an Act formerly past in Jamaica relating to Pyratts & Privateers & all ayders & abettors of them w^{ch} yo^r Ld'pps recommended to bee past into an act here, itt lay asleepe till about 3 weekes agoe, when they thought M^r Penn might make good use of itt in England to abuse yo^r Ld'pps wth itt if possible, but I am sure when yo^r Ld'pps consid'g the act (a copy of w^{ch} is herein inclosed) you will find itt all of a peice w^h their former Act, & to bee a true representation of themselves, a fayre shew outwardly but nothing but fraud & deceit within And now wth yo^r Ld'pps favour I will make some remarks upon this meretorious act of theirs—1st the Jamaica Act hath made itt felony for any of the Kings subjects in an hostile manner to serve under any forreigne prince ag^t any other prince in Amity with his Majesty wth out Lycence, but this Act of theirs hath made noe such provision tho' all the roguery that hath been com'itted by those Sort of men in the West Indies hath been under colour of forreign Comissions. 2^dy—the Jamaica Act makes all such to bee accessarys & confederates that shall knowingly entertaine harbour conceale trade or hold correspondence wth any p^rson or p^rsons that shall bee deemed or adjudged to bee privateers or pyratts &c. but the Act of this Governm^t hath taken care to leave out the word (deemed) soe that now

by their construction of this Act the principall must bee first convict^d & judged before there can bee any accessarys, & that this is their true intent & meaning appears upon my complaining ag^t a great number of men that have been confederates wth these pyrats, all the answer I can have is, that they doe not know them to bee pyrats' till they are convict & judged such: Soe that all that soe very necessary a clause is by their act made ineffectuall. 3^y by the Jamaica Act all com'ission officers are impowred upon notice of any privateers or pyrats that are in any place to raise & levy such a number of well armed men, as they shall think needfull for the apprehending &c but the Act of this Governm^t impowers the Justices Sheriffs & Constables to call to their Assistance such a number of men as they shall thinck needfull &c but not one word of armed men or arms, if the Quaker Justices Sheriffs & Constables wth those of their friends whom they shall call to their Assistance can preach the pyrats into a submission to the Kings Authority, itt is well, if not they may goe about their business; As for Com'ission Officers they did very well to leave them out of their Act, since there is neither Militia nor one Com'ission Officer in the Governm^t. 4^y by the Jamaica Act in case the pyrats &c shall make resistance or refuse to yield obedience to his Majestys Authority itt shall be lawfull to kill & destroy such p'rson and persons & all p'rsons that shall resist by fying upon any of the com'anded party shall be adjudged as felons without benefit of Clergy, but all & every part of this soe necessary a clause is altogether left out of this Act made here. 5^y the Jamaica Act provides that in case any p'rson shall refuse to appeare att such place as shall bee appointed with his arms well fixed & amunition, & being there shall refuse to obey his Commission Officer such person shall bee lyable to such fines or corporall punishment as by a Regimentall Court Marshall shall

bee thought fitt, but by the Act of this Governm^t there is noe care taken for their appearing wth armes or amunition, & in case they refuse to appeare att all, they are only fined 5^l^d w^{ch} they very well know will never bee recovered of any for that cause in their Courts. 6^l^y They have by their act taken care to impower the persons that they doe associate w^h the Judge of the Admiralty; but have made no provision to impower him; Soe that if hee hath noe power to try pyracy without their act, that gives him none & my Com[']ission from L[']ds of the Admiralty gives mee no such power: but may it please your Ld[']pps that w^{ch} most sticks wth mee is, how I can wth safety according to Law conscience or reason sitt & judge the lives of the King's subjects when all the Judges in the Com[']ission & on the bench besides mysele are men that will not take the Oaths of Allegiance &c to his Maj[']ty or take the Oath of a Judge to give judgment indifferently betwixt the King & his subjects, or how can I give judgment for takeing the life of a Subject on the verdict of a jury not sworne, or on the Evidence of witnesses not sworne & this is what hath been practiced here. I am sure noe man liveing is more zealous to serve his Majesty in all things wthin my power, but I hope yo^r Ld[']pps will excuse mee if I joyne not wth them in this arbitrary illegal & arbitrary way of judging mens lives. I hope yo^r Ld[']ps will give some speedy orders & directions in this matter either by sending a Com[']ission under the great Seale or by ordring the pyrats to bee sent for England (w^{ch} in my opinion will bee much the better & easier way) for those 2 Pyrats that are in the Goale of this Governm^t must bee tryed by this defective law or not at all & by judges & jurys not qualified for the other 6 that are in the Goale of the West Jerseys they cannot bee tryed there, being noe Act of that nature past there as yett. I will trouble yo^r Ld[']ps noe further w^h a Com[']ent on that false deceptfull Act, w^{ch} serves

their turne well enough to make a noyse & if possible to abuse his Majesty, they have now sent itt home in great tryumph to M^r Penn, who knows how to make use of itt to serve his ends; the generallity of the people here that are not of the Government exclaimed ag^t them, to see them pass an Act but 3 weekes agoe & now that there is soe good an occasion offered to putt itt in execution that they will take noe notice of itt, but act quite contrary to itt. I am confident yo^r Ld[']pps will never find them act here in anything relating to the Kings interest but after this false deceitfull rate I am sure it will be impossible for them to impose on yo^r Ld[']pps wisdom, whatever they may fancy, and wee are not out of hopes, since that the wisdom of the Parliament hath not thought fitt to qualifye or permitt Quakers to give Evidence in any criminall cause, or come on any jurys, or beare any office or place of profit in y^e Government they will in their due time extend their Charity & consider the Unhappy circumstances of this place, & make the like provisions for Us Especially if recomended to them by yo^r Lordships

I am Yo^r Lordships

Most Obedient and most humble
Serv^t

ROBT QUARY

Since my writting this Captⁿ Kidd is come into this Bay hee hath beene here aboute ten dayes hee sends his boats ashore to the Hore Kills in this Governm^t where he is supplied with what hee wants & the People frequently goe on board him hee is in a Sloope with about 40 men with a vast treasure I hope the express w^{ch} I sent to his Excll^y Governo^r Nicholson will be time enough to send aboute the man of Warr to come up with Kidd, the messenger I sent to the Govern^t of Maryland came very seasonable. hee hath secured some

of the Pyrats and is in search of the rest. Cap^{tn} Shelley that brought all these Pyrats from Madegascar after hee had Landed and Secured all the Goods & mon'y, run the Shipec ashore neere New Yorke and then the merchants concerned went to the Governor and Informed against their Shipec. the Pyrats that I brought to this Governm^t have the Liberty to confine themselves to a taverne w^{ch} is what I expected, the six other Pyrats that are in the Governm^t of West Jersey are at Liberty, for the Quakers there will not suffer the Governo^r to send them to Goale. Thus his Maj^{ty} may expect to be obeyed in all Places where the Govern^t is in Quakers hands I hope yo^r Lordship will send some Speedy orders in this & other consernes w^{ch} I have at Large represented to yo^r Lordship.

Abstract of y^e Pennsylvania Act against Pirates &c. All Piracies &c. committed upon y^e Sea within y^e. Adm^l's Jurisdiction, shall be tryed in y^e Province as if they had been committed on Land.

Three Com^{rs} shall be authorized by y^e Gov^r & Council to Assist ye Judge of ye Adm^{ty} appointed in Engl^d for whose absence y^e Gov^r & Council shall appoint one from time to time. which shall have ye same power as is allowed to any in Engl^d by y^e 28th of H. y^e 8.

The Offenders shall be liable to such process &c. as if they were proceeded agst in Engl^d

All who shall abet & correspond &c with such as shall be judged Pirates within y^e Construction of this Act & not readily endeavour to apprehend them &c. shall be esteemed Accessories &c. and suffer as in such case is provided.

All Justices, Sherrifs &c upon notice of any pirates being within their Precincts, shall take such a number of men as they think needfull for y^e seizing & committing them.

Who ever refuses Assistance shall forfeit 5^{lb} Every officer neglecting his duty shall forfeit 20^{lb} for every offence.

*From Governor Basse to Secretary Popple, about
Pirates and Illegal Traders.*

[From P. R. O. B. T., Proprieties. C 29, Vol. 3.]

L're from M^r. Basse Gov^r. of y^e. Jerseys ab^t. Pirates
and Illegal Traders.

Sr

Burlington Y^e. 9th. June 1699

I Rece'd yours dated some time in August last but not beinge with my papers Remember not the perticular date. I am sorry I have received no directions from your honorable board about the two pirates by me secured in East Jersie, but afterwards bayled by his Excellencie the Earl of Bellomont whose confessions with the inventory of their estates were both transmitted you by severall Conveyances many months since they boath belonged to Auery & one of them I find to be principaly concerned in some of the horidest vilanies that those pirates ware Guilty of.

I am now to acquaint you that on the 29th of May last Capt Shelly in a Ship called the Nassau that aboutt some months since went out from New Yorke for the Island of S^t. Laurance arived at Cape May in this Government & that eveninge put on board of one Gravenrate [?] a Sloope belonginge to New Yorke eight pirates that haveinge committed severall hostilitys in the Indias and made their Voyage returned in him. he also lande [landed?] at Cape May fourteene Men passengers from the aforesaide Island eight of Which with their effects escaped away before I obtained any notis of their arivall which was not until the 1st. Instant & then haveinge an acc. of their endeavors to escape by a Letter from Col Quarry Judge of the Admiralty I Immediately manned out a Sloope & in person went

downe to Cape May tooke four of the persons suspected of pyracie who confest that have been on the Coast of India & have taken severall prises theare two more of them ware taken with their effects on the River and are now committed to the Jaile of Burlington in their Chestes are about seaven thousaud eight hundred Rix dollars & Venetians. about thirty pound of melted Silver a parcell of Arabian & Christian Gold, some neck-lases of Amber & Corral sundry peaces of India silkes which are all secured untill some course be taken with the prisoners. What the other four may be possessed of I cannot yet informe you they not beinge arived at Burlington but shall transmit boath their examinations & inventorys to You p^r the first oportunity I find by them that there are some hundreads of men On the Island of St^t Laurance that haveinge by Robery gained considerable sums are now desireous of Returninge to spend their ill gotten goods. Since the Arival of Shelly I am credibly informed Capt Kid in a large sloop with about sixty hands hath been seene & spoake with betwixt the two Capes of Delaware I had a sight of the sloop when I was downe but found he sayled to swift for me to speake with otherwise should have ventured to have Reduced him to submission but indeed I cannot but complaine that I am too much discouraged & Chequed in my zeale for the Common good & his Majestys servis in that I have nothinge beyond a Proprietary Commission to support me & even them persons semeinge to desert me for no other reason alledged that ear I could yet hear of then those that are but of so many instances of my faithfulness to the interest of the crowne Viz^t My discountenanceinge the Scoch & pirates in their illegall trades.

On our Assembly in East Jersie we passed the act Called the Jamaica Act against Privaters & Pyrates the pest & bane of trade against whom no lawes can be to severe Which I shall also take care shall be dili-

gently put into execution. It met with no meane opposition from the Scotch Gentlemen who amongst us are growne to a very great hight from the prospect of a Gentleman of their own Nations filleinge the seat of Government in these provinces by his Majestyes approbation & and the succes that their Countrymen meet withall in their settlement of the Island Gorda or Golden Island called by them by the name of Caledonia I cannot see but that the English interest & trade must of nessecity fall if some speedy course be not taken for their spopeinge [?] of their Groath the principall traders in East West Jersie & Pensilvania are Scotch who some of them have publicquely asserted that his Majesty dare not interrupt them in their settlement of Golden Island least It should make a breach betwixt the two nations publicquely (contrary to a Proclamation set out by express order from his Majesty holdeinge correspondence with them incorageinge the Inhabitants of these Colonies to goe thither boath to trade & settle on the proposals made them by the Councill of those now resideinge in Calidonia I cannot but beg of you to give your selfe the liberty of thinkeinge whaether these things give not some grounds to fear that in time the evill may be so universall to be esily remedied the trade of England to these Colonies Wholy discouraged & that of the Scoch nation advanced. If the sweates of profit be once tasted by our Inhabitants by giveinge the least encoragement to this trade it will Not be suppressed without extraordinary expense & diligence And I cannot but offer itt as my humble opinion that no way will prove more effectuall then a totall exclusion of them from any share in the government of these plantations I cannot but begg your pardon for my teadousness & Remaine

S^r

Your most faithfull serv^{ts}

J. BASSE

The enclosed letter coming accidentally into my hands I thought it might no unservisable to send you a Copy of itt: that you might see what trade is caried on att New Yorke.

Idem J. BASSE

To W^M POPPLE ESQ^R

[Enclosed in the foregoing.]

To M^r Delancie or in his absents to
M^r John Barbarie Mech^{tt} [Merchant?]

IN NEW YORKE

M^r Delancy &c Cape May: May 27th 1699
S:

I am just now come to Anchor at Cape May: Since I left you to Cape Bon-Esperance, from thence I went to S^t Maries on Madicascar: There I sold yo' goods for 17 Bales of Muslin fine & Course; and 24 Bales of White Callicues: one Ton of Elephants Teeth: about 2 or 3 hundred w^t of Opium; 1 Bale painted Callicues &c Which goods I have now on Board. Sometime afterward I took on board 75 Passengers: And went to Port Dolphin, there 24 went a shore: I victualed y^e Shyip and bought a few negroes: & some Pigs of tooth & Egg:¹ from thence I went to Cyan and Landed 22 Passengers: The remainder are now on board: and most of them designe for Virginia: & the Horekills with Andrew Graverard who is here with us, I have for their Passages vz^t about Twelve thousand peices of Eight: and about Three Thousand Lyon Dollars: I heare M^r Godfray is not here by M^r Graverard and that

¹ Tusenay: a metal.

there is no Man of Warr at New York: and expect to meet no Letter here from you, which if I do shall follow yo^r order, otherwise designe to come to Sandy Hook, where I shall expect your diligence & Care for y^e securing the Goods v^z: My Carpenter, The Taylor & one man more is dead: Tho: Pringle & 3 men more left me at Madagascar; If you think fitt you may acquaint my Wife of my Arrivall, for I have not writt to her. Edward Burkmaster is on board here. Cap^t Burges Arrived at S^t Maries that day I saild from thence hath sold his goods very well. No other Vessell Arrived whilst I was there: I have but 23 Negroes on board for Acco^t of y^e Owners. Each Bale of Musline One with y^e other, I bought for 100 p^{cs} in a Bale. The Callicue for 120 p^{cs} in a Bale. I desire you to send by y^e Bearer to me to Cape May. If I should be stopt by Contrary Winds here, Otherwise shall be very soon at Sandy Hooke Our Shyip is very fowle & Leaky. Make what dispatch you can for fear some of my passengers should discover us. I have hindred M^r Graverard on his Voyage to Virginia to Pylott us in here, It being a dangerous place & verry foggy rainy weather, for which I must pay him. I think it needlesse to Enlarge any more at p^{sent}, But wish all was safe a Shore, Then doubt not but y^e voyage would prove to content, which hath been y^e utmost care of

S^t: Yo^r: Humble Servant

GILES SHELLEY¹

A true Copie

J. BASSE

¹ The Lords of Trade, in transmitting a copy of this letter to the Lords Justices, under date of Aug. 10th, commenting upon its contents, observe:— "The foresaid Shelley is one of the four former-mentioned ships fitted out from New York in June, 1698, and his cargo outwards, according to an extract of the Books of Entries there, transmitted to us by the Earl of Bellomont, seems to be but of very small and inconsiderable value; but the returns mentioned in the same letter, and especially the freight for twenty-nine men (which seems to be the number brought by him to America, after the landing of forty-six others in India) viz.: 12,000 pieces of Eight, and 3,000 Lion dollars for their passage, are exceeding great, and must needs

From Collector Goodman at Perth Amboy, to the Commissioners of the Customs; Goods seized by him had been rescued by armed men.

[From P. R. O. B. T. Proprieties Vol. 4, D. 15.]

Perth Amboy: June 27th 1699

May it Please your Hon^{rs}

In mine to Your hon^{rs} the 10th of December I gave Your hon^{rs} an Account of the Carrying away of the Ship hester to York and the generall discouragement Wee have mett with here (Since that Time) in matter of Trade; I am now to inform Your hon^{rs} That the Ship Nassaw Capt Shelly Commander lately come from Madagascar, & since run a ground on Long Island Shoare near York, Landed some goods in this Province of which having Informac'on Saturday the 24th Instant I went and obtained a Warrant from a Justice of Peace and took with me a Constable in Order to search the house where the goods lay in the Town of Woodbridge The Master of the house abused the Constable & denyed my Authority & refused to lett the Constable break open the Door to search, which he would not suffer him to do. I immediately gott a Warrant from

be computed in the whole to be of many thousand pounds, Which evidently proves the nature of that trade in which such exorbitant advantages are made.'

"That Captain Burgess named in the said letter is another of the four fore-mentioned ships." "That Mr. Stephen Delancy, to whom the said letter is directed, is one of the merchants concerned in the ship Fortune. Capt. Thos. Morton, Commander, mentioned in our foresaid Representation, as seized by the Earl of Bellomont with great difficulty, for the like illegal trade, after that the greatest part of her cargo had been privately conveyed away and so appears to be a person used to those practices." [They notice also the receipt of the two foregoing letters from Colonel Quarry and comment upon them and say] "were also informed by the said Colonel Quarry that there is no act in force in West New Jersey by which those seized in that Province can be tryed and punished there. We humbly offer unto your Excellencies that all the pirates which have been seized or may be seized in Pennsylvania and West New Jersey be sent hither, together with the evidences upon which they have been seized, and which may be of any use for their conviction here, that so they may be tryed and punished according to law." New York Col. Docts. IV., pp 542-544—Ed

the same Justice to secure the Master of the house Mathew Moore but he refused to go before the Justice, to answer his Contempt neither could I persuade the Constable he had power to break open the Door, till I had obtained a third warrant for that purpose, and till the Justices of Peace came themselves to see it done, where I found and seized twelve small Bales or Baggs of Calicoes and Muslins and secured them in a Chamber in the house of M^r Richard Powell att Woodbridge and lay there in the same Chamber and sent to Amboy for a Waggon to carry them away, which came Early Monday Morning. People being so precise here that they will upon no Consideration suffer a Waggon to Travell on the Sabboth day. On Monday about one or two in the Morning, The house & Chamber where I lay was broke open by about Twenty persons disguised armed with Clubs, Pallizadoes & other Weapons of a prodigious biggness, myself threatned my Life, and the goods forcibly carried away; I have not neglected to make all possible Search & Inquiry, but to no purpose, for the people here are all Lawless & have no respect to Government or the Kings Authority but publickly affront the Magistrates, & those who endeavour to Execute the Law.

I must further informe Your Hon^{rs} that no Officer can act here without immediate power from Your Hon^{rs} & it is arrived to that pass, That Wee cannot have a Constable or other Officer to assist in anything for his Ma^s Service; all or the greatest part of the people do not think themselves oblidged to obey Our Gov^r (he as they say) not having the Kings Approbac'on though the Councill shewed me a Letter directed to them from the Proprietors, wherein they asserted that they had presented him to his Ma^{ty} and that he was accordingly approved of, and look upon me as sent without power to abuse them, The Extent of this Province is great, & it is not in the power of one Officer to manage the

whole business, when prohibited goods are Landed att severall places att one time near forty miles asunder, and the people joyne together to conceal them.

Those who have rescued the Goods shall not faile of a due prosecution.

Your Hon^{rs} may understand by the List herewith sent how small the Trade is, occasioned meerly by the Disputes and Uncertaintys ab^t our port.

Some Ships are dayly expected from Madagascar and I have settled the best Intelligence possible against their Arrivall and had I sufficient Power & Authority from Your Honours, I could Act with more safety, and Command that Assistance which is now denied me. They looking upon a Deputac'on from the Surv^r Generall (and upon himself) to signifye nothing in the meantime I shall pursue my duty, and do all things which by my Office are required from me for his Ma^{ty}s Interest, and towards the Discovery of illegall Trade now very rise [ripe ?] in these Parts. The want of a Custom house here is of great disadvantage and if wee are a Port it will be necessary to have one, otherwise nothing can be secured from the bold Attempts of those People who contemn and bid Defiance to Authority and do not stick to break open the Goale and rescue the Offenders from thence (as they have lately done) att their Pleasure All w^{ch} is most humbly submitted to Your Hon^{rs} by

Your honours most humble Servant

CHARLES GOODMAN¹

As to the Magistrates. They have been very ready and willing to assist me, but some late Disturbances have made the People regardless of all Law and Authority.

¹Referred by the Commissioners of the Customs Aug. 21st, 1699, to the Lords of the Treasury and by them to the Kings Council, who, on Oct. 23d, referred it back to the Lords of Trade for examination and report.—Ed.

Memorial of the Proprietors of East Jersey to the Lords of Trade, relative to a surrender of their Government.

[From Grants and Concessions, p 588.]

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

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

THE Proprietors having in all their Applications to this Honourable Board, shewed an Aversion to have any Controversy with his Majesty, as by their several Expedients in their Memorials laid before your Lordships may appear; and considering how often the near Neighbourhood of *East-Jersey to New-York*, (the most important Frontier belonging to the Crown of *England* in North-America) has been urged upon them, to induce them to a Resignation of their Government; they do hereby declare themselves ready to surrender the same to his Majesty; altho' the Government was the chiefest Motive of purchasing the said Province, which they did by the Opinion and advice of eminent Council learned in the Law, upon the Credit of which and the Confirmation by King CHARLES the Second, of the Title to the Grantees, their Heirs and Assigns, as absolute Proprietors and Governor's, (as by his Proclamation hereunto annexed does appear) they have buried great part of their Estates in building and planting the Country, and at their own Expense maintained the Government for many Years past, as well before his Majesty's happy Accession to the Crown as ever since, and have not received any returns whatsoever for all their Labour and Cost to this Day. In Consideration of the Premises the Proprietors do with humble Confidence rely on his Majesty's Justice and Goodness to confirm to the Proprietors and Planters respectively,

the following Rights and Privileges, to render them (at least) as easy under his Majesty's Government, as when under the Proprietors, toward which they presume to enumerate the following Particulars, viz.:

I. That his Majesty will be graciously pleased to confirm to them the Soil and Lands of the said Province and the Quit-rents reserved upon the Grants made or to be made to any Planters or others.

II. That upon the Annexation of the Government of the said Province to that of *New York*, the Port of *Perth Amboy*, may be established for entering Ships and Importing goods there, and Exporting goods from thence, without being obliged to enter their Ships at any other Place, paying the same or like Custom to his Majesty as are or shall from Time to Time be payable at *New-York*.

III. To have free Liberty to Trade with any Indians or other Inhabitants of America, without Interruption, and the Proprietors to have the sole Privilege (as always hath been practiced) of purchasing from the Indians, all such Lands lying within East Jersey, as yet remain unpurchased from them.

IV. All necessary officers and Courts of Justice for Administration of Justice, in Cases Criminal and Civil, to be appointed and held in *East Jersey*, in the same manner as is practised within the Government of of *New-York*, and that the Inhabitants may not be obliged to go to *New-York* or be impleaded there for any criminal or civil matter arising within *East-Jersey* nor be compelled to serve upon Juries or in any ministerial office within the Province of *New-York*.

V. That a Superior Court be held twice a year at *Perth-Amboy*, before whom Writs of Error or Appeals (in the Nature of Writs of Error) from other Courts within the Province may be brought and determined.

VI. That the publick Register and all Records relating to the said Province may be kept at *Perth-Amboy*, and not removed to any other Place; and that the Con-

stituting of the Secretary and Register and the Surveyor General of the said Province of *East New-Jersey*, remain in the Proprietors.

VII. That the same Number of Counties be continued in *East-Jersey*, as there are at present, and by the same Names, and that each County in *East-Jersey* may choose and send as many Representatives to the General Assembly to be held for *New-York* and *East-Jersey*, as are or shall be chosen by any County in *New-York*, and if any more Counties shall be here after created or appointed in *New-York*, as many may be created and appointed in *East-Jersey*.

VII. That a Proportionable Number of the Inhabitants of *East-Jersey*, may be appointed to be of the Governor's Council at all General Assembly's and to have Votes therein.

IX. That the Twenty four Proprietors may be Lords of the Soil, and hold Courts for the Lands in the Proprietyships, and appoint all Officers that relate thereunto.

X. No Person or Persons whatsoever to be molested or deprived of any civil Right or Privilege, or rendered incapable of holding any Office or Employment in the Government because of their religious Principles, the Province being planted by Protestant People of divers Perswasions, to whom that Liberty was an original Encouragement.

XI. That all Wills of Persons dying within *East-Jersey*, and Letters of Administration of Estates lying there, may be made and granted by the chief Judge of *East-Jersey* for the Time being, who is to reside there, and a Register thereof kept at *Perth-Amboy*.

XII. That the Proprietors still have their Power continued to grant Markets and Fairs in the said Province.

XIII. Lastly, All Lands, Goods and Chattles of Traitors, Felons, Felons of themselves, Deodands, Fugitives, Persons outlawed and put in exigent, Waifs,

Estrays, Treasure Trove, Mines and Minerals, Royal Mines, Wrecks, Royal Fish, that shall be forfeited, found or taken within *East-Jersey*, only the Inhabitants thereof, within the Seas adjacent, to remain to the Proprietors, with all other Privileges and Advantages, as amply as in the Grant and Confirmation to them of the *Fourteenth of March* 1682.

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

It is humbly desired that Colonel *Andrew Hamilton* may be despatched by this Board to the Government of *West-Jersey*, his presence being much wanted there, for the Convenience of his Majesty's Subjects in that Province.

Signed by Order and on behalf of the Proprietors

W^m DOCKWRA

Secretary and Register

[July 5th 1699]

Proclamation of Governor Jeremiah Basse against certain Ships from Scotland.

[From E. J. Records, Liber. C, Commissions, page 293.]

A PROCLAMATION.

THE GOVERNOUR & PROPRIETORS OF THE PROVINCE OF EAST NEW JERSEY to all His Majesties Justices of the Peace, Sheriffs & Constables & all other Officers, Civill & Military, & all other his Majestie's Subjects Inhabiting within the said Province Sends Greeting. WHEREAS, His Most Excellent Majesty hath received advice that Severall Ships of force fitted out of Scotland are designed to settle themselves in some parts of America and Least the same should derogate from the Treaties His Majesty hath Entred into with the Crown of Spain or be otherways prejudiciall to any of his Majesties Colonies in America His Ma'ty hath been

pleased to Signify his Royal Will & Pleasure unto us that we strictly forbid all his Majesties Subjects & others Inhabiting within our said Province that they forbear holding any Correspondence with or giving any assistance to any of the said persons while they are Engaged in the said Enterprize and that no provisions Armes Amunitions or other Necessaries whatsoever be Carried to them from hence nor be permitted to be Carried either in their own Vessels or any other Ships or vessels for their use THESE are therefore in pursuance of his Majesty's said Royal Will & Pleasure Strictly to Charge & Command all & every his said Majesty's Subjects & all others Inhabiting within this Province that they forbear holding any Correspondence with or giving any assistance to such person or persons who have been fitted out of Scotland with design to settle themselves in such parts of America or who are or shall be settled in any such parts of America as afores^d & that no Provisions Armes Amunitions or other Necessaries whatsoever be Carried to them Either in their own Vessells or any other Ships or Vessells for their Use from this Province or any part thereof under such Paines Penalties & forfeitures as by Law in such Case are provided & all his Majesty's Subjects and all other person or persons whatsoever Inhabiting within this Province are hereby required & Comanded to take Notice hereof & to Observe his Majesty's Royal Will and pleasure aforesaid in all & every the premisses as they will answer the Contrary at their Perill. GIVEN under the Publick Seale of the said Province this first day of August in the Eleventh year of the Reign of our Sovereign Lord William the third King of England Scotland France & Ireland Defender of the Faith &c Annoq. Dom. 1699

JERE. BASSE

*
P.S.
*

*Commission to Andrew Hamilton to be the Agent of
the West Jersey Society.*

[From E. J. Records in the Secretary of State's Office, at Trenton.]

Col! And: Hamilton's Commission of Agency for the
Society.

S^r John Moore S^r Thomas Lane Knights Aldermen
of the City of London and the rest of the Committee
of y^e West New Jersey Company.

To Colonel Andrew Hamilton, Greeting.



We being well satisfied of y^e Prudence and Ability and reposing a Special Trust and Confidence in the fidelity of you the s^d Coll! A'drew Hamilton have noninated constituted & appointed and by these presents do Nominate Constitute and appoint you to be our Agent & ffactor General in West New Jersey afores^d to sell and buy all such Goods & Merchandize as we shall consign to you or from time to time direct you to buy for us Also for us & our Name to call to acco^t Nathaniel Westland Jeremiah Basse & all others that have any Effects Belonging to our Society in their hands And to demand recover and receive y^e s^d Effects from them, either or any of them, Likewise to Gett Sett or Sell our Lands or any part thereof to such Person or Persons and for such su'me or su'mes of money as you shall deem most for our advantage And to that End to make and Execute or cause to be made and executed all necessary deeds & Writings such as the Case & Custom of y^e Country shall require And to demand recover and receive the Rents Issues & Profitts of such Lands of ours as you shall Sett And the considerac'on money that

shall be due & payable upon any Sale, and to Com-
promise Compound Conclude & agree with in all or any
our Concerns in West New Jersey afores^d as Occasion
shall require and you shall think fitt, Upon Recovereis
& Reciepts Compositions & agreem^{ts} to make & give
due & Sufficient Acquittances & discharges And to act
observe & do to y^e best of you^r Power for ye greatest
advantage of our Society All such other matters &
things as are or shall be committed to yo^r Care &
Managemen^t or that do concern yo^r Employ^mt as
afores^d applying you^r best Endeavours thereunto And
we do hereby command & require all our Servants in
West New Jersey afores^d to Submitt & yield due Obe-
dience to you the s^d Coll^l Andrew Hamilton our Agent
& ffactor General accordingly And you are to observe
& follow all such Orders & directions as you have al-
ready had or hereafter from time to time shall receive
from us, or any five or more of us And we do hereby
revoake make void & of no Effect the Commission or
Power formerly granted to ye Nathaniel Westland
Jeremiah Basse & Thomas Revell or any of them de-
claring the same to be henceforth of no value but that
this present Commission shall in all things take place
and be of full force In Wittness whereof We have
hereunto caused our common Seal to be affixed this
19th day of August Anno Dni 1699

THO. LANE E. RICHIER, JOHN BRIDGES, MICHAEL WATTS,
JOHN MOORE, JOHN WILCOCKS, ROBERT MICHEL,
OBADIAH BURNETT.

*Commission of Andrew Hamilton to be Governor of
West Jersey.*

[From E. J. Records in Secretary of States office Trenton.]

To our Trusty & Wellbeloved ffriend Coll:
Andrew Hamilton.

Greeting:

According to ye Power & Authority residing in us of Constituting the Gov'no^r & Commander in Chiefe of the Province of West New Jersey in America, having great Confidence in the Ability Prudence & Integrity of you the said Andrew Hamilton Have Nominated Constituted & appointed & doe hereby Nominate Constitute & appoint you Gov'no^r & Commander in Chiefe of the said Province Giving you full power & authority to Govern ye same. Together with all Isles, Islands, Rivers & Seas within the same or thereunto belonging according to the Lawes & Constitutions of the said Province not repugnant to the Lawes of England, and to doe all & every thing & things which to the Charge & office of a Gov'no^r & Comand^r in Chiefe doth appertain: Com'anding all Inferio^r officers both Civil & military to obey you ye said Andrew Hamilton as Gov'no^r & Com'and^r in Chiefe of ye said Province according to this our Com'ission & the powers hereby given unto you for the Space or Terme of one whole yeare from the date of these p'sents & so long after untill some other Person be Nominated & Constituted Gov'no^r in yo^r roome by another Com'ission sent from London & arrived in the said Province & there published on which this p'sent Com'ission is to be voyd. And further we doe hereby give power unto you the said Andrew Hamilton to Nominate Constitute & appoint by Com'ission under your hand & Seale of ye Province

a Deputy Gov^rno^r under you to serve in the said Province during yo^r necessary absence & no longer. Given in London under our hands and the Publick Seale of the Province of West New Jersey this Nineteenth day of August Anno Dom: 1699 And in the Eleaventh yeare of the Reign of our Sov^reigne Lord William the Third by ye Grace of God King of England Scotland ffrance & Ireland defend^r of the ffaith &c.



ROB: MICHEL, JOHN MOORE, THO:
LANE, OBADIAH BURNETT, E:
RICHIER, JAMES BODDINGTON,
JOHN BRIDGES, JOSEPH BROOKS-
BANK, MICHAEL WATTS.

Lords of Trade to the Earl of Bellomont on New Jersey Matters.

[From New York Col. Docts., Vol. IV, p. 546.]

To the Right Honourable the Earl of Bellomont
Captain Generall & Governor in Cheif &c. Or
to the Commander in Cheif of Majesty's Province
of New Yorke, for the time being.

My Lord

[Extract.]

* * * * We told you in our letter of the 5th of January last the reason of our suspending awhile any report about the Proprietors of East New Jersey's pretended right to a port at Perth Amboy; and shall now explain to you a little more fully how that matter stands. The Proprietors of that Province thinking it seems they might have some advantage by complain-

ing of your Lordship's seizure of the Ship Hester, petitioned his Majesty upon that subject, which petition of theirs being read in Council of the 9th of March last was by his Majesty referred unto our consideration; and we therefore send you here enclosed a copy of it with the Order of Council thereupon. Whilst we had that matter under consideration, those Proprietors laid before us also other memorials in which they offered some conditions, in order to compromise the dispute; but such as we did no ways think it for his Majesty's service to accept of. And therefore upon the 18th of April last we laid before his Majesty another Representation upon that subject. By that you will perceive the use we made of their proposal of a tryal about the Port of Perth Amboy, by bringing their right of government in to the same question: a matter in which they are very tender, as being sensible of the weakness of their title. And we therefore thought it best to joyn both together. Thereupon after long delays and after haveing in vain indeavoured in the name of the Proprietors of West New Jersey (who are for the most part the same persons) to draw us into a snare by desiring our opinions for the approbation of M^r Hamilton to be Governor of West New Jersey, that so allowance of the one, might have been an argument for the other because their title to both is one and the same; they have in the end laid before us certain proposalls for the surrender of East New Jersey upon certain conditions. But we have not yet thorowly considered the same. However there appearing to us several obvious exceptions against what they propose, and great difficulties in settling the matter to their satisfaction and without prejudice to his Majesty's right and to the interest of the Province of New Yorke; we are apt to think that business may hang yet some time longer in suspence. And therefore we send you here inclosed the copy of their said proposalls and desire your observations there-

upon, how far any of them will be advantageous or disadvantageous to the Province of New Yorke. But in the meanwhile we can offer to your Lordship no other rule for your conduct towards those Provinces both of East and West New Jersey than what his Majesty has already given you.

In your letter of the first of July 1698 beginning with the dispute you had with M^r Bass about the Jerseys, you mention two pirates sent for from thence, which for want of proof against them you had admitted to bail; and two others that you had sent for from Connecticut and Rhode Island; upon which you desire directions what to doe with them, and more particularly whether to send them or others in the like case to England or no, especially when you have not evidence there sufficient to convict them. This we have in part answered already by our letter of the 25th of October last, and we now further add that we can conceive nothing more proper to be done in order to their conviction, than by threats and promises to some that are apparently guilty, to induce them to give evidence against their accomplices. But as for sending or not sending them home (upon which we cannot of ourselves make any determination) we expect shortly some order of the Lords Justices in Council upon a Representation that we laid before them the 10th of this month on occasion of some pirates set on shoare in Pennsylvania and West New Jersey by a New York ship called the Nassau, commanded by one Shelly; which business we hope will in the end produce some regulation for the conduct of all his Majesty's Governors in the Plantations in the like cases * * * *

Your Lordships most humble servants

Signed

PH: MEADOWS

JN^o POLLEXFEN

JN^o LOCKE

AB^r. HILL

Whitehall

August the 21st 1699.

Account of the Inhabitants of West Jersey in 1699

[From P. R. O. B. T., New Jersey Vol. 1, B 7.]

Account of the Inhabitants of West New Jersey,
as taken in the Year 1699. Presented to the
Board by M^r Dockwra.

Daniel Leeds in his Almanack for the Year 1701, in
the Page of Nov^{br} gives the following acc^t

In Sep^{br} 1699. The Freeholders in West Jersey were
computed as follows

Burlington County	302
Gloster County	134
Salem County	326
Cape May County	070
	<hr/>
In all	832
	<hr/>
Whereof Quakers	266
	<hr/>
In all more Christians	566

NOTE.—The Quakers are more numerous in Burling-
ton County than all the other Countys. Salem County
has two to one for Gloster and 58 over Tho the Quakers
will have the latter double the Number in the Assembly
to that of Salem; Contrary to Justice and Equity.
Wherefore Salem will not Send Members till they have
equall with Gloster They paying double the Tax and
more than Gloster.

Secretary Popple to William Dockwra, inquiring as to the operation of the Act against fraud &c. in East & West Jersey, and in whose hands are their respective Governments.

[From P. R. O. B. T. Proprieties, Vol. 26, p 124.]

To W^m Dockwra Esq^r ¹

S^r

The L^{ds} Com^{rs} for Trade & Plantations being required to represent to his Majesty in Council how far the late *Act for preventing Frauds & regulating Abuses in the Plantation Trade*, past here in the 7th & 8th years of his Maj^{ty}'s Reign has been complied with, in relation to his Majesty's Allowance and Approbation of the Gov^{rs} of Proprieties in the Plantations; Their Lord^{ps} have commanded me to desire you to inform them what has been done in that matter by the Proprietors of East & West New Jersey respectively And further to let them know how the Government of each of those provinces now stands, and in whose hands the Administration thereof at present lies I am &c

Whitehall

Octob^r the 25th 1699

W. P.

William Dockwra to Secretary Popple in answer to the foregoing.

[From P. R. O. B. T., Proprieties, Vol. 4 D 20.]

L're from M^r Dockwra excusing his not yet answering y^e 2 L'es lately writ him ab^t E. & W. New Jersey.

Sir

I have recd yo^{rs} of the date hereof taking notice of

¹ Another letter of a similar purport was written to Mr. Dockwra on Nov. 14th; this not having received any attention.—Ed.

yo^r former w^{ch} wants an answer, if it had been 'my particular Concern I should soon have perform'd my duty to their Lo^{pp}s com'andes by yo^r letter.

But the Subject of that Letter is y^e busines of a Committe of the Proprietors who are lately so dispersed (& Sundry of them in the Country) that indeed a Committe could not be made up since the receipt of yo^r first Letter, but am in hopes to gett them together in few days & then so soon as I have their instructions for my Order, an hour shall not be lost, before an Answer be dispatch'd by

Worthy Sir

Yo^r most hum^{ble} Serv^t

W^M DOCKWRA

Chief Office Penny Post¹

Nov^r 14^o 1699.

Secretary Popple to Attorney Generall Trevor, asking his opinion respecting a new mode of having Proprietary Governors approved.

[From P. R. O. B. T., Proprietors, Vol. 26, p 130.]

To S^r Thomas Trevor K^{nt} his Majesty's Attorney General.

S^r

The Lords Commissioners for Trade & Plantations having under consideration that part of the Act of Parlam^t for *preventing frauds & regulating Abuses in the Plantation Trade*, past in the 7th & 8th of his Maj^{ty}s Reign, w^{ch} relates to his Ma^{ty}s Approbation of the Gov^{rs} of his respective Plantations, and observing

¹ Mr. Dockwra at one time had the management of the London Penny post.—See Vol. 1 p 378, note.—Ed

a Difficulty in the Execution thereof with respect to the Proprieties and Charter Governments, especially such whose Gov^{rs} are chosen annually in the said Plantations, They have commanded me to desire you to give them your Opinion, Whether his Ma^{ty} may not impower the Earle of Bellomont by name, or the Governor of New England, or the Governor of any other neighbouring Plantation for the time being without name, to approve or Disapprove any of the said Governors of Proprieties or Charter Govern^{ts} from time to time I am &c

Whitehall Nov^r 20th 1699

W. P.

Memorial of the Proprietors of East Jersey to the Lords of Trade, insisting upon a clause in their new charter, establishing Perth Amboy as a Port of Entry.

[From Grants and Concessions, p 597.]

TO THE RIGHT HONOURABLE THE LORDS OF THE COUN-
CILL OF TRADE AND FOREIGN PLANTATIONS.

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

The Proprietors in all their Applications to your Lordships, and particularly in their last Proposals, having expressed a great readiness of complying with his Majesty's Pleasure in relation to their Government, so as their Properties might be preserved to them by such Commissions of his Majesty's Part as are necessary to that End, are surprized at the dubious Answer returned by your Lordship's to the Second Article of their Proposals concerning the Establishment of a Port at *Perth Amboy*, for entering Ships and importing

Goods there, and exporting Goods from thence, without being obliged to enter their Ships at any other Place; For the principal objection that has been always made to the allowance of a Port in *East-Jersey*, arising from the non Payment of Customs there, and the detriment accruing to the Trade of *New-York* by reason thereof, the Proprietors conceived that by submitting to pay the same Customs as are paid at *New-York*, they had effectually answered that Objection, and prevented all others, and that they being his Majesty's Subjects, and equally entitled to his Favour and Protection with the Inhabitants of *New-York*, might under the Payment of such Duties freely enjoy those Conveniences for Trade, which God and Nature have allotted to their Colony, and they have purchased with their Money, and which has not been denied to any other *American* Plantations, tho' paying no Custom, but permitted as a natural Right.

The Proprietors therefore crave leave (in pursuance of that Sincerity and Plainness wherewith they have all along addressed to your Lordships on this Occasion) to declare, that the obtaining a Port to be continued for ever was their main inducement to consent to a Surrender of their Government; and therefore they insist, that in the new Charter to be granted to them by his Majesty, there be an express Clause inserted, whereby *Perth-Amboy*, shall be established a Port for ever for entering all Ships, coming into and going from *East-Jersey*, for importing and exporting Goods, and that such Port shall not be forfeited or taken away for any misdemeanour whatsoever, but only the Persons guilty of the misdemeanour shall be accountable and punishable for it.

This is the only Thing that can make the Province of any value to the Proprietors, or give them hopes of re-imbursing their Purchase-Money and other Expenses in Improvements; and if your Lordships think

it too great a Privilege for them, who have been faithful Subjects to his Majesty, and contributed to the Defence of the Frontiers during the late War in *America*, more than they were able to bear; the Proprietors cannot be accessory to their own Ruin by a voluntary Surrender but must endeavor to vindicate their Right in a legal manner, and seek redress by such other Measures as they shall be advised to, and are consistent with their Duty to his Majesty.

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

Signed on the behalf of the said Proprietors and by their Order

WILLIAM DOCKWRA

Secretary and Register

LONDON 15th 1699

January 1700

Jeremiah Basse to the Lords of Trade, with an account of his administration of the affairs of New Jersey.

[From P. R. O. B. T. Proprieties, Vol. 4, D 88.]

Lr'e from M^r Bass wth Copys of his proceedings relating to Pirates and other things during his Execution of y^e Gov^{nt} of East and West New Jersey.

LONDON 1st Feb^r ¹⁶⁹⁹ 1700

May it Please your Hon^{rs}

Consonant to my promis when I waited on this

¹ Mr. Basse did not wait for the arrival of his successor, Andrew Hamilton, but left New Jersey to be administered by the Council.—Ed.

honorable board I have heerein enclosed all my proceedings in the two Governments of the Jersies against the Pyrates with true transcripts of the Proclamations warrants & letters that Passed on that Subject.

If this be in any measure acceptable I shall be emboldned to present Your Lordships with all other proceedings whilst I continued my Station with an account at Large of the rise & progress of that divition & disturbance in those provinces that I cannot beleive will be Concluded any other wayes than by his Majestyes mandate to the people to Obey the Governor appointed by the proprietors or takeing them under his oune immediate Protection—Which last I am very certaine would be not a little gratefull to all the unprejudissed Sensible men in boath the Jersies. I have also added a Cobby of the East Jersie Assemblys address at the Conclusion of their Session with some of Addresses to the Proprietors of West Jersie that came home this last Conveyance If by this or any other wayes I could be so happy as to promote the Interest of his Majesty or give any light to your Lordships debates I shall thinke it a Suffittient reward to him who Is

Your Lordships very humble Serv^t

J BASSE

Petition of Messrs. Basse and Lofting to the House of Commons, relating to the Ship Hester.

[From N. Y. Col. Doc'ts., Vol. IV., p 605.]

TO THE HONORABLE THE KNIGHTS, CITIZENS AND BURGESSES IN PARLIAMENT ASSEMBLED.

The humble Petition of Jeremiah Basse Esq. and John Lofting Merchant.

Sheweth

That your Petitioners in 1697 being owners and freighters of the Ship Hester, burthen 150 tunns, sent

the said ship laden with the product and manufactures of this Kingdome to the Province of East Jersey in America, where she arrived on the 20th day of March 1698, and was duly entered at Perth Amboy a port appointed by the Commissioners of His Majestys Customs in England under the Directions of the Lords Commissioners of His Majesty's Treasury for the delivery of European Goods within that Colony.

That the cargoe being there unladen and disposed of the said ship continued in the same port till November then next following, when she being refitted, victualled and laden by your Petitioners with Pipe staves and Provisions ready to sail for the Island of Maderas, and seamens wages paid; Richard Earle of Bellomont then and now Governor of New York in America, usurping an Arbitrary power over His Majesty's Subjects of East Jersey, which is independent and no part of the Province of New Yorke, sent down fifty armed men to Perth Amboy to seize the said ship, who forcibly entred on board, desperately wounded several of the Mariners and carryed her up to New Yorke, where he caused an Information to be exhibited in the Mayor's Court of New Yorke, and the said ship to be condemned and sold at £315 New Yorke money, for not entring at New Yorke, the goods she imported to East Jersey, and for not paying the duties imposed on such goods by an Act of Assembly of New Yorke, though no duties are payable for goods imported to East Jersey, nor is East Jersey subject to the laws made by the Assembly of New Yorke. By which illegal proceedings your Petitioners are not only deprived of the said ship, then worth above twelve hundred pounds sterling, but of the Cargoe then on board amounting to a further considerable value, and can obtain no satisfaction at New Yorke from the Earle of Bellomont, nor from the Officers and Soldiers who executed his orders, by reason of his Interest and

Authority there as Governor, and his protection of those Instruments of his oppression.

That your Petitioner Jeremiah Basse being lately Governor of East Jersey seized there John Elston and William Merrick who confessed themselves of Every the Pirates crew, who your Petitioner as it was his duty, refused to bayle. But the said Earle of Bellomont by a pretended Admiralty power forced them out of your said petitioners hands, and set them at liberty upon insufficient bayle, to the great hazard and danger of your Petitioner and the said Merrick has since made his escape.

Your Petitioners therefore most humbly pray this honourable House to take the premisses into their gracious consideration, and to give them such relief therein as to their Justice and wisdom shall seem meet. And your Petitioners shall ever pray &c.

JERE: BASSE:

23 Feb. 1700

JOHN LOFTING

Minutes of Essex County Court at a meeting held at Elizabethtown, relating to Samuel Carter.

[From P. R. O. B. T. Proprieties, Vol. 6, G 28.]

AT A COURT OF SESSIONS OF County Court held in Elizabeth Towne for y^e County of Essex on Tuesday y^e 12th day of March 1699 }
1700 }

Pr'sent M^r W^m SANDFORD Psed^t

CAP ^t JOHN CURTIS	} Jus ^{ts}
M ^r ELIAS MCKEILSON	
M ^r JOHN TREATE &	
M ^r THEOPHULES PEARSON	

THE Court according to Adjournm^t Being opened one Samuell Carter appeared in the behalfe (as he said) of himself and his Neighbours by whome he was Im-

ployed and in an Insolent and contemptuous maner Railed and disowned the authority and power of the Court and of the P'sident' and Justices there sitting, calling the P'sident W^m Rascall and challenging him and the Rest of the Justices out of the Court severall times often giving the P'sident the Lye and Bidding him Kiss his arse, and grossly abused the Kings Attorney Generall and the foreman of the Grand Jury, and used and uttered words and Actions wholly unfitt to be mentioned with his sentences ushered in by many oaths soe that the Court by Reason thereof could not proceed in the hearing trying and Determining of the Matters before them.

Whereupon it was ordered that the high Sheriff of the County doe take the Body of the s^t Sam^l Carter into his Custody for his Insolency and contempt aforesaid And the P'sident and Justices are vnanimously of opinion (not one dissenting) that this matter (being a violence and Irruption of the Laws and soe high a Contempt and so Impudent Behaviour to the dignity and Authority of the Court then sitting, which may if not timely prevented turn to a Convulsion in Govern^t to the Ruine of the Collony) ought to be Represented to the Honour^{ble} the Govern^r and Council of this Province that such care may be taken by them as they in their prudence shall think fitt, that the Dignity of



he then residing in New York, and served subsequently in the councils of both Governors Rudyard and Lawrie. When the office of President of the Court of Sessions was conferred upon him it is not known. He died in 1692, leaving several children by Mrs. Sarah Whartman, to whom he had been legally married, as he acknowledged in his will, but who "for some considerable reasons had not been allowed to bear his name."

appears to have come to the Province from the West Indies. He became owner of most of the land between the Passaic and Hackensack rivers. He is first named as "Captain" (of the militia) in 1675,

the Governm. and the Authority of the Lawes may be supported and maintained, And Ordered that the high Sheriff do safely keepe the Body of the s^d Sam^l. Carter without Bayle or mainprize untill he shall be Delivered according to Law, Then the Court were forced to ad-journe themselves till tomorrow morning nine of the clock: which was done accordingly, but attended with almost a Generall noise and hollowing with vnseemly actions and Insolent Gestures, which seemed Rather to Looke like a Rebellion than otherwise, The Persons most forward in this Contempt were Sam^l. Whitehead: Benjamin Price: Ephram Clarke: Sam^l. Potter: John Luke: William Luke—Joseph Haines: Jonathan Haines & John Willes et^{ca}

A true coppie of the Record of Court given by me

GEO: POWELL [GEORGE JEWELL] Clarke

A true copie taken out of y^e Records of y^e s^d County Court Geo: Jewell clerk thereof & therewith Compared & Examined & me

THOMAS GORDON D Sec'y

Minutes of the County Court of Middlesex, held at Piscataway.

[From P. R. O. B. T. Proprietors, Vol. 6. G. 28.]

A Record of y^e Justices of Midlsex Proceedings for Piscataway y^e 3rd of March ^{1699.}_{1700.}

ATT A MEETING OF Y^{rs} JUSTICES OF Y^{rs} COURT OR COURT OF SESSIONS FOR S^D COUNTY OF MIDDLESEX IN Y^{rs} TOWN OF PISCATAWAY THIS 19TH MARCH 1699.

Present

{	SAMUEL DENNIS	}	Justices
	Capt JOHN BISHOP		
	SAM ^{LL} HALE		
	BENJ GRIFFITH		
	MACHIELL VANWEGHTIE		

WHEREAS this day being y^e day appointed by Act of

y^e Generall Assembly of this province for holding y^e County Courts for y^e s^d Town of Piscataway in y^e Publick meeting house there they y^e s^d Justices went to y^e s^d publick meeting house And finding y^e dooer thereof shutt they Inquired who had the Keyes of it Answer was made by Some of y^e Inhabitants of s^d Town y^t s^d house belonged to their Town & y^t they had nayled the doores thereof to w^{ch} y^e Justices Replied the house belonged to y^e Country so as to keep Court there by Act of Generall Assembly & so demanded Entrance w^{ch} being Refused y^e s^d Justices commanded y^e Sheriff to break open y^e doore of s^d house w^{ch} he attempting & Endeavouring to do Edward Slater of s^d Towne layd violent hands on him & John Longstaff wth other Persons of s^d Town stood close by y^e doore to hinder y^e Sheriff to Obey y^e Justices Command, and the Sheriff & s^d Edward Slater wrestling together y^e people Called out let them have room & fair play, & y^e Sheriff geting Clear of s^d Edward Slater went to y^e house doore & pushed it up with his foot & went into y^e house & Severall others crouded in after him amongst whom were John Langstaffe Thomas Higgens Joseph & Benjamin Mannen with others of s^d town and y^e s^d John Langstaff said let us turn y^e Sheriff out again for wee are men Ennough here to do it and there being a great noise & confusion in y^e house Severall persons said to Justice Dennes will you stand here and lett y^e Sheriff be murdered in y^e house, upon w^{ch} y^e s^d Justice went to another doore of y^e s^d house & pnshed it open with his foot & Entring in Some persons of s^d Towne whom he knew not layd hold on him & Edward Slater Came to him & took him by the Coller wth design as he Supposed to Strick him & said what do you come here for to whom y^e s^d Justice answered only in peace to keep his Maj^{ties} Court but finding y^t not acceptable he called Yelverton Crowell & W^m Englie to his Assistance who accordingly Re-

lieved him from y^e s^d Edward Slater. Also John Keyse & Samⁿ Walker asked Severall times by what authoritie they came to keep Court there and when it was answered to them by y^e Kings authoritie they Replied y^t they had no Lawfull authoritie to keep any Courts there & y^t y^e house was y^e towns & y^e Justices had nothing to do with it, and so y^e Justices finding such Resistance & opposition withdrew from y^e s^d house and went to ye Constables house of s^d towne & made this Record of their proceedings

Sam^l James

John Bishop

Sam^l Hales

Benj^a Griffith.

MACHIELL VANWEGHTIE

Thomas Gordon

Attor. Gen^l

John Barclay

A true Copie taken from the originall & therewith Compared & Examined P me

THOMAS GORDON D Secy.

Letter from William Penn to Samuel Leonard.¹

[From Penna. Archives, Vol. I., p 129.]

Unknown Friend.

In answer to thyne of 20th y^e last month, please to take w^t follows² [I need not transcribe y^e ques. to y^e first I say I am humbly of opinion that if every quere is not answered he'l think they are puzling questions, pardon me s^t if I offer my own & beg you to improve them & thro them into your own Mold.

1st The prop^{rs} being strangers to the Method of obtaining approbations G^r B.³ pretending to know it, They committed the management of that affair to him, who reported to those that he was approved as the Law directs & as an evidence of it produced the Dedimus Potestatem, w^{ch} he called his Commission of approbation but they afterwards discovered that he had overated his interests & hopes, & are therefore excusable if they told the prop^{tr} he was approved, believing he would not have been so positive to his own hurt and theirs.

2d The want of an approbation doth not unquallyfy a man to be a Gov^r but only lays him under a penalty if (neglecting to pnr sue the means of obtaining it), he act without it, for otherwise the act of Parl gives the King a Negative, there needing no more to break the prop^{rs} commission or any other of the like nature, than for the King to refuse to approve, let the person be



is first mentioned as one of Gov. Hamilton's Council in 1700. In 1718 he was one

of the Aldermen of Perth Amboy.

² At this point in the original Wm. Penn's handwriting gives place to that of Andrew Hamilton, which continues to and includes his signature when Penn's writing is resumed.—EDITOR OF PENNA. ARCHIVES.

Penn merely transmits to his "unknown friend" an opinion previously received from Governor Hamilton.—Ed.

³ Governor Basse, See East Jersey under the Proprietors, 2d Edition, p 193.—Ed.

never so well qualified w^{ch} the Act could never intend, Besides if an approbation were indispensablie necessary there lyes a Quo Warranto against the prop^{rs} Charter, & the Kings not useing it, as an argument it is not indispensablie necessary, the tryall he offers them being upon an other Topic viz. whether governm^t is assignabie, for it would not be on the foot of the approbation all means haveing been used to obtain it and the L^s of trade granting an allowance to A. H.¹ to act till the tryall was issued and it cannot be charged as a crime on them or him w^t y^e L^s refused to grant.

3d This depends upon the forms for if the prop^{rs} Commission be good without an approbation G^r B. superseded A. H.

4th And this also answers the 9th

5th It is certainly the Kings busines not the peoples to dispute the powers of the prop^{rs} Commission or inquire into the qualifications of a Gov^r. They know the prop^{rs} did not set up a governm^t at their own hands but were authorized by King Charles & the Inhabitants Comanded to yield their obedience to them as absolute gov^r., and the King only is Judge when its proper to recall that order, Nor have they any colour to appoint a Gov^r. either by any grant from the Crown, or by the neglect of the prop^{rs} of appointing none.

6th We are not to be wiser in matters of State than our Superiors. The Kings Counsel learned in the Law have resolved it some years agoe in tne negative, that the Natives of Scotland are not disabled and all the succeeding parl^{ts} have acquiesced in that opinion. Besides the people might easily imagine that if A. H. were disabled on that head, a Quo Warranto lyes and that is the prop^{rs} business to mind.

S^r pardon this freedom. We have an assembly to sit in East Jersey, next week & I set out hence on Munday some time of the day. If your Letter to Mr. Leo.²

¹ Andrew Hamilton.

² Evidently an abbreviation for *Leonard*.—Ed.

is sent me betwixt now and then it will come in best season & I'll take care of the delivery. Our Assembly breaks up to day.

I kiss your Lady's hands & am

Your most obedient servant,

Burlington, 25 May, 1700 AND. HAMILTON.]

But Gov^r H. could have put y^e out of doubt by showing y^e opinion of y^e present councill.

I am sorry for ye love I have to ye poor American colonys, & ye service I have freely Done to see soe many of y^m ready to do felo de see & set fire to their own comforts, so much their interest to preserve with all caution & Zeal. The Prop^{rs} will always be too hard for you at home, and 'tis a vanity in any to think they can vacate their Quit-rents by offering y^t w^{ch} is none of theirs to give, viz: ye Governm^t. I was ever for taking w^{ht} I could get, knowing y^t $\frac{1}{2}$ a loaf is better than no bread, & if they would be persuaded by me, y^t am also a Proprietor, it should be to concurr wth ye Proprietors in their Gov. & by an easy and engaging way to draw from y^m what privileges or benefits they wanted & the G^{ov}ment could graunt without any notable damage to their interest.

Last of all the Gentleman they have named is no stranger, sharper nor morose person, but one of very good qualities & in good esteem both here & at home, I have said in service to Jersey, justice to him & civility to thyself, improve it to those ends for I mean what I say, & am that Colonys and

Thy assured Friend



Indorsed

Gov^r to SAML. LEONARD

of East New Jersey 26th 3d mo. 1700."

From Governor Andrew Hamilton [to the Secretary of State ?]

[From P. R. O., among West Indies, Vol. 385.]

Letter from Governor Hamilton.

Sr

I was honoured by yo^{rs} of the 30th of November directed to Jeremiah Basse Esq^r Gov^r of East & West Jerseys by conveyance of his Exc^{ie} the Earl of Bellomont, M^r Basses Commission being superseded by one to me, He embarked at New York for Engl^d in December last before I had an opportunity of speaking with him after my arrivall in the Jerseys, he will be heard of at S^r Thomas Lanes & will no doubt give an account of what money or other effects he seized of pyrates while he was in the administration.

Since my arrivall I have taken 4 into Custody that came from Madagascar, Their names are James How, Nicholas Churchill, Robert Hickman, & John Eldridge. Eldridges treasure is in the hands of Coll. Quarry of *Philadelphia*, if the other three have any its hid in the Woods or else where, for there's none to be found about them *How* is a sensible man & I presume if he is promised a pardon, can make considerable discoveries, I shall pursuant to his Ma^{'ties} orders to My Lord Bellomont deliver up to his Exc^{ie} the befor named persons & what treasure I can at any time discover belonging to them or any other such sort of people who I am sensible are a pest among man kind

Sr

Your most humble servant

[May 1700]

AND: HAMILTON

Remonstrance of the Inhabitants of East Jersey to the King, against the acts of the Proprietors, and asking for the appointment of a competent Governor.

[From P. R. O. Proprieties. Vol. V, p 42.]

TO THE KINGS MOST EXCELLENT MA^{TY}

The Remonstrance and Humble Petition of your Ma^{tys} Loyal Subjects Inhabiting in your Ma^{tys} Province of East New-Jersey in America.¹

Humbly Sheweth.

That Whereas your Ma^{tys} humble Petitioners did Remove and Settle themselves into the said Province of East New Jersey, and by Vertue of a Licence from the Hono^{ble} Coll: Richard Nicholls Governour of the said Province under his then Royal Highness the Duke of Yorke, to purchase Lands of the Native Pagans, did according to the said Licence, Purchase Lands of the said Natives at their own Proper Coasts and Charges: And Whereas since his said Royall Highness did sell and Transfer all his Right and Interest to the said Province of East New Jersey to certain Proprietors; by whose Licence severall other your Ma^{tys} Loyall Subjects have also since purchased Lands at their own proper Costs and Charges of the Native Pagans of the same Place, whereby they humbly Conceive they have Acquired and Gain'd a Right, and Property to the said Lands so purchased; Yet notwithstanding your Ma^{tys} Loyall Subjects are Molested Disturbed, and Dispossessed of their said Lands, by the

¹ Referred to the Lords Commissioners for Trade and Plantations, and by them, on the 16th November, sent to the Proprietors, through Wm. Dockwra.—Ed

said Proprietors or their Agents, who under pretence and Colour of having bought the Government with the Soile, have distrained from, and Ejected severall Persons for and under pretence of Quitt Rent and Lords Rent, whereby your Ma^{ty}'s Liege Subjects have been sued and put to great Trouble and Charges, and have been Compelled to Answer to vexatious Actions and after they have defended their own Rights and obtained Judgement in their favour, could not have their Charges as according to Law they ought to have, but have been forced to sitt down under the loss of severall Hundreds of Pounds sustained by their unjust Molestations.

And further notwithstanding your Ma^{ty}'s Liege Subjects have Purchased their Lands at their own Proper Costs and Charges, by Vertue of the aforesaid Licences; Yet the said Proprietors, Gov^{rs} or Agents without any pretended Process of Law have given and Granted Great part of the said Lands by Pattent to severall of the s^d Proprietors and others as to them seemed fitt.

And notwithstanding their Pretence to Government, Yet they left us from the latter end of June 1689, till about the latter end of August 1692, without any Government, and that too in time of Actual War; so that had the Enemy made a Descent upon Us, wee were without any Military officers to Command or Give Directions, in Order to Our Defence, or Magistrates to put the Laws in Execution, and dureing the whole time the said Proprietors have Governed this your Ma^{ty}'s Province, they have never taken Care to preserve or Defend us from the Native Pagans or other Enimys, by sending or Providing any Arms, Amunition or Stores, but rather have provoked and Incensed the said Natives to make Warr upon Us by Surveying & Patenting their Lands, contrary to their Liking without purchaseing the same from them, or making any Satisfaction in Consideration thereof And sometimes when

the said Natives have sold & Disposed their Lands as to them seemed meet, they the said Proprietors have disposed of the same to others or else forced them who had the Property in it, to Purchase it of them, upon their own terms, which the said Natives have highly Resented and often complained of and (may justly be feared) waite only for an opportunity to Revenge it upon the Inhabitants of this your Ma^{ty}s Province.

And further to manifest the Illegall and Arbitrary proceedings of the said Proprietors in Contempt of y^r Ma^{ty}s Laws and against their own knowledge signified in a Letter by them (to the Council here in East New Jersey) wherein they say as followeth: We have been obliged against our Inclinations to Dismiss Coll: Hamilton from the Government, because of a late Act of Parliament disabling all Scotch Men to serve in places of Publick Trust or Profit, And obliging all Proprietors of Collonies to present their respective Governours to the King for his Approbation, So Wee have Appointed our ffriend Jeremiah Basse to Succeed Coll: Hamilton in Government, whom Wee have also presented to the King and he is by him owned and approved off.

Notwithstanding which Letter they have Superceeded the said Jeremiah Basse, (whom they wrote was approved by your Ma^{ty}) and have Commissionated the said Coll: Hamilton again without your M^{ty}s Royall Approbation, altho' Removed before by them as a Person disabled by Law, Who now by Vertue of their the said Proprietors Commission only, would Impose himself upon Us as Governour. And when in Government before Superceeded by the aforesaid Basse, was by them continued about a Year after the twenty ffifth of March (1697) without taking the Oath Injoynd by Law. And doth now presume to Exercise Government not having Legally taken the said Oath or having your Ma^{ty}s Royal Approbation, The said Proprietors of East

New Jersey have also, in Contempt of your Ma^{ty's} known Laws Commissionated a Native of Scotland to be Secretary and Attorney General of this your Ma^{ty's} Province (being both Places of the greatest Trust next the Governour) and one of the Same Nation to be Clerke of the Supream Court of this your Ma^{ty's} Province, Which may be of Ill Consequence in Relation to the Act of Trade and Navigation, and to the great Hindrance of Your Ma^{ty's} Loyall Subjects (the Power of Government being Cheiffly in the Hands of Natives of Scotland) from Informing against any Illegall or Fraudulent Trading by Scotchmen or others in this Province.

Wee your Ma^{ty's} Loyall Subjects Labouring under these and many other Greivances and oppressions by the Proprietors of this your Ma^{ty's} Province of East New Jersey, Do in most humble manner Lay Ourselves before Your Ma^{ty} (the Fountain of Justice) Humbly Imploreing your Ma^{ty} will be Graciously Pleased according to your Princely Wisdome to take into Consideration Our Evill Circumstances Under the Present Proprietors, (if the Right of Government is Invested in them) and that your Ma^{ty} will be Graciously Pleased to give your Royall Orders to the said Proprietors, That with your Ma^{ty's} Royall approbation they Commissionate for Governour A fitt Person Quallified according to Law; Who as an Indifferent Judge may decide the Controverseys Arising between the Proprietors and the Inhabitants of this your Ma^{ty's} Province; And settle all the Differences which at present they Labour under.

And your Ma^{ty's} Petitioners as in duty bound shall ever pray &c^s

John Royce,
Sam'l. Walker
Vincent Rugnion
Arie Bennit
William Winter

Andrew Cragge
John Willis
Dennis Morris
John Lambert
William Brown

Cornelius Hetfield
Roger Lambert
George Pack
Stephen Crane
Jeremiah Osborn

John Ruckman	Robert Wooley	John Thompson
Will'm. Wilkeson	Thomas Davis	Benjamin Lyon
Lonbert Jonken	Benjamin Wade	William Darby
Walter Herbert	Isaac Whitehead	Isaac Hattfield
James Sirwo	Joseph Mars	The mark of
Henry Marsh	John Megie	Marcilis Pieterse } MP
Edward Slater	Ephraim Price	The mark of
Benia Hull	Jeremiah Crane	Helemock Roeloste } HR
Joseph flitz Randolph	Jonathan Stout	Cornelius Musise
Francis Drake	Daniel Hendrickson	Johanies -----
Tho: Sutton	David Stoutt	Jan Claten
Rich: Sutton	Samuell Whitehead Junr	Roelof Helmighsen
John Ginnins	Richard Clarke	Thomas fredricke
John Wolley	John Miles	Ma'tys sdmott
Jacob Vandorn	John Littell	Janoes
[Eliazar] Cotarel	Natt: Bonnell	Tho: Laurence
Will'm. Merrettd	John Ross	The mark of
James Willson	Jacob Mitnell	Hendrick Epke } FE
Peter Stoot	Hen: Norris Junr.	John Clarke
Walter Newman	John Alling	John Marsh
John Ruckman	John Winans	Samuel Clerk
Thomas Hartshorne	John Ersken	Joseph Hallsey
Johna Ruckman	Joseph Willson	Henry Norris
Samuell Willit	Benjamin Price Junr.	John Pearce
Jarad Wall	John Ogden	Ephraim Clerke
James Laurence	Joseph Meeker	George Thorp
Jonn Drake	The mark of Capt. } M	John Woodruff
Ezekell Peregoe	gerebrant Claese }	John Meekat
Andrew Browne	Gerrd Gerrd sen de Jonge	Francis Sayro
Mardia Gibbins	The mark of } X	Jonathan Ogden
William Jones	John Lubertse }	Moses Tomson
Jacob du Trudle	The mark of } A	Benjamin Meeker
Benjamin Stout	Seba Epke }	Joseph Whitehead
Rich'd. Stoot	Hartman Michilses	ijacob Hendrickse
Thomas Estell	Cornelis Van de Vorst	R Van Giesen
Daniel Harkent	Robert	Dit ist merke } <input type="checkbox"/>
Richard James	Hendrick Gerrdtsden	Jacob Rarlemon } <input type="checkbox"/>
Thomas Cox	Dierck Poulisen	The mark of
George Drake	Jan [Gerrard?]	Roeloff Bomgat } <input type="checkbox"/>
John Drake	John Vahham	Jan → Bogert
Benjamin Manning	Rich'd: Davis	Laurence Lowrensi
Hugh Dun	Will'm. Dasal	Jan: desmarest
Thomas Higgins	John Langstaff	David Dessmarest
Jacob Sabrengh	Jediah Higgins	Jacobus Slot
Benjamin Hull	Edmond Downham	Ruth Van Hooren
Thomas Harburt	Joseph Manning	Samuel des Marest
John Clayton	James Manning	Joan des Marest

Samuel Forman	John Manning	de Tonge
Daniel Harkout	Andr. Wooden	Heyndrotch
Thomas fforman	Josias Wooden	Joomerijo
John Pars	John Browne	The mark of } O
Robert Hoolman	John Clevenger	John Loade } O
Walter Wall	James Bowne	Reool of RW
William Purdy	Jeremiah Banet	The marke of } RL
Alexander Forman	Nichollas Stevens	Roul of Vandelinda } RL
William Wood	Johanes Perterson	The mark of } M
William Wite	Abraham Vrelant	Weart Bawta } M
William Laurence	The marke of } I P	John Sharpe
John Worth	Johanis Poulse } I P	Alberdt Jaborowsky
John Bray	dit ist mark van } MB	Jackor Jarbowsky
John Gould	matheus Cornelison } MB	The marke of } I
Nathaniel Whitehead	The marke of } W	John Conneroson } I
John Cramer	Will'm: Day } W	Martin Poswbelse
Samuel Plum	Johu Edsall	Adriaen Post
John Parker	Francis Moore	Hendrick Klasen
Samuel Whitehead	Jan de grodt	Andryas Preijers
Daniel Price	Pierer da grodt	Thomas Thomasse
William Hill	John Berry	Johanies Thomaston
Joseph Lyon	M. Verlant	Joamis McEleson B
John Osborn	Richard Salter	The mark of } I T
Robert Morse	Henry Lyon	John Tep } I T
Samu'l: Pl	William Looker	The marke of } WD
William Robinsone	John Hinds	Wander Dedras } WD
John Thomas	Isaac Bounnell	The marke of } I
John Harriman Jun	Samuel Carter	Jane.Raleman } I

*From Messrs Andrew Bowne and Richard Harts-
horne, relating to the disorders in New Jersey.*

[P. R. O. B. T. Proprieties, Vol. 5, C. 43.]

The Disorders in New Jersey.

EAST JERSIE MIDDLETOWN y^e 23^d July 1700

S^r

Yours of the 6th Aprill Last come to our hands itt heing the first we received from you for w^{ch} we thanke you but could have wished you had sent us a more certaine acco^t of the Settlement of the Government which never so much as now wants to be settled. Since the

departure of M^r Slater Col Hamilton hath put M^r Morris¹ into Commission of his Councill & Justice believing him to be the onely man that can make the province Submit to him as Governor without the King's aprobaton & in Order to Effect itt they turned out an Englishman who was Sherif & put in a Scotchman who they thought would Obey them without Reserve & itt is saide Morris hath given out that he will carrie his point in makeing the people submit to Coll Hamiltons Government or he will Embrue the province in Blood in order to which they seised oppon severall persons intending to force them to Give security for their good behavior which one of them Refused and so Continued in the Sherifs Custody this the people tooke Greaviously itt being Harvest time & they had given outt warrants to seise Richard Salter & Others & the Sherif had like to have taken him w^{ch} some of his neighbors onderstanding went & met the Sherif banged him broake his head and sent him packing upon which as we are informed the people Resolved to meete on Friday the 19th July in order to goe & featch home him that was in the Sherifs hands upon the which Morris & Leonard dispatched an Express for Coll Hamilton who imediately came to them & they pressed about men & came on the 19th July in Armes to Middle Towne & came to the Ordinary And theare Inquired for the said Salter & one Bray. And then marched of the people of Middletown ware Assembled to the number of aboutt an hundred but without armes onely Sticke yet had itt not been for the persuasions of some much in the peoples favor theare would have been broaken heads if not further mischeife the saide Justices had perswaded the person in the Sherifs hand to give security for the good behavior the day before this meeteing In this posture things stand in this

¹ Lewis Morris.

County & we beleive Including the Scotch that through-
out the province there is six to one against owneing
Col Hamilton Governor and almost all biterly against
Morris, whome they looked upon as the first man as
Indeed he was that opposed Government &^e Signed

ANDREW BROWN [BOWNE] RICH HARTSHORNE¹
one of y^e Council

*Letter without signature to Jeremiah Basse, giving
an account of the disturbances in East Jersey.*

[From P. R. O. B. T., Proprieties Vol. 5, F 43.]

To Mr. Basse.

S^r

You may Remember how you left the afares of
Government in this province we are Sorry to Informe
you that they doe not Continue in so good a Condition
we were in hopes things would have Rested quiet on-
till we had heard how his Majesty had been pleased to
dispose of us & that all people would have Endeavored
to keepe the peace ontill such time, but contrary to all
Expectation Col Hamilton hath put in M^r Morris pres-

Andrew Brown as President of the Council had been
left by Basse in the exercise of the
chief authority, but his title thereto
was questioned, and hence his hostility
to the administration of Hamilton who succeeded Basse.

Richard Hartshorne was of Mon-
mouth County
and came to the
Province from
London in September, 1699. He was a Quaker by profession, of good reputation
and benevolent disposition, and soon rose to distinction among the people of the
Province. He was one of the Commission appointed in 1676 to lay out West Jersey.
See Vol. 1, p 230. East Jersey under the Prop. Gov'ts, 2d Edit, pp 46, 56, 169, 198 &c.
207, 219, 232 &c. Smith's History of New Jersey. "Minutes of Council."—Ed.

ident of the Councill & ordered him by what means he could to Subdue all that oppose his authority & Settle the country in his Obedience oppon which Commission & orders M^r Morris hath undertaken the worke & threatned that he would Obtain his end (which is to settle Col Hamilton in the Government Notwithstanding he is in no wayes qualified for Governor) or he would Embrue the Country in Blood Complaints ware made to Col Hamilton and Captain Leonard against the saide Morris but they were so farr from disowning such inhumane actions that they on the contrary rather justified & ridiculed itt. But it went further then words for just as harvest began Morris & others gave warrants to an Indigent Sherif to Apprehend severall men in Monmoth County who in their owne just defence beate the saide pretended Sherif to the Shedding of blood on boath sides Col Hamilton who resides cheifly att Burlington was sent to immediately who came & raised betwixt fourty & fifty men & armed them and marched from Shrewsbury to Middletowne, to meete the Country who opposed him with one hundred & Seaventy men butt without armes he when he came up to them askedfor t wo men but they not being theare he withdrew his men without further harme butt swore biterly he would have them if above ground left orders with his friend Morris not to disperse ontill he had got them and then returned to Burlington the Ambition & folly of Morris being known to the people of Monmoth they sent to advise with their neighberring Countys Middlesex & Essex what was best & most convenient to be done who generally advised to secure themselves & oppose Morris & the rest that assert & would endeavour to set up Col. Hamiltons arbitrary & illegal power & withall have promised assistance if ocation requires Justice Bishop & Dennis utterly disowns their procedings & say they never was att Councill butt once since Hamilton came

and then gave no such advise to make disturbance in the Country but that all might remaine quite ontill we heard further from England we feare what may be event of these things you know how hot headed Morris & Leonard are & itt may be feared their pride & mallis may cause great trouble if not prevented. It is the generall resolution of the Country that if they make future disturbance to apprehend Hamilton Morris & Leonard & secure them ontill his Majesties pleasure shall be known concerning them in the meantime the Country desires some care may be taken of them & that some other person may be appointed to keepe the peace ontill his Majestie shall be pleased to send over a Governor or otherwise settle this province at preasant we are in great Confusion their worked instruments have been so buissie in harraseing of some & haleing others to prisson who have shown their dislike to their arbitrary prosedings And the Country on the other hand are Riseing by whole townes against them Resolveing to putt a Stop to their arbitrary precedings although itt be with the hazard of their lives & fortunes These Officers of theirs are so bold as to attempt the drinkeing of Kinge James health Others have given out very suspitious words which makes the Generality of our thinkeing men be of opinion that itt is not for the Kings interest that any of these men should be in Offices we expect you will improve this to the best advantage for the good of the Country.

East Jersie 30th July 1700

*Indictment of Sundry Persons by the Grand Jury of
Monmouth County.*

[From B. T. Proprieties, Vol. 6, G 28.]

AT A COURT of inquire held at Shrowsberry for the
countie of Monmouth this twentie seventh day
August one thousand seven hundred.

Present	{	Lewis Morris President	Esquires	}	Justices
		Samuel Leonard			
		Jedidiah Allan			
		Samuel Denis			
		Anthony Pintard			

The grand jurie of inquire for the present service
wer these

John Reid	Alexander Adam
Jeremiah Stilwell	Thomas Webly
John Slocum	Patrick Cannan
Thomas Hewitt	James Melven
Abiah Edwards	Petter Emley
John West	Samuel Hopemyre
John Leonard	William Lawtone
William Hoge	

And haveing thir ingagment Had the charge given
them by the president Withdrew with a constable to
attend them.

The said jurie being called againe gave in this fol-
lowing presentment

August y^e 27th 1700 Wee jurors present Richard
Salter John Bray James Stout David Stout Benjamine
Stout Cornelius Compton William Boune Thomas Tay-
lor Thomas Hankison Jacob Vandorne Arian Bennet
Thomas Sharp Benjamine Cook Robert Innes Thomas
Estal and Samuel a servant to said Salter ffor Riotously
assembling on the 17th day of July and assaulting

John Stewart high Sheriff & Henry Leonard on the path neer to the house of Alex^r: Adam Beat and greivously wound the said persons tak ther swords from them brak them caryd them away and kept them to the value of ffive pounds money of this province In breach of the peace and terrour of the Kings leidge people Signe in behalfe of the rest by John Reid for man.

Vera Copia.

p me GAV: DRUMMOND

Clark

*Minutes of the Court of Sessions of Essex County
held at Newark.*

[From P. R. O. B. T. Proprieties, Vol. 6, G 28.]

AT A COURT OF SESSIONS OF County Court held at
Newark for y^e: County of Essex on Tuesday y^e:
Tenth day of September 1700

Pr^sent M^r: W^m: Sandford P^r:sid^t

Cap^t: John Curtis

M^r: Elias McKeilson & } Ju^{ts}

M^r: Theophilus Pearson }

THE COURT according to adjourn^t: being opened, Sam^l: Carter appeared & demanded of the Court by virtue of what authority they Satt, The P^r:sident made answer by the Kings, The Court then proceeding in bissnese as lay before them, called one Sam^l: Burwell who was bound over to this Court by Recognizance to answer for his misdemeanor being for begetting a bastard child Whereupon the Court demanded security of the s^d: Sam^l: for the maintanance of the Child, who Refused to give the same Upon which the Court Required the Constable to take the s^d: Sam^l: into Cusstody The Constable in the Execution of his office was sett upon by Thomas Johnson, Sam^l: Carter & Jos: Burwell & Severall others, The P^r:sident W^m: Sandford pulled of

the bench by Abra: Hettfield & Daniel Craine & his hatt & wigg halled of his head by the s^d Hattfield the Clerke of the Court all soe grosely abused in P'ticuquler by John Luker who struck him with great vilence with his fist, W^m Luker Jun^r with a Stick & John Clerke tore his wigg from of his head, The P'sident allsoe having had his Sword Taken from him by Daniel Craine & broak in peices by him the s^d Daniel The Rest of the Justices grosely abused, some their clothes torn of their backs with many other abusefull words & actions Received from the Rabbell of Elizabeth Towne, The prissoner Sam^l Burwell Resshewed out of the Constable hands made his Escape, the Constable alsoe grosely abused pulled by the haire & his staff Taken from him & Thrown out of doore, the P'sident allsoe being struck Three blows, Two of which ponches in the brest & one in the face, The Rabble Consisted of neere 60 horse, the Names of most of them are as followeth

Imp^r

Sam ^l . Carter	Benj: Wade	Jos: Meaker
John Clarke	Benj. Wade Junr.	John Meaker
Sam ^l . Clerke	Jos. Lyon	Benj. Meaker Junr.
Tho: Clerke	Benj. Lyon	Jonat Ogden Junr.
Wm: Luker Junr.	Ebenez: Lyon	Jeremiah Craine
John Luker	Daniel Price	Daniel Craine
Abra: Hettfield	Cha. Tucker Junr.	Benj Ogden
Isaac Hettfield	Wm. Luker Seinr.	Benj: Ogden Junr.
Cornell's Hettfield	Wm. Browne	Jos. Woodruff Weaver
Jos. Whitehead	Moyses Thomson	Tho: Johnson
Ephram Price	Obad: Sale	John Thomson
Natt Bunell Junr.	Isaac Bunell	Ja. Whithead
Abra. Baker	John Myles	
Sam ^l . Whithead Junr.	John Craine	Barnabest Carter
Sam ^l . Little	Ric'd. Miller	Rob: Little
John Ross	John Willes	Geo: Ross Junr. &
Jonat. Haines	John Radler	Sam ^l . Potter

ALL which and many more were present in the disturbing the said Court, The Sheriffe of The County

Robert Smith allsoe at the same time grosely abused, after all which dissturbance soe done and acted by them, The Court adjourned themselves to the house of M^r: Theophilus Pearson the next day at 6 a Clock in the morning. The Court allsoe satt according to the time of adjourn^t: Then was Impanelled a Grand Jury being 18 in Number all of the Towne of Newarke who was sworne accordingly By order of Court

GEO. JEWELL Cl

[All the documents are certified to in a similar manner, and one certificate for all is appended, from Thomas Gordon, Dep. Sec'y & Register:—Ed.]

Essex in East)
New Jersey)

To the Sheriffe of the County abovesaid or his Lawfull Deputy or either of them You are hereby Required in the Kings Name that you sumon Twenty foure good & Lawfull men of yo^r: Bailewick soe that they be & appeare imediatly before his Majesties Justices at the house of M^r: Theophilus Pearson in Newarke in the County aforesaid this Twelfth day of September 1700 To make a Jury of Inquirey in behalfe of his Majestie our Sovereigne Lord the King for the due presenting hearing & determining of all such matters & things either of yo^r: owne knowledge or otherwise which to you shall be presented & given in Charge, & have you Then & there the Names of the persons & this receipt, Dated this Twelfth day of this Instant September in the Twelfth yeare of the Reigne of our Sovereigne Lord William the Third King of England &^c. Ann^o. Domini 1700

By Order of Court

GEO: JEWELL Clerke

East New Jersey) The Names of an Inquest sumoned To
 Jersey) appeare before his Majesties Justices This
 12th Day of September 1700 as followth:

Imp^t:

Jos: Harrison foreman	Sam'll Huntington	James Nuttman
Anthony Ollive	John Balldwin Sinr.	John Linsley
Sam'll. Camp	Jos. Peck	Tho: Hayes.
Seath Tomkins	Daniel Harrisson	Amos Williams
Jabez Rogers	Jasper Craine Seinr.	Sam'll. Ward
Rob: Young	John Craine	Edw'd. Ball
Sam'll: Harrisson	Thomas Ludington	John Johnson &
Jonat Sargent Seinr.	Jos. Johnson	Sam'll: Pearson

By virtue of this writt, Jury sumoned by me
 The Jury Called & Sworne) JOHN MORRES
 & Charge given) Dep. Sherif

* * * *

John Johnson of Newarke Sein^r saith that Jos Lyon Tould him that he knew who took away the Keys of The prisson from the Sheriffe and that another stood by and see it as well as he.

It was done by a parcell of men which came from Elizabeth Towne in a Riottous maner Sep^t y^e 12th 1700 with Clubs in their hands to the house of M^r Theophilus Pearson and Demanded of him y^e prissoner & asking where these pittifull Rasskalls were that putt this man in prisson, & demanded him out of prisson & they was askt by what power they demanded him out of prisson, and they held up their Clubbs and said that was their power, Then they demanded where the Sheriffe was and said they would have him if he was above ground.

The Complainte of the Sheriffe at y^e time & day a foresaid That he was satt upon by severall men of Elizabeth Towne & forceably Robbed of y^e Keys of the Prisson, & the prissoner thereupon Imediatly Taken out of his Cusstody.

John Johnson further saith that the aforesaid Riotous Company laid hands on the Sheriffe & forceably shoufed him out of doore and demanded the Keyes of him, and he said that he would be torne in peices before he would deliver them, & y^e s^d John Johnson did assist the Sheriffe till he was by some men Taken from him.

M^r. PEARSON sworne

ROB: SMITH Sheriffe sworne

NEWARK September }

y^e 12th 1700 }

The Deposition of Zachery Burwell Jun^r aged about Twenty one yeares and The Deposition of Paull Day aged about Thirty one years saith, That they saw the greatest part of the men of Elizabeth Towne here named come to Newarke upon the 12th day of September 1700 and heard them say they would have the prissoner out of prisson or else there would be blood spilt when they came up to John Johnsons they Enquired for the Sheriffe, one tould them that he was at John Johnsons & they saw two men have hold of the Sheriffe & bring him from the house of John Johnson and perswaded the Sheriffe to deliver up the Keyes of the prisson, & he Refusing, They gave out threatening words & saying the Devill Take them if they did not take them from him and Imediatly gott about him & held him & said allsoe that they would take him by force, & presently said that they had gott them, and went to the prisson doores & opened them & lett out the prissoner with many threatening words against som of the Justices, & further saith not

The Depositions Taken this 12th Day of September 1700 before me

THEOPHILUS PEARSON

The Deposition of John Gordner aged forty nyne years or thereabout saith, Vpon the Twelfth Day of September 1700 he being at the house of M^r: Theophilus Pearson, there came up unto his doore a greate company of men a horse back with clubs in their hands & did demand of him where these pittiful Rasskells were that had putt the man in prisson, Sam^l: Whitehead by Name & Sam^l: Carter seeming to be the chief speakers, demanded where was Curtis & Sandford These Raskells that had Taken upon them a vserpt Authority but they would make them deliver him out & they believed that M^r: Pearson was one of them, & they did demand him to deliver the prissoner or they would force him, & further they would know by what power they putt the man in prisson, M^r: Pearson tould them it was by a Lawful power that the man was put in prisson & it should be by a due Course of Law that he should come out. M^r: Pearson Tould them that if Two sufficient men of their Company would be bound for his appearance he might come out, They Tould him they would not, but they would take him by force & M^r: Pearson Required them in the Kings Name to let him alone & they said they would not, M^r: Pearson demanded by what power they would take him out, & Sam^l: Whitehead held up a Club that he had in his hands & said by this power, and soe you say all Gentlemen, with that they held up their Clubs & said yes, one & all, They demanded where the Sheriffe was M^r: Pearson toulde them he knew not They Replied they would have him if he was above ground and so they went Towards the prisson and further he saith not

This Deposition Taken this 12th Day of Sep^r 1700
before me

THEOPHILUS PEARSON

JURORS for our sovereigne Lord the King upon oath present many of the Inhabitants of Elizabeth Towne on the 12th Day of September 1700 came up to Newark & Riottiously assaulted the Sheriffe of y^e County and forceably took away the Keyes of the prisson, and took away a prisoner out of the prison Namely one Joseph Parmator Then in cusstody. The persons that are presented are these after named

Imp^r

JOS: HARRISON foreman

Sam'l. Whitehead	Seinr Abra: Hettfield	Benj. Wade Junr.
Jos. Lyon	John Meaker	Wm. Whithead
Richard Clarke	Sam'l. Miller	Wm. Meaker
Ephram Clarke	Jeremiah Craine	Samll. Little
Sam'l. Carter	Daniel Craine	Rob: Little
Jonat Ogden Junr.	Isaac Bunell	Daniel Seeres
John Clerke	Rade Winans	John Luker
John Myles	Cha: Tucker Junr	Isaac Hettfield
Sam'l. Clarke	Tho: Johnson	Jeremiah Jesop
Aurthor Loper	Benj. Lyon	Benj. Ogden Junr.
Simon Nightingall	John Tomson	John Allen &
James Whitehead	Tho: Tomson	Jonat Ogden Seinr.

GRAND JURY MEN Names at a Court of Sessions held at Newarke on Tuesday y^e 30th day of September 1700 }

Thomas Hayes	Foreman	Benj. Baldwin	Jos. Breum
Sam'l. Harisson	Jabes Rogers	Daniel Browne	Anthony Ollive
John Cooper	Nathaniel Ward	Caleb Ball	Edw'd. Ball
Sam'l Allen	John Clarke of Newarke	Eley Lamson	John Duglass
Jos. Johnson			David Ogden &
John Allen			

Jurrors ffor our sovereign Lord the King present upon oath many of the Inhabitants of Elizab:^h Towne as is inmitted by the Court, Riottusly Dissturbing the s^d Court of Sessions sitting in their sessions in the publick meeting house in Newarke on y^e 10th of September 1700

THO: HAYES foreman

Letter from Jeremiah Basse to the Lords of Trade.

[From P. R. O. B. T. Proprieties, Vol. 5, F 43.]

FOR THE RIGHT HONORABLE THE LORDS COMMISSIONERS OF
TRADE &c

May it please your Lordships.

His Majesty in Council haveing been pleased to Refer to your Lordships consideration the PETITION from y^e Inhabitants of the province of East Jersie &c

I have made bold in order to your Lordships understanding more peticulerly the preasant state & condition of the said province to lay before Your Lordships the following transcripts or of either Letters or Abstracts lately Received¹ from some of y^e prinsepall Inhabitants. & withall to tender to your Lordships my servis If in anything it may conduce to the settlement of y^t onhappy people or promoteing his Majestys interest thear, which now in this state of Anarchy suffers as I am credibly informed not a little by the non Observance of the Laws that Relate to the plantation trade—I am

Your Lordships most humble Serv^{tt}

J. BASSE

[Received 15th Nov^r 1700]

Letter From Secretary Popple to Wm Dockwra

[From P. R. O. B. T., Proprieties, Vol. 26, p. 348.]

To William Dockwra Esq^r

S^r

I send you inclosed by Ord^r of the Lords Commissioners for Trade and Plantations, the Copy of a Re-

¹ Among them was the letter from Andrew Bowne and Richard Hartshorne dated July 23d, 1700, printed on pages 327-9.—Ed.

monstrance; that has been presented to his Majesty, in the name of the Inhabitants of the province of East New Jersey, which his Majesty having by Orders in Council of the 5th Instant, referd unto their consideration; Their Lordships desire you to communicate the same, to the Proprietors of the said Province for their Answer there unto, in writing, to be laid before their Lordships without delay. I am &c

W. P.

Whitehall Nov: 16th 1700

[No answer being received, Mr. Popple, on the 3^d December, renews the application, stating that, if an answer is not received, an *ex parte* report would have to be made to the King.]

Earl of Bellmont to the Lords of the Treasury.

[From New York Col. Docts., Vol. IV, p. 777.]

To the Right Honorable the Lords Commissioners of the Treasury.

[Extract.]

My Lords

* * * * Mr. Bass has had great good fortune in his tryal, upon the account of my seizing the ship Hester at Perth-Amboy in East Jersey, to have recovered such great damages of the King. The ship was sold by inch of Candle and there was no sort of partiality shewed by me in that matter as Bass has most falsely told the world, in a printed paper he dispersed last Session of Parliament, among the members of the House of Commons, neither did I get a shilling directly or indirectly by the sale of that ship after condemnation; but all the mony she sold for was applied to the payment of the Masters and saylers wages. That ship at the time of her seizure was much out of repair, and had no sort of merchandize on board her but 28,000 pipe staves, which were all sold by one Wooley, who

was Basses Agent, to Collonel de Peyster. Bass was reckoned to be happy in my seizing that ship, by all people here that knew his circumstances. The discourse was among the merchants here that he had imbezzed his brother in law, Mr. John Loftnings cargo, which that ship brought from England, valued at £800, and by that means M^r Lofting became bankrupt. The ship lay at Amboy near a year before Bass could freight her, and then neither was he able to freight her otherwise than with a paultry loading of pipe staves, which at £3.00 per 1,000, which is the common price, New York mony too, is but £98 this mony, and not much more than £70 sterling. So that with what conscience such extravagant damages were awarded for that ship and her loading of pipe staves, is more proper for your Lordships inquiry than mine.

A most violent storm that happen'd here the 29th [?] of Nov^r at night drove all the vessels in this harbor from their Anchors and damnified most of them, and this ship among others which carries my packets, and delayed here a week longer from sailing; which gives me the opportunity of sending your Lordships Collonel de Peysters affidavit, sworn before the Mayor of this City with the seal of the City affixed to it; which will satisfy your Lordships of the many falsities alledg'd (and for ought I know sworn) about the value of the ship Hester and of her pretended Cargo. Collonel D'Peyster is a very honest upright man, and Bass on whose credit that tryal about the Ship was chiefly engaged into by the Proprietors of the Jerseys, is a known profligate fellow and remarkable for lying.

I am with respect

My Lords

Your Lordships most humble
and obedient servant

BELMONT

New Yorke
Nov^r 23^d 1700

Memorial from Jeremiah Basse to the Lords of Trade.

[From P. R. O. B. T. Proprieties, Vol. 5, F 43.]

Mem^l: from M^r Bass relating to y^e present State
of y^e Jerseys.

TO THE HONORABLE THE LORDS COM^{rs} OF THE COUN-
CILL OF TRADE &^c

May it please your Lordships.

The continued advises that by every Ship is sent home of the distructions and Anarchy of the Jersies Ocations me in all humility to Request Your Lordships Speady care of them his Majesty hath been graciously pleased to refer their case to Your Lordships Consideration & I hope Your Lords^{hips} will pardon me if on their behalf I intreat you to be speady in the takeing such measurs as to your Wisdoms shall seeme most proper for their Reliefe and Setlement. & in order thereunto that the proprietors be Comanded to bring in a Speady Answer to the Petition Referred to Your Lordships Consideration.

Your Lords^{hips} most humble Ser^{tt}

J BASS

[December 3^d 1700]

From William Dockwra to Secretary Popple.

Lre from M^r Dockwra promising an Answer to the
Lre lately writ him wth a Remonstrance ab^t y^e
state of y^e Jerseys.

Worthy Sir

I receiv'd yo^r letter yesterday, and have com'unicated it to some of the Proprietors who have desired you will

please to acquaint the Hon^{ble} Boord, that their Answer to y^e Remonstrance & Peticon (of those Seditious complainants from E. Jersey) has been ready these 6 or 7 dayes; but there being Another paper to be also laid before their Lo^{ps} w^{ch} is to be signed by certain Members of the Province of West Jersey as well as East Jersey, the difficulty of getting y^m together is such, as takes upp so much time (severall of them living in the Country) that I could not have y^m closed fitt for delivery, till another meeting w^{ch} was appointed (before I had the favour of yo^{rs}) to be tomorrow evening, and I hope on Monday we shall bee able to dispatch them to attend their Lo^{ps} there haveing been no delay in any thing relating thereto, wth in the power of

Sir,

Yo^r most hum^{ble} Serv^t

WM DOCKWRA

5^o x^{bw} 700

Answer of the Proprietors of East Jersey, to the Remonstrance of the Inhabitants referred to them.

TO THE RIGHT HON^{BLE} THE LORDS COMMISS^{rs} FOR
TRADE & PLANTATIONS.

The Answer of the Propriet^{rs} of East New Jersey in America to the Remonstrance and Petition lately presented to his Maj^{ty} in the name of the Inhabitants of that Province.¹

The Propriet^{rs} humbly acknowledgeing yo^r Lordships fav^r and Justice, in allowing them a Copy of y^t Accusation against them, and time for makeing their

¹ See Page 322.—Ed.

defence to it, and reserving to themselves the benefit of a further defence after they shall have transmitted this Remonstrance to, and received an Answer from the Govern^r of that Province; for present Answer to the same, in Obedience to your Lordships Com'ands, they say, and humbly hope to satisfye Yo^r Lordships, that this Complaint is not sent from the whole body, or any Considerable Number of y^e Inhabitants there, but from a few factions and Mutinous people, impatient of any Government; and doth not proceed from any just cause administred by the Propriet^{rs} or their Govern^{rs} or Agents, but from a designe of these men to deprive the Proprietors of their Right to the Soyle and Quit-Rents of the Province derived to them by Grants from the Kings of England, and purchased by them with great sumes of money; and to strip his Maj^{ty} of his Regall Right to that and other Plantations and to render them independent of the Crowne.

In order to justify which Assertion, y^e Propriet^{rs} crave leave to premise to yo^r Lordships, that by the Law of Nations Kings and Princes have a Right to all Savage Country's either *Conquered* or discovered by *their Subjects*, and to dispose of them at their pleasure.

In pursuance of which Right the American Country's (whereof East New Jersey is part) being first discovered by the English in the Raign of King Henry 7th and afterwards more fully in the Raigne of Queen Elizabeth, have ever since, by Vertue of Letters Patents from that Queen, and the Succeeding Kings of England, been granted to Planters under small Quit Rents payable to the Crowne, or Its Grantees, *And* though the Kings of England and their Grantees have permitted, and sometime Encouraged the Planters to purchase the Soyle from the Indians, (which they doe for trifles) yet that method was not used of necessity, or for defect of sufficient title in the Crown, or Its' Grantees; but merely to avoid wars with the Savage

Natives, who were formerly more Numerous there than the English, and with a prospect to bring them over by such Gentle Usage to the Christian ffaith. neither is this method of purchasing from the Indians Universally practised in all his Majestys Plantations, and not at all in those of Virginia and Maryland, the Planters there sitting downe by Vertue of the Govern^{rs} Warrant only, without the Leave, or Consent of the Natives.

The Proprietors acknowledge that the late King James who when Duke of York, was the first Grantee of this Province from King Charles the Second, and the Lord Berkley S^r George Carteret and the present Proprietors Claiming under him, have for the reasons above mentioned generally, by themselves, or by Licensing y^e Planters to doe soe, purchase the Soyle from the Indians, and afterward confirmed the same Lands to the Planters by Patents or Grants from the Propriet^{rs} under small Quit Rents. This was the method of granting Lands within this province from the first planting It, and the Grantees usually paid their Rents till some of the Planters broached and advanced an Opinion, *that the Kings Right to the American Countrys discover'd by English Subjects was only Notionall and Arbitrary, and, that the Indian Natives are the Absolute Independent Owners and have the sole disposall of them,* In Consequence of which Opinion some of the Pet^{rs} who after their Purchase from the Indians took Patents of the same Lands from the Proprietors for the time being, now refuse to pay their Quit Rents, and others of them who have lately made purchases from the Indians, refuse to take Patents from the Proprietors, If this Notion receive Encouragement, and prevail, the proprietors are advised that all pretences of the Crown to, and their Grants of the American Colonys, have been wholly illusory, and Royall ffrauds; and the Pet^{rs} may, and in all probability, will, deny

his Maj^{ty's} Right to the Government, as well as to the Soyle of those Countrys, & set up a Government of their own, which the Proprietors hope your Lordships will think It worthy yo^r consideration to prevent..

These matters of fact being promised, & ready to be proved by them, the proprietors humbly conceive that the severall Articles of the Pet^{rs} Complaint are pregnant of such a desigⁿe, as will appear by a particular examination of them and Answer to them.

To y^e 1st *Besides* the disingenuity of its being a generall Accusation without descending to particular Instances; the Pet^{rs} have stated the Case partially, and conceal'd the principall matters upon which the merit of It depends; and therefore the Propriet^{rs} to set it in a true light, humbly acquaint your Lordships, that though Coll Richard Nichols was in One Thousand Six hundred Sixty four Govern^r of this Province under the then Duke of York, he had no power by his Com[']ission to grant Land, and if he had such power was determined above five Months before he made any Grant to the Pet^{rs} (which was in December One Thousand Six hundred Sixty four) the Duke of York having in the month of June preceding granted this Province to the Lord Berkley and S^r George Carteret, And y^e Licenses granted to the Pet^{rs} by Coll Nichols then, and by the Propriet^{rs} since, were expressly under a Condition to hold the Lands So purchased, of the Propriet^{rs} by Patent, and a Certain Rent; and all Claiming under the Licence of Coll Nichols actually took Patents of the same Lands at certain Rents, as by the Records thereof appears, which y^e Pet^{rs} have artfully forbore to mention, and rely wholly on the Indian title, And though the Proprietors might in strictnesse of Law have avoided the Patents granted by Coll Nichols for his want of sufficient Authority to make such Grants; yet the Proprietors Offer'd to confirm those crazy titles and never molested the Pet^{rs} in their possession, till they

refusing to pay their Quit Rents, the Propriet^{rs} as they were advised was lawfull for them to doe distrain'd upon some of them who had Patents, and brought an Ejectment against one Jones who had noe Patent, nor would take any, and therefore could not be prosecuted in any other manner, in which Action the Jury being all Planters gave a Generall Verdict against the Proprietors Contrary to y^e direction of the Court, and the consent of the Councill on both sides, who had agreed upon a Speciall Verdict.

To y^e 2^d *This* Article being likewise Generall, the proprietors can make no direct Answer to It, but to Obviate any particular Instance that may be hereafter partially represented to yo^r Lordships, the Proprietors humbly acquaint yo^r Lordships, that when the Proprietors or their Agents grant a Licence to purchase Lands of the Indians, they usually Oblige the Grantee to purchase a Certaine Tract agreed upon, and to allow the Purchaser a certain Portion of It to his own use, and take the rest of It to the use of the Proprietors: This was done in the case of one John Royce a great Asserter of the Indians sole Right, and a Ringleader of that faction, He had a Lycence from the Govern^r to purchase, and by vertue of it did purchase a large Tract of Land from the Indians, containing about Twenty Thousand Acres, and had about Six Thousand Acres of it allowed and granted to him by Patent from the Proprietors at five Pounds Yearly Rent. The Rest of It has since been set out to the use of three of the present Proprietors, and been reputed their particular property for severall Yeares; but now Royse puffed up with y^e Notion of the Sole Right of the Indians, and of noe Right in the King, and his Grantees, refuses to pay his Quit-Quent for the Lands patented to him, and Under his Indian title Claimes all the Lands he bought of the Indians though soe great a part of it was brought for the use of the Proprietors.

To y^e 3^d *This* Article is particular, but notoriously false, for King James haveing some Months before the late happy Revolution, Seiz'd the Government of this and the neighbouring Provinces, and put them all Under the Com'and of S^r Edmond Andros, the proprietors durst not Exercise any Government over East Jersey, and S^r Edmond Andros being upon the first news of the Revolution, imprison'd at Boston, All those American Colonys were in great Confusion for some time, but when the Government of England was settled, and the Proprietors restored to their former Right, the Proprietors first appointed John Tatham Esq^r, and afterward Coll Dudley' (now Deputy Govern. of the Isle of Wight) to be Govern^rs of this province, whom the people Scrupling to Obey, the Proprietors appointed Coll Hamilton to be their Govern^r; who was Accepted by them, and Administred the Government both Civill and Military severall years to the Generall satisfaction even of the Pet^{rs} themselves, The Proprietors insist they ought not to be Answerable for the Vacancy of Government Occasioned by King James his seizure of it, or by the Peoples refusall to Obey M^r Tatham and M^r Dudley whom the Proprietors had Commissionated, and if this could be imputed to the Proprietors, the Pet^{rs} had shown more Duty to the King, and Lesse Malice to the Proprietors, if they had been Earlier in their Complaint, and not have deferred It for Seven Years after the Offence (If It be one) committed. A Militia has been long established in the province, and Mustered and Exercised four times every Year, and by a Standing Law there every Inhabitant is Obliged to provide himselve with a Gun well fixed, sufficient Powder and Bullet, Under the Penalty of a fine whensoever he is found without them They confesse they have not provided Arms or Amunition for this Militia, because y^e King himselve doth not provide them for the Militia of England, or of his

own Colony of *New York*. As to the latter part of this Article y^e Propriet^{rs} declare they have some times caused Lands to be Surveyed before they purchased it of the Indians, which is no damage to the Indians but they never pretended to settle any Lands till after the purchase of It, from the Indians; nor did the Indians of their own accord make any Complaint, but have been influenced to doe soe by the Petition^{rs} that they may have a Colour to defraud the Propriet^{rs} of their Quit-Rents, and bring their title from the Crowne into Contempt.

To y^e 4th *The Propriet^{rs}* acknowledging that Coll Hamilton a Native of Scotland being Govern^r of *East New Jersey*, when an Act of Parliament in the Seventh & Eighth years of his now Majesty's Raign, intituled, *An Act for preventing frauds & Regulateing abuses in the Plantation Trade*, was made, they were by some Expressions in that Act, misled into a belief, that a *Scotchman* was disabled to Execute the Office of Govern^r and therefore to avoid Committing any Offence against that Act, did Constitute Jeremiah Basse Govern^r of this Province, who being presented to, and as M^r Basse informed them, approved of by his Majesty, the Proprietors in confidence thereof, wrote such Account of It to the Inhabitants as is Suggested by this Article; But M^r Basse haveing noe Instrument in Writing Expressing the Kings Approbation, was opposed in his Administration by many of the Inhabitants, and amongst others, by some of the now Pet^{rs} and Coll Hamilton came over to England about his own private affairs. After whose Arrivall the Propriet^{rs} having the Opinion of his Majesty's Attorney & Sollicito^r Generall of this Kingdome, that *Scotch men were Naturall Born Subjects of England* and not disabled to Execute the Office of Govern^r and receiving an Adresse from great Numbers of the Inhabitants representing the Abilities and Acceptable-

nesse of Coll Hamilton in that Station, which M^r Basse had left, and returned to England, and praying Coll Hamilton might be restored, the Proprietors Constituted him Govern^r by a new Commission, & endeav^d to Obtaine an Approbation of him by the King, but his Majesty haveing a little before that time, by advice of Your Lordships, directed a Tryall at Law for deciding the Right of Government, Your Lordships Scrupled to admitt a positive Approbation of him, because it might seem an Owing of the Proprietors Title then in Question; Yet were pleased to declare, that yo^r Lordships did not intend it as an Inhibition to the Proprietors from Exercising y^e Government till the Right was determin'd, (being very Sensible that the Country could not Subsist in peace without It) and that Coll Hamilton governing according to the Laws of England, the Proprietors would be safe in Com[']issionating him, and he in acting under their Com[']ission. This was Communicated by Coll Hamilton at his Arriual there, to the Inhabitants, who were generally inclin'd to Obey him, but the Petit^{rs} entertaining a belief that if the Government be Evicted or taken from the Proprietors, their Interest in the Soyle and Quit-Rents, which are their Civill and personall Rights, must fall with It, laid hold of this want of the Kings Actuell Approbation of Coll Hamilton, Opposed him with Armes, and now Arraign the Proprietors of neglecting to provide for the Government, which themselves have rejected.

The Proprietors conceive the latter part of this Article deserves no particular Answer, being fully cleared by the Opinions of the Attorney and Sollicitor Generall; and therefore only offer to your Lordships Consideration, that the Secretary and Attorney Generall of this Province, and the Clerk of the Supream Court mentioned by the Petition^{rs} have been many yeares, Inhabitants there, and though they are Scotch-

men by Nation, are Englishmen by their Interest, having embarked their whole Estates in the Prosperity of this Colony.

The Proprietors hoping they have fully answered the Petition^{rs} Remonstrance, wherein they humbly Submitt to Yo^r Lordships Judgment, now crave leave to Acquaint your Lordships, that they and y^e Propriet^{rs} of *West New Jersey* had before this Complaint arrived Unanimously agreed to Surrender the Government of both Provinces to his Maj^{ty}, Under such termes, and Conditions as they are advised are proper, and this Remonstrance now makes necessary, for preservation of their Civil Rights, which proposalls they are ready to deliver to yo^r Lordships, and doubt not yo^r Lord^{pps} Approbation of them.

Signed by Order & on behalfe of y^e Proprietors of the Province of East-New-Jersey. 9^o x^{br} 1700.

W^m DOCKWRA,

Secr & Reg^t

Jeremiah Basse to the Lords of Trade.

[From P. R. O. B. T. Proprieties, Bundle E & F, 51.]

Mem^t from M^r Bass, desiring a copy of the answer of y^e Proprietors of East New Jersey to the Remonstrance of y^e s^d Province

To

THE HONORA^{bl} THE LORDS COMIS^{rs} OF TRADE AND FORREIGNE PLANTATIONS

May it Please your Lordshi^{ps}

Being informed by some of the Proprietors that they have not onely put in an Awnswer to the Petic'on

preferred by the Inhabitants of the Province of East Jersie against them but that they have also (on termes) proposed to Surrender the Government to his Majesty. I would in the behalfe of the Saide Inhabitants humbly Request of your Lordships that a Cobby of the saide Awnsner &c. may be deliuered that On their behalfe I may endeavor to procead to proue by Oath the Allegations in the saide Petition If by them denied And be enabled to make any reasonable Objections against the Saide termes of Surrender If inconsistent either with the Interest of his Majesty or the Propertys of the Saide Inhabitants, & your Orators on their behalfe Shall humblie &c.

J. BASS

Secretary Popple to William Dockwra, asking for the transmission of the proposed surrender of the government of East Jersey.

[From P. R. O. B. T., Proprietors, Vol. 26, p 338.]

To W^m Dockwra Esq^r.

S^r:

The Answer of the Proprietors of East New Jersey to the Remonstrance and Petition of the Inhabitants of that Province having been read to the Lords Commission^{rs} for Trade and Plantations. Their Lord^{ps} have Comanded me to dessire you to lay before them the Proposals relating to the Surrender of the Government both of East and West New Jersey which you mention in the end of the said Answer That they may have the whole matter before them, in order to their Considering the Same and Reporting thereupon as they shall find necessary.

Whitehall }
Decemb^r 17, 1700 }

W. P.

*Report of Colonel Roemer to the Earl of Bellomont, on
the Harbor of New York.*

[From N. Y. Col. Doc'ts., Vol. IV., p 836. Translated from the Dutch.]

My Lord.

Pursuant to your Excell^{ties} verbal order of the 7th of December 1700, to measure the distance across the Narrows and to sound the depth of water there, as well as in a second arm of Hudson's river, called the Coll, between Staten Island and East Jersey, and to ascertain whether any ships and bombketches could come around by Amboy and consequently attack the city of N. York: item, to select a couple of places both at the Narrows and the Coll, where suitable fortifications could be erected, and the enemy thereby be forestalled in his undertakings, I on measuring the same, have found the distance between the heights (*hoof den*) to be one and $\frac{1}{2}$ mile English in breadth from shore to shore.

In regard to the depth of water, I find across from Long Island to Staten island 4. 4. 4. $4\frac{1}{2}$: 6. 11. 12. 13. 12. 9. 6. 6. and 5 fathoms right under the shore of the aforesaid Staten island. By the second sounding from Staten Island to Long Island $\frac{3}{4}$ of a mile farther south, where the river is narrowest, I find right under the shore, 5, 6, 12, 14 and 15 fathoms in the deepest part of the channel; this depth then falls off immediately to 6, 2 and $1\frac{1}{2}$ fathom of water where there is a Bar (*riff*) +° which, with a point northerly towards N. York, runs into Long Island and westerly 1-6 part across the Narrows, and S. S. E. towards Sandy Hook runs past Long Island hook where it shoots around E and E by North (*Oen O by N*)

Now for the fortification of the Narrows, I am of opinion that there ought to be, both on Long, and Staten Island, a sufficient Battery with a good Redoubt on each height, inclosed with proper lines of defence communicating with the respective Batteries, and that each be furnished with 30 guns carrying 18a24 lbs ball.

In regard to the other branch of the Hudsons river, called the Coll, between Staten Island and East Jersey, I have sounded it from Amboy up to Tompsons point and Elizabeth town and find from Amboy to the above named points 8, 7, 6, 5, and 4 fathoms of water, it then become shallow with a very crooked Channel +° having no more than 11a12 feet of water at spring tide, so that a ship can indeed come up as far as Tompson's point aforesaid, but with difficulty, because the river runs narrow and crooked. In order now, to hinder the approach of any vessel, I am of opinion that it can be effected by the erection of a battery on Schutter's island 12 or 13 miles from New York; with this, it is impossible for any ship, sloop or boat to run up or down.

I consider myself bound particularly to submit to your Excell^{cy} the great importance of Sandy Hook, and entertain that opinion, because reason and the Rules of War agree, that an enemy must always be kept as far off as can possibly be done, that a good block house and other fortification ought to be erected on the aforesaid Hook, as they would be very useful there, the channel and entrance being very narrow, and vessels on that account must pass immediately under this Hook, whilst the East banks lie sheer by and over the Hook running up to the North and East, and it is therefore very dangerous. For these reasons a good Blockhouse and Fort of 50 guns might answer, and prevent any enemy coming by water into my bosom, and oblige him to stand out to sea on a dangerous coast.

Further and lastly, an inclosed battery of 12 or 13 guns ought to be erected at the narrowest part of Hell-gate, to prevent the entrance of an enemy at that point also.

All this being done, I am persuaded an enemy will bethink himself a hundred times before he will undertake any attack on New York.

(Signed)

W. W. ROEMER

New York January 13th 170^o

Mr. Edward Randolph to the Lords of Trade.

[From P. R. O. B. T., Proprieties, F 69, Vol. 5.]

MR. RANDOLPH'S ABSTRACT of some papers, setting forth the Misdemeanours & male Administration of Gov^{rs} in y^e Proprieties & Charter Gov^{nts} in America. 19th Feb^{ry} ¹⁷⁰⁰/₁₇₀₁

(Extract.)

EAST & WEST JERSEY.

The Proprietors have right to the Soyle, but not to the Governm. of those Provinces, The Quakers are now contesting for Coll Hamilton their present Govern^t tho' not allowed off by his Maties Orders in Councell, as the Law directs; The Countrey is too large, and the Inhabitants too few to be continued a Separate Governm^t therefore East Jersey ought to be annexed to N: Yorke, and West Jersey to Pensilvania, and the three lower Countyes which will make a considerable and usefull Governm^t

*Memorial of Jeremiah Basse to the Lords of Trade
asking for a consideration of the Remonstrance of
the Inhabitants of East Jersey.*

[From P. R. O. B. T. Proprieties, Bundle E & F, 70.]

To the Right Honor^{ble} The Lords Commis^{rs} of the
Councill of Trade &c.

THE MEMORIALL

Of J. Bass in behalfe of the Inhabitants of his
Majesties Pro^{ce} of East New Jersie in America.

May it please Your Lords^{hips}

The negligence Procrastination & Delays of the Proprietors ocations me with all humility to Intreat your Lordships to proceed to A consideration of the Petition of the Inhabitants of the saide Province referred to you by his Majesty & appoint some time when the Proofs of the saide Petition as far as it relates to matter of fact may be laide before you. This my Lords I am Emboldened to Request from the pressing necessitys of that distracted province amongst whome the currant of the laws are Stopt & not the Shaddow of Gouernment remaines as by late advices I am credibly informed and the Kings interest in this State of Anarchy by the total neglect of the Plantation laws considerably Suffers I hope your Lordships will pardon this repeated Solicitation from

Your Lordships most humble Ser^t

J BASS

London Feb^{ry} 21st 1700
1701

*Crimes and Misdemeanors charged upon the Governors
of the Proprietary Governments in America.*

[From P. R. O. B. T., Proprieties, Vol. 6. G. 3.]

ARTICLES of High Crimes: Misdemeanours
Charged upon the Governours in the Severall
Proprieties, on the Continent of America, and
Islands adjacent.

BAHAMA ISLANDS. Pirates entertained there, and
illegal Trade maintained, and carryed on by the In-
habitants.

Every the Pirate, and his men were entertain'd when
Collonell Trott was Governour of Providence; and had
liberty to depart, or stay there upon their Giveing
Bond of 1000£ to appear when called some of those
were bound, One, for another. They carry from those
Islands the Brazillert, and Other dying Woods to Cur-
riasaw.

Colonell Nicholas Webb his Successor was a cruell
oppressor, and Imprisoned his Maties Subjects at pleas-
ure, by which means, he Gott a great Deal of Money,
And They, and their Families were Ruin'd. Read
Elding the present Governour, stands charged wth Pi-
racy lately committed upon a New England Vessell
richly Loaden, bound from Jamaica to Boston.

He Tyrannically beat and Wounded M^r Thomas
Gower, the Present Secretary, and Soon after kept him
in Prison 17 daies.

He seized, and condemned, the Small Vessells belong-
ing to the Inhabitants haveing made Packer, one of
Every's men, (and his Brother in Law) Marshall.

Dolton a Red Seaman is Judg, and Warren another
Red Seaman his Attorney Generall. They have sold
y^e Vessells and put the money in their Pockets.

SOUTH CAROLINA.—70 Pirates were entertain'd there, about 8 years ago.

M^r Archdale the late Governour Harboured Pirates; he countenanced Day the Master of a Bristoll Ship, to defraud his Owners of Vessell & Loading, And afterwards Day being bound to the Red Sea M^r Archdale provided for him a Moschetto Engine, against his Masters's Will to catch Fish for his Voyage.

He gave his permitt to Simon Tristrant, a Frenchman born, Who Imported a rich Loading of Wine, Sugars, and Cocoe, to sell his Vessell, and Cargo for which he was well paid.

M^r Joseph Blake late Governour Deceased, was a Great Indian Trader, and Took 6 Barrells of Powder, in the Late French Warrs and Sent them by his Agents to purchase Skinns of the Indians, having but 4 barrels in the Store, All which was purchased for defence of the Country.

He caus'd Some Vessels, and their Loading to be Seized and Condemned upon pretence of their Acts of Trade, and getting them to be appriz'd at half ye vallue, he and his Accomplices gott them into their Hands, Denying to y^e Owner's appeals to his Ma'tie in Councill.

He caused other Vessells to be seiz'd upon the same pretence and upon Private Contract with the Masters to pay him half ye vallue of their Vessels (which they did) he discharged their Vessels, defrauding his Ma'tie thereby of his Third part wth mith many other like misdemeanors committed by him.

NORTH CAROLINA.—They have no Settled Governm^t amongst Them. About 4 years ago the Swift Frigott being Drove out of Virginia by Storm and comeing aShoar upon the Sands in that Province the Inhabitants Robb'd her, and Fired Great Gunns into her and Disabled her from Getting off. The Chief Offender was Banished onely. Tis a place which Receives Pirates, runaways, and illegal Traders.

MARY-LAND.—His Matie took the Governm^t of That Province out of the Hands of the Lord Baltamore the Proprietor, because Colonell Talbott his Governour murther'd the Collector of his Ma'ties Cūstomes in Cool Blood.

THE THREE LOWER COUNTIES ON DELAWARE BAY. Mr. Penn usurps Government, and laies Taxies upon his Ma'ties Loyal Subjects inhabitting There.

There were, not Long Since Two persons Try'd & Condemned the Judges, and Juries not being Sworn, and afterwards executed in those Counties.

PENSILVANIA.—Another person was Try'd, Condemned, and Executed in M^r Penn's own Province, the Judg, and Jury not being Sworn.

It has been, and still is y^e only receptacle for Pirates, & illegal Traders.

M^r Penn in Defyance of ye Authority of y^e Court of Admiralty there erected, Has appointed a person to Execute y^e Office of Marshall by Warr^t under his hand and Seal.

I was made a prisoner by M^r Markham (M^r Penn's Governour) because I would not Deliver to him Two Bonds, one of 1000£ the other of 500£ Forfeited to his Ma'tie, which I had Given Orders to be put in *Suit*.

M^r Penn about Octo^r last intercepted, and detained Letters, and Packetts, from the Commissioners of the Cūstomes, to Mr. Birch their Officer at Newcastle.

He likewise charged Mr. Swift bound from Pensilvania to England, who M^r Penn knew had letters from the Judg of the Admiralty in Pensilvania for the Said Commissioners, not to Deliver them till one month after his Arrivall.

PROVINCES OF EAST AND WEST JERSEY.—They are all in confusion for want of Governm^t and humbly pray to be taken under his Ma'ties immediate Governm^t and Protection. They likewise receive and harbour Pirates.

COLONY OF CONNECTICOTT. Receive and countenance illegal Traders and Lately intended to Oppose with Force persons Legally impowr'd to Seize, & Carry away Prohibited Goods in Order to be Try'd in his Ma'ties Court of Admiralty at New York.

ROAD ISLAND. They have all along Harboured Pirates. Walter Clark, the late Governour, refused to Take y^e Oath enjoyn'd by the Acts of Trade to be Taken by all Governours &^c.

Samuell Cranston the present Governour, openly opposed the Authority, of the Court of Admiralty, Order'd by Act of Parliament to be There erected.

PROVINCE OF THE MASSACHUSETTS BAY.—They haveing obtained a new Grant, made voyd, and destroyed all those Laws made not long before, for the Maintainance, & Support of his Ma'ties Governours of That Province, on purpose to Discourage Gentlemen of Honour and abillities to Serve his Ma'tie in that Country, haveing thereby made that Government precarious only.

They inrich themselves by their continued breach of the Acts of Trade, Some Of the Members of ye Council being illegal Traders, sitt Judges in ye Courts upon Tryall of Seizures for his Ma'tie, and do likewise deny Appeals to his Ma'tie in Councill, to those who are impow'red, and directed to prosecute them.

They have likewise Turn'd out M^r Byfield a man zealous for haveing the Acts of Trade duly executed, who by Commission under the Great Seal of y^e Admiralty was Judge of the Court of Admiralty in That Province. And made M^r Waite Winthrop (a small Practitioner in Physick) to be Judge of That Court Tho' in no Sort qualified for y^e Office instead of M^r Byfield against whom they had nothing to Object. Some of the First Pirates I ever heard of in the Northern Plantations were sett out from Boston who brought in a Great deal of Riches from the Spanish Plantations

PROVINCE OF NEW HAMPSHIRE. M^r William Part-
ridge the present Lieu^t Governour, and Severall of
the Inhabitants of that Province are Notorious, illegall
Traders.

humbly Offered

by ED^p. RANDOLPH.

March. 24:

1700: [1701]

*Proceedings of Court of Sessions of Monmouth County
at Middletown, relative to the putting Sundry Of-
ficials under guard.*

[From P. R. O. B. T. Proprieties, Vol. 6, G 28.]

AT A COURT of Sessions held for y^e County of
Monmouth at Middletowne in y^e County afores^d
& province of East New Jersey, March 25 1701.

Being present

{	COLL ANDREW HAMILTON	}	Governour	
	LEWIS MORRIS		Esq ^{res} of y ^e	
	SAM ^l . LEONARD	}	Gover ^s Council	
	JEDIDIAH ALLEN		}	Justices
	SAM ^l . DENNES			

The Court being opened one Moses Butterworth who
was accused of piracy (& had confessed y^t he did sail
wth Cap^t William Kid in his last voyage when he came
from y^e East Indies & went into Boston with him) &
was bound to make his appearance at this Court y^t he
might be Examined & disposed of according to his
Maj^{ties} orders the s^d Butterworth was Called & made
his appearance & when y^e Court was Examining him
one Sam^l Willet In holder said y^t y^e Gover^r & Justices
had no authority to Hold Court & y^t he would break it
up & accordingly went down staires to a Company of
men then in armes & sent up a Drummer one Thomas

Johnson into y^e Court who beat upon his drum & severall of ye Company came up wth their armes & Clubs w^{ch} together wth y^e Drum beating Continually made such a noise (notwithstanding open proclamations made to be silent & keep y^e Kings peace) y^t y^e Court Could not Examine y^e prisoner at the Barr & when ther was as y^e Court Judged betwixt 30 & 40 men Come up into y^e Court some with their armes & some with Clubs two persons viz: Benjamin Borden & Richard Borden attempted to Rescue y^e prisoner at y^e Barr & did take hold on him by y^e armes & about y^e midle & forct him from y^e Barr y^e Constable & undersheriff by y^e Command of y^e Court apprehended y^e s^d Borden upon w^{ch} severall of y^e persons in y^e Court assaulted y^e Constable & undersheriff (the Drum still beating & y^e people thronging up Staires wth their armes) & Rescued y^e two Bordens upon w^{ch} y^e Justices & Kings Attorney Generall of the province after Commanding y^e Kings peace to be kept & no heed being given thereto drew their swords & Endeavoured to Retake y^e prisoner & apprehend some of y^e persons Concerned in y^e Rescons but was Resisted & assaulted themselves & y^e Examination of y^e prisoner torn in peices & in y^e scuffle both Richard Borden & Benj. Borden were wounded but y^e Endeavours of y^e Court were not Effectuall in retaking y^e prisoner for he was Rescued & Carried off & made his Escape and the people viz: Cap^t Safetie Grover Richard Borden Benj: Borden Obadiah Holmes Obadiah Browne Nicholas Stephens George Cooke Benj: Cooke Richard Osborne Sam^l Willett Joseph West Garret Bowler Garret Wall James Bollen Sam^l foreman Will^m Winter Jonathan Stout James Stout Will^m Hendricks John Bray Will^m Smith Gersom Mott Abner Hewght George Allen John Cox John Vaughan Elisha Lawrance Zebulon Clayton James Grover Jun^r Richard Davis Jeremiah Evrington Joseph Ashton with others to y^e number of about one

hundred persons did traytorously seize y^e Governour & y^e Justices the Kings Attorney Generall & y^e under-sheriff & y^e Clerke of y^e Court & kept them close prisoners under a guard from twesday y^e 25th March till y^e Saturday following being y^e 29th of y^e same same month & then Releast them.

Vera Copia

P me GAV: DRUMMOND Clark

Proceedings of the Court of Sessions of Monmouth County, at Middletown, against severall persons.

[From P. R. O. B. T. Proprieties, Vol. 6, G 28.]

AT A COURT OF SESSIONS OR COUNTY COURT held at Midletown for the County of MONMOUTH this twentie Sixt day of March Anno Dom one thousand seven hundred [1701]

Capt SAMUEL LEONARD president

Present { JEDEDIA ALLAN
SAMUEL DENNIS } Justices
ANTHONY PINTARD }

The Court being opened the Justices Comission was read and the pannell returned by the Sheriff for the grand Enquest was called over. And Eleazer Cotterall being called for a Jury man Appeared and made some objectione Against the authoritie of the court The court comanded the Sheriff to take him into custodie And Richard Salter refuseing and denying the authoritie of this court The court commanded the Sheriff to take him into custodie for his contempt James Bollen the former clark of this county being called before this Court To deliver up the books papers and records of this court To the present clark Did positively refuse to doe the same Unless the Court would give him bond to

save him harmless ffor the soume of ten thousand pounds.

Adjourned for two hours
post meriden p'nt as above

The court being opened The court did dismiss all such persons who were returned on the grand jury and appeared and were willing to serve their King and Country And ther being se'all who had refused to serve on the grand jury and had denyed the authoritie of the court Amongst whom was Olim Cheesman who came before the court and beged pardon for his misbehaviour And said he was very willing to serve The court upon his humble submission did forgive and discharge him. Ordered by the court that the Sheriff doe discharge Eleazor Cotterall and Richard Salter out of his custodie.

Ordered by the Court that the said Eleazor Cotterall for his said contempt and misbehaviour before this court be fyned And the court doth heirby fyne the said Eleazor in the soume of five pounds current money of this province To be levied by the Sheriff upon the goods and Chattell of the said Eleazer And that the Sheriff have the said money by sale of the said goods and Chattells At the nixt court to be held for this countie the fourth twesday in September Att Shirowsberry in the said County.

Ordered by the Court that the said Richard Salter for his said high contempt and misbehaviour before this court be fyned And the court doth heirby fyne the said Richard Salter in the soume of fifteen pounds current money of this province to be levied by the Sheriff upon the goods and Chattells of the said Richard Salter And that the Sheriff have the said money by sale of the said goods and Chattells at the nixt County court to be held at Shirowsberry for the sd county on the fourth tewsdays of September nixt

Ordered by the court that John Ruckman senior

John Bray John Wilson junior Daniel Hendrickson
 John Cox's Richard Davis Mordicay Gibbons Nicholas
 Stivans and Mosses Lippet be each and every of them
 fyned And the court doth hereby fyne each and every
 of the said persons severallie in the soume of ffourty
 shillings currant money of this province Each of them
 for ther contempt and misbehaviour before this Court
 to be leived by the Sheriff upon the goods and chattells
 of each and every of the said persons And that the
 Sheriff have the said money by sale of the said goods
 and Chattells at the nixt court to be held at Shirows-
 berry the fourth twesday in September nixt for the
 said Countie Pr me GAV: DRUMMOND Clark

A trew copie

John Johnstone to the Council of New Jersey.

From N. Y. MSS. in office of Secretary of State, Albany, Vol. XLIV, p 66.]

Hono^{ble} Gentel:

Yesterday Gov^r Hamilton with four of these Justices
 of this County mett at Middleton for holding the
 Court of Sessions as apointed by the Acts of Assembly
 of this province when they had opened the Court and
 begun the tryall of one who confessed himself one of
 Kidds men Severall of the people of Middleton who for
 that purpose had appoynted a training of the Militia
 and being in arms came into the house when the Court
 was Sitting and forceably rescued the prisoner the
 Governor and Justices Comanded the Sherriff and
 Constable to keep the peace and in the scuffle two of
 the foremost of the felows were slightilly wounded,
 but being 70: or 80 men and the Governo^r and Justices
 without force were by this Multitude made prisoners

and are by them kept under strict guards this is not a thing that hapned by Accident but of a Design for some Considerable time past theirs some of the Ring Leaders that kept as I am informed a pyratt in their houses and threatened any that will offer to seize him. Gentlemen

I thought It my Duty to Inform you of this and to beg your assistance to help the setling our peace or to take the Govrnmt. upon you untill his Magestie's pleasure be known I am

Your honours
most humble Servant

John Johnstone

Monmouth

26 March 1701

East Jersey.

Lords of Trade to the Earl of Bellomont.

[From N. Y. Col. Docts: Vol. IV, p 852.]

[Extract]

My Lord

* *

The settling of the Boundaries between New York and the Jerseys is a matter which your Lordship must necessarily first inquire into and give us an account of the pretensions on both sides; and what you conceive to be the state of the casé, before we can lay it before the King. We desire you therefore to do so; and we shall afterwards represent what may be necessary.

* * * * *

And as for Mr. Bass, it was not in our power to hinder those proceedings of his about the Ship Hester;

but we did all that in us lay to defend his Majesty's
right in that cause tho' the success did not answer
expectation * * My Lord

Your Lordship's most humble Servants

(Signed) STAMFORD

PH: MEADOWS

WM BLATHWAYT

JN POLLEXFEN

ABR: HILL

NAT: PRIOR

Whitehall April the 29th 1701

*Three of the Council of New York to the Lords of
Trade, relating to the condition of the Jerseys.*

[From New York Col. Docts., Vol. IV. p 863.]

To the R^t Hon^{ble} the Lords Commissioners for
Trade and Plantations.

My Lords

(Extract)

* * * * * We think it our duty further
humbly to represent to your Lordships the ill state of
the Jerseys, who by the Proprietors directions are
under the administration of Coll: Andrew Hamilton,
who when he was, formerly in that post did always
influence the people of the Jerseys to be convinced of
their dutys to be assistant to the frontiers at Albany
during the coarse of the late warr, and was careful of
remitting deserters from his Majesty's Companys here;
yet by the licentiousness of that people he cannot
contain them within the decent and necessary bound-
aries of government, by which those Provinces are
like to fall into disorder and confusion. We do there-
fore humbly offer whether it be not for his Majesty's

service that his Majesty would be pleased to put those Provinces under such regularities that the publick peace may be restored and his Majesty's government of New York may have the assistance of the magistracy of the Jerseys to remand deserters and fellows that may shelter themselves there, which often happens, &, by the convulsion of that people, not in Coll. Hamilton's the Governour's power to remedy it. * * * * *

My Lords

Your Lordships most faithfull &
most obedient humble serv^{ts}

WM SMITH P^t

PE: SCHUYLER

R^t LIVINGSTON

New York 30th
April 1701

Petition of Governor and Council of East Jersey to the King, asking that the authority of Gov. Hamilton might be upheld.

[From P. R. O. B. T. Proprietors. Vol. 6, G 29.]

PETITION OF Y^E GOV^R & COUNCIL of East New Jersey
to his Ma^{ty} ab^t y^e Disorders there May 1701

TO THE KINGS MOST EXCELLENT MAJESTY.

THE HUMBLE PETITION of the Governour and Council of Your Majesties Province of East New Jersey in America.

Most Humbly Sheweth

That whereas in January 1698 The Proprietors of Yo^r Ma^{ties} said Province did Petition yo^r Ma^{ties} to approve their Choice of Andrew Hamilton Esq^r; to be Governour thereof, Which Petition was read and referred by

Yo^r: Ma^{tye} in Council to the Right Hono^{ble} the Lords of Trade and Plantations to consider and to report to Y^r: Ma^{tye} what they conceived proper for Yo^r: Ma^{tye} to do therein

In obedience to which Order in Council, and to another of the Ninth of March thereafter, Upon a Petition of the said Proprietors concerning Their Right to a Port at Perth-Amboy, Their Lord^{ps} by a Representation to Yo^r: Ma^{tye} in Council, most humbly offered to Yo^r: Ma^{tye} That a Tryal be had at Barr in Westminster Hall. Whereby the Proprietors claim to Ports and Right to Governm^t of the said Province might receive a determination Which Representation Yo^r: Ma^{tye} in Council was pleased to Approve, upon the 20th of April, and to Order that it be referred to Y^{or}: Ma^{ties} Attorney General, to consider and report, in what manner what was proposed by the said Representation might be best put in Execution.

Yo^r: Petitioner Hamilton waited upon the Council of Trade and Humbly moved, That seeing by the said Representation their Lordships seemed to Hesitate upon the Validity of the Powers of Governm^t granted by King Charles the second to His Royall Highnesse, and by His Royal Highnesse to the Proprietors. He might be directed by their Lordships, how to Guide himself being unwilling to Act, under any Commission, which their Lordsh^{ps} should judge unwarrantable.

Their Lordships by S^r: Philip Meadows were pleased to signifie to said Hamilton, That tho' They questioned the Validity of the Powers of that Grant, and therefore thought it not fitt to Advise Yo^r: Maj^{tye} to grant the Approbation Petitioned for being a Recognizeing the Prop^{rs} Title, and thereby giving away what they accounted Yo^r: Maj^{ties} Right, Yet that they did not thereby intend to inhibitt the Prop^{es} of acting further in the Governm^t But that if yo^r: petitioner Hamilton, Governed himself by the Laws of England; The Prop^{es}

would find wherewithall to Justifie themselves in Commissionating him, and yo^r. petitioner in acting under it, untill Their Right to Governm^t were Vacated by a Judicial determination or that yo^r. Maj^{ties} Pleasure should be further knowne therein

Yo^r. Petitioner Hamilton arriveing in said Province in Decemb^r. 1699 Published the Proprietors Commission, and after haveing taken the Oaths, appointed by Acts of Parliam^t Entred upon the Administrac^on of the Governm^t

But so it is. That neither the Approbation being granted, nor no Instrument sent over to Command the Inhabitants to continue in their obedience to the Governm^t under the Administrac^on of the Prop^{rs} until their Right to it had received a Tryal at Barr Yo^r. Ma^{tie} was pleased to Order, or until Yo^r. Ma^{ties} Pleasure was further knowne, The Licentious part of the people, who look on all Governm^t to be a Yoke, and being encouraged in their Seditious principles, by Letters from England, from their Agent, whom they have sent over to Extenuate their Crimes, That Yo^r. Petitioner Hamilton was rejected by Yo^r. Ma^{tie} for Govern^r. And that the Council of Trade had declared all Acts of Governm^t by him done, or any under him to be Null & void, have gladly laid hold of this as colour enough to cutt in pieces the Reins of Governm^t and run yo^r. people into Anarchy and confusion.

And as at several times before, They have assaulted Yo^r. Ma^{ties} Justices, when in the Solemnity of yo^r. Courts of Judicature, and thereby stop^t the Curr^t of Law, So upon the 25th of March last, At a Court of Sessions held in the Usual place at Middletowne in the County of Monmouth and Province aforesaid, Where was present Yo^r. Petitioner Hamilton in Conjunction with yo^r. Ma^{ties} Justices to take the Examination of a certain pirate belonging to Kidds-Crew, named Moses Butterworth, pursuant to Yo^r. Maj^{ties} Strict Command;

And while the pirate was under Examination, Those Libertines on purpose to hinder the Courts proceeding in that Affair, sent in one of their Number to beat a Drumm and others of them Rushed into Rescue the Pirate, and accordingly carried him from the Barr.

To hinder the Rescue and suppress the Riotters, Yo^r Ma^{ties} Justices, believing it their duty, to assist the Sheriffe and Constables in the Execution of their Offices (in which one of the Rescuers was wounded) were Surrounded by the Riotters in great numbers in Arms, having (appearingly) on purpose appointed the same day to be a Training day, on which the Court was to sitt, and their destruction by them most insolently threatened, (which had been most certainly Executed had the Wounded died upon the Spott) and were confined by them ffour dayes, till they thought him past hazard, to the great dishonour of Yo^r Maj^{ties} in the abuse of yo^r Ministers.

And as those people could have no manner of colourable Pretext for attempting the dissolution of the Governm^t for want of sufficient Information, being often told, that the not obtaining the Approbation was from a Reason of State, and no Neglect of the Proprietors^{rs} that it was Yo^r Maj^{ties} not that they that was Judge of the Validity of the Proprietors Commission and that as it is never to be supposed Yo^r Maj^{ties} the Common ffather of yo^r people would for want of Governm^t suffer them to run into disorder and Confusion, So it ought to be to them an invincible argument of Yo^r Maj^{ties} allowing the Administration to be still in the Prop^{rs} untill the Tryal at Barr be issued, or Yo^r Maj^{ties} Pleasure therein further knowne

As yo^r Maj^{ties} most humble Petitioners will never be wanting to do what in them lies to preserve yo^r Maj^{ties} peace, and Order of Governm^t among Yo^r Subjects of this Province untill yo^r Maj^{ties} shall be pleased to committ that Trust to better hands, So least the necessary

means to effect it, may run the Province into blood,
unlesse a Speedy remedy be applied

They most humbly pray

That Yo: Maj^{ty} would be graciously pleased to command the Inhabitants to yield their Obedience to the Proprietors commission until the Tryal at Barr be had, or yo: Ma^{ties} pleasure thereupon be further knowne

And your Petitioners as in duty bound shall ever pray

And: Hamilton

Sam^l James

John: Bishop:

Sam^l Halo

Benj: Griffith.

Wm Sandford

Memorial of the Proprietors of East and West Jersey to the Lords Justices asking for the approval of Andrew Hamilton as Governor.

[From P. R. O. B. T., Proprieties, printed in Grants and Concessions, page 591.]

TO THEIR EXCELENCIES THE LORDS JUSTICES OF
ENGLAND.

The Humble Petition of the Proprietors of the Provinces of *East and West New Jersey* in America.

Showeth

That your Petitioners, as they were advised by their Council, being legally entitled to the Government of those Provinces, by virtue of several Grants from the late King JAMES, when Duke of *York*, the Declaration of the late King CHARLES the Second, under the Great Seal of *England*, and of several Acts of State and Orders of Council, admitting their right, have for many years appointed Governor's there, and particularly Colonel *Andrew Hamilton*, who administered the Government to the great Service of the Crown and Universal Satisfaction of the Inhabitants, until the Act of Parliament passed in the seventh and eight Years of his present Majesty's Reign, entitled *An Act for preventing Frauds and regulating abuses in the Plantation Trade*.

Upon which Laws some doubt arising, whether a Native of *Scotland* (as Colonel *Hamilton* is) were capable of being a Governor of the Plantation, your Petitioners for avoiding any Colour of Offence against that Act of Parliament appointed one *Jeremiah Basse*, Governor of those Provinces; but the Lords of the

Committee of Trade and Plantations, making then some Scruple concerning your Petitioners Right of Government, Mr. *Basse* had not such a formal Approbation of his Majesty, as that Act directs; and though your Petitioners even at the same Time honoured with Instructions from the then Lords Justices, and Lords Commissioners of the Treasury, for their Governor's Conduct, which were produced and published by Mr. *Basse*, as a Testimony of his being nominated Governor, with the knowledge and implicate Consent of his Majesty and his Ministers of State, yet for want of an Express Approbation in Writing, the Inhabitants refused to obey him, and he returned to *England*.

Whereupon your Petitioners who had been informed of the Opinions of his Majesty's late Attorney and present Solicitor General, that a Native of *Scotland*, was not disabled to execute any office in the Plantations, were reduced to reappoint the said Colonel *Hamilton* (then in *England*) Governor of these Provinces, whom your Petitioners presented to the Lords of the Committee of Trade and Plantations, humbly remonstrating to them the necessity of sending a Governor for Preservation of the Publick Peace, and praying their Lordships Reccommendation of him, for his Majesty's Approbation, but their Lordships having resolved to controvert your Petitioners Right of Government by a tryal at Law, declared they could not consent to such an Approbation without prejudice to His Majesty's Right; yet in regard of the necessity of the People's being under some Government till the Right was determined, their Lordships delivered their Opinions, that Colonel *Hamilton*, acting according to the Laws of *England*, your Petitioners might be safe in commissionating him, and he in executing their Commission, under the security of which Approbation Colonel *Hamilton* went over, and re-assumed the Government of those Provinces; but some factious and turbulent

Persons impatient of any Government, oppose his Administration, because he is not approved of by an Order of Council, according to the express Letter of the Act of Parliament, and have made so great Divisions and Confusions there, that the publick peace is daily violated, and the publick Justice obstructed.

That your Petitioners have agreed and are ready to surrender all their Right of Government to his Majesty upon such Terms and Conditions as are requisite for Preservation of their Properties and civil Interests, and which they humbly hope will be allowed to them.

Your Petitioners therefore most humbly pray, that for the Preservation of the publick Peace of these Provinces, your Excellencies will be graciously pleased immediately to approve of Colonel *Hamilton* to be Governour of the Provinces of *East* and *West Jersey*, until the Terms of Surrender can be adjusted.

And your Petitioners shall ever Pray,

Thomas Lane	Dan Cox Jun ^r
Paul Dominique	Thomas Hart
Thomas Skinner	Joseph Ormston
John Bridges	Joseph Ormston as
Michael Watts	having procuracy
E. Richier	from
Clement Plumstead	Miles Forster
Thomas Cooper	and Edward Antill
Walter Benthall	Gilbert Molleson
Jos. Brooksbanke	Thomas Barker

[1701]'

¹ Precise date doubtful, but probably early in the year.—Ed.

*Petition of the Council and House of Representatives
of West Jersey to the King, asking for the con-
firmation of Andrew Hamilton as Governor.*

[From P. R. O. B. T., Proprieties. Vol. 6, G. 29]

TO OUR MOST GRACIOUS SOVEREIGNE WILLIAM THE
THIRD KING OF ENGLAND &C.

THE HUMBLE PETITION of the Provincial Council
and House of Representatives of the Province
of West New Jersey in General Assembly
Mett at Burlington the 12th day of May Anno
Dni 1701.

Most humbly Sheweth

That the Preservation of the Kings Peace, among
his Subjects, being very dear to Him. We though a
small part of that Great Body, fly to him for the In-
fluences of his Power, and Goodnesse to so good an
End.

In order to it do therefore most humbly Represent.
That the Governm^t of this Province by the evil En-
deavours of one Joshua Barkstead and others now or
lately in England is much disordered by their Letters
to some Inhabitants disaffected, who industriously
Publish the same. Which We are assured will to-
gether with this be produced in Evidence that Colonel
Andrew Hamilton our present worthy Governo^r whom
the Proprietors in England, Petitioned the King to
approve, was rejected by the Court, and not in the
least owned as such; But quite contrary wondering
that he dare presume to take upon him the Governm^t
declaring that all Acts of Governm^t by him done, or

any under him are null and void. And that Brother (meaning Jeremiah Basse) would suddenly be over with them as Governo^r for the King, or Surveyo^r General, of the Customs in America.

And tho' the long Experience, the Inhabitants have had of the Justice and Veracity of Col^l Hamilton, ought to have influenced a Beliefe of what he related to Us, upon his first comeing over, that the King had been Petitioned to approve the Proprietors choice of him for Governo^r. And that altho' the Council of Trade to whom the Petition was referred did not see fit to advise the King to grant the Approbation Petitioned for, Yet that at the same time, by the mouth of S^t Philip Meadows. They were pleased to signifie to him That if he governed himself, according to y^e Laws of England. The Proprietors would find wherewithall to Justifie themselves in Commissionating him, and him for acting under it, till the King's pleasure should be further known therein. *Yet* no Instrument being sent over to Command in the mean time, the obedience of the Inhabitants under the present Administrac'on. The giddy & factious part of the People lay hold on the above Letters to justifie their breaking in pieces the whole fframe of Governm^t and running yo^r people into disorder & confusion And as it is impossible for people to live happy without Governm^t So those moderate and necessary Taxes laid on the Province for Supporting thereof, w^{ch} in former times have been alwaies duely complied with, are now refused to be paid by that part of the People, who impudently affirm. That y^e Province was without Law or Legal Authority, And have threatened high against those Officers that would attempt to Levy it

The Governour and Justices of the peace Knowing it their absolute duty to preserve as much as in them lies the Order of Governm^t And haveing in order to it, took up some of these seditious and disorderly persons,

who refused to find security for the good Behaviour. Men who industriously endeavoured the dissolution of the whole fframe of Governm. giving it out That for want of the Approbation the Governo^r here was no Governo^r and the Province without Law tho' they very well knew, what stepp had been made to obtain y^e Approbation. And that the not obtaining it was by no Neglect of the Proprietors but from a Reason of State And as an Instance that those Letters and Persons debauch'd the people into a beliefe that no Act of Governm^t could be done under the present Administrac'on, About three or four score of the disorderly people came to y^e Town of Burlington in the Province afores^d the Eighteenth day of March last past in a Tumultuary and Riotous manner (takeing advantage of the Governo^r being unprovided to Suppress them because many of the Inhabitants of that Towne are such whose Religious Perswasions will not suffer them to bear Armes) and forcibly broke open the Prison and rescued two Persons who were under confinem^t for refusing to find Sureties for their good behaviour And were known to be very active in rayseing and continueing our Troubles in the Governm^t And since such enormities may grow to be of dangerous consequence if not timely p^rvented.

We therefore Humbly pray, That the King will be graciously pleased to rebuke the Insolency of those Ill men, and Command their Obedience to the p^rsent Governm^t that We may be quiet and safe as all Loyall and Peaceable *Subjects* desire to be till his Royal pleasure be further knowne concerning us. And (if it may be with decency exprest) We begg leave to say That nothing can lay the good People of this Province under a greater and more lasting Obligation then to remaine under the Care and Administrac'on of our p^rsent worthy Governour of whom We have had long Experience, and have no cause to doubt but he will al-

waies acquit himself with Honour to his *Prince* and Justice Prudence & Integrity to y^e People, Which neverthesse is most humbly Submitted

And Yo^r Petitioners (as in duty bound) shall ever pray &^c

of the Provincial Council	{	William Biddle Edward Hunloke, P Tho: Gardiner George Deacon John Thompson Jon ^a Beere And ^r Robeson
------------------------------	---	---

Sam ^l Jenings, Speaker	John Kay
Mahlon Stacy	Archaball Miggle
ffrancis Davenport	Simeon Ellis
Restore Lippingcot	Philip Paul
John Scott	Sam ^l Hedge
Tho: Wilkins	W Hall
John Hand	Jo ^h Woodrooffe
John Rambo	John Bacon
Thomas Thackera	John Reading: Cler:

Address of the Inhabitants of West Jersey, asking to be taken under the King's immediate government

[From P. R. O. B. T. Proprieties, Vol. 6, G 23.]

To his Sacred Maj^{ty} Our Sovereign W^m the Third
by the Grace of God King of England Scot-
land France and Ireland Defend^r of the Faith
&c^a.

The humble addresse of your Maj^{ty}s most humble & Loyall Subjects Freeholders and Inhabitants in the Colony of West New Jersey in America.

In all humility sheweth.

That whereas your Maj^{ty}s most humble & Loyall subjects have for many years inhabited in your Maj^{ty}s s^d Colony of West Jersey where with great hazards,

Toyls & fatigues, We have been endeavouring y^e maintenance of Our selves and poor Families, and according to our bounden Duty at all times (since your gracious Ma^{ty's} accession to the Crōwne) have wth all cheerfulness manifested Our Loyalty to y^r Maj^{ty} tho' under a Proprietary Governo^r where We have long been harassed by the arbitrary proceedings of those who have held the Reins of Government over us, and are now grown so headstrong and insolent, y^t they would submit to no authority unless they could sway them to their own particular interests as hath been plainly evidenced by their behaviors under y^e late administration of Jeremy Basse Esq in the Government of said Colony wherein it might be thought incredible (especially for a People who have profest themselves innocents) to relate not only their continued Affronts & insufferable provocations, both towards himself, and those who by Commission under him endeavoured the conservation of the Peace, according to your Maj^{ty's} Laws & their incumbent Duty; yet such were y^e inveteracy of that sort of people, that notwithstanding all the Candid endeavours of said Coll Basse in his administration of the Government here, when the Magistrates who were by him commissioned appeared at the Court house to hold a Court for the keeping your Maj^{ty's} Peace, they were not only kept out of the said Court house, but also with violence sett upon, assaulted, beat and some wounded, by a riotous number of Quakers, and others their adherents (as by a Copy of the Record thereof made and in the hands of the said late Gov^r appears) upon complaint whereof the said late Gov^r Bass went in person to the Place & in opposition to him the Quakers with many others by their means, with Cololers Drums & Arms, were gathered together, who with high menaces declared their cruell intentions if he came there, whereupon the said late Governor having information thereof, called

sevⁿ Sober Persons to go along with him as a Guard to defend him from their Violence, and Came to the Court house door where the afores^d Riotous Crew were gatherd together but had then hid their Arms, but instead thereof many of them had furnished themselves wth formidable Clubs to oppose the s^d Coll Bass and hinder his entring into the Court house which they kept lock't up and refused upon his peaceable demand to open the door, whereupon at his Order it was forced open and the heads of the same Rioters at the same Court presented, since which time the said Coll Bass being superceeded by a Commission to Coll Hamilton, the same Rioters instead of being called to Justice are many of them advanced some of them being chosen of the Gov^{rs} Councill, Assembly Men, and others made Justices, and all Offices in their hands, so as those who peaceably Submitted to the preceding Government were greatly menaced & some presented and sued at their Courts for their due discharge of their duty & of late under their present administration, the Representatives having lessened the Countryes number thereof to y^e one half, have laid a prodigious Tax (wth respect to our present indigencies) which tho' they call moderate yet it's so high, as there has never been the like since this was a Colony, & the Inhabitants mostly suppose; the summ it will amount to is not at this time in the Province, neither do the Inhabitants know what use they intend it for, save only some of them have given it out that they would raise a Summe of money to wage Law wth your Maj^{ty} for the Govern^t, which they would make us pay. We therefor humbly conceiving that assemblies here can make no Law, or lay Taxes upon y^r Maj^{tyes} Loyall Subjects which the Gov^r can give a sanction to, unless he had obtained y^r Maj^{tyes} Royall approbation as Gov^r, whereupon (altho' We peaceably acquiesse and are submissive to the Gov^{rs} administaation in all things relating to y^e keep-

ing your Maj^{ty's} Peace) yet humbly conceive they have not power to take away y^e Countries former Priviledges, or impose such heavy Taxes upon Us, and altho' we farr exceed the Quakers Parties in Numbers, yet by their close contrivances at their pretended monthly, Quarterly & yearly religious meetings, they outdo us in Elections, by giving out to others who are simple, and also as covetously inclined as themselves, that if they Vote not agst Us, & get an assembly of their own choice, We shall bring in the Black Coats or Preists (as they call them) & a Militia (which indeed We have not but lye naked to all enemies) by means of which Reports, they carry Votes agst Us, yet nevertheless the Countrey finding they would not admit of the number of Representatives which by Law has been appointed, We your Maj^{ty's} humble Suppliants were also elected to make up the former number & accordingly met the other Part of the Representatives at the time and Place appointed, but were refused & rejected from offering Our advice with them, which we proposed for the Peace and tranquility of the Colony, So that We Still lye naked & open to all their unseasonable impositions, which tho' We have been long Sufferers under, We should like poor Issacers have still bowed Our backs to bear, rather than to have presumed at this Juncture to crowd Our Complaints into your Maj^{ty's} audience amongst the weighty affairs that lye before your Maj^{ty} had We not been informed that the other part of the Representatives (who Lord it over us,) are sending an Address to your Maj^{ty} the purport whereof We being Strangers to. We have therefore humbly conceived it an incumbent duty upon Us on the behalf of Our Selves & y^e freeholders & Inhabitants of this Colony, by whom We are also elected their Representatives, humbly to prostrate this Our Adresse at the foot of your Sacred Maj^{ty}

And humbly implore y^r Maj^{ty} to take Us into your

gracious protection, that We may be under Such Gov: as shall more immediately act under your Maj^{ties} Commission which we hope will calm and Screen us your Maj^{ties} humble and Loyall Subjects, from the Rage & Insolencies of those who otherwise will never be satisfied without trampling upon Us.

That the great and glorious God who of his wonderful Goodness & mercy hath sett you over his Great People will preserve your sacred Maj^{ty} from the wicked contrivances, of all those who shall endeavour to oppose y^r Maj^{ty} in the great worke w^{ch} lyes before You is and shall be the fervent & Constant Prayers of Us who crave leave to subscribe Our Selves your Maj^{ties} most humble Suppliants

From the Town of Burlington in y^e Colony of West New Jersey in America May y^e 16 1701

On behalfe of Our Selves & the freeholders of said Colony, by whom we are elected

THO: REVELL

W^r BUDE

NAT: WESTLAND

ANT: ELTON

JN: HOLME

RICH: FINIMORE

THO: KILLINGWORTH

ROB. WHEELER

JOS: ADAMS

GEO: TAYLOR

OBA: HOLMES

SHAMGAR HAND

TIM: BROOKES

JN: SHAW

RALPH HUNT

JN: RUDDEROW

MAT. ALLEN

JOHN JEWELL Collector &

Surveyor of his Maj^{ties} Customes in s^d Colony

[Transmitted in a letter from Mr. R. Yard, Secretary of the Lords Justices, July 17, 1701.]

Letter from the Council of East Jersey to the Proprietors in England, objecting to the appointment of Andrew Bowne as Governor.

[From P. R. O. B. T. Proprieties. Vol. 6, G 32.]

To the hon^{ble} The Prop^{rs} of East New Jersie These.

Gentlemen

Wee the Members of the Provinciall councill for the Province of East New Jersie as we are not a little Surpris'd to hear of A Comission arriv'd for capⁿ Bowne to be Govern^r to tear open againe the wounds of the Province that were allmost clos'd up, so receiving Information y^t the only use Intended to be made of this comission was to Supersede Coll^o Hamiltons And then to throw up the Other and thereby to Lodge the Government in the People when all your powers in y^e Province were dismist for this reason and the other Reasons assignd in Our Proclamation of which we Send a coppye we were of Councill to Coll^o Hamilton not to Surrender the Government to Prevent the trick intended upon you, and as we have been Inform'd So severall of our selves have been Eare witnesses to y^e truth of w^t was said for no Sooner had he Publisht his comission but the heads of his partie told some of us that they did not Vallue captⁿ bownes comission of A farthing and that it answered their Intention if it Supersed Coll^o Hamiltons.

We have cause to Suppose you have been deceiv'd by some Insinuations of Salter, y^t you have made so false a step which may prove of Verry dangerouse. Consequence to Youre Owne Interests as well as to y^e Inhabitants. It is verry strange to us y^t you suffer yourselves to be thus Influenced by such sort of people both to y^e hurt of y^e common weale of y^e province and youre owne reputations in the Eyes of the thinking part of the people both in this Province and in all the Neighbourhood around and it will alwaies be so if you take measures from any but men of known Probittie A character that person has no right to.

We Intreat you put the Dispute betwixt the King and you as to matters of Governmen^t to an End that y^e Convultions of y^e Province May Cease, if there be an appearance of wars abroad its high time there were Peace at home

We are

Gentlemen

Perth Amboy

Your most humble Servants

18th June 1701

SAM^r: HALE

W^m. PINHORNE

BENJ^r: GRIFFITH

SAM^{ll}: DENNIS

W^m: SANDFORD

JOHN BISHOP

SAMUEL LEONARD

Surrender of the Government of East Jersey by certain Proprietors.

[From original in the library of the New Jersey Historical Society.]

SURRENDER of the GOVERNMENT of EAST JERSEY by
CERTAIN PROPRIETORS IN THE PROVINCE

To All *X*pian Peoples to whome these Presents shall come Robert Burnett of y^e County of Middlesex Esq^r: Miles Forster of Perth Amboy Merc^{nt}: John Johnston of the County of Monmouth Esq^r: David Lyell of s^d County of Midl^x Goldsmith Thomas Warne of s^d County of Monmouth Gentⁿ: Thomas Gordon of s^d county of Middlesex Esq^r: Michaell Houdon & Jn^o Barclay both of s^d County of Midl^x Gentⁿ: all Inhabitants & Proprietors of y^e Province of East New Jersey in America, Sends Greeting in our Lord God everlasting **Whereas** the Late King Charles the Second by his Letters Patent bearing date y^e twelfth Day of March in y^e Sixteenth Year of his s^d Maj^{ties} Reigne under the Great Seal of England did Grant unto his Royall Highness James Duke of York a Large tract of Land in America Ajoyning to New England with all y^e Powers jurisdictions & Governments of y^e same as in the s^d Letters Patent is particularly Expressed **And Whereas** his s^d Royall Highness James Duk of York by Indentures of Leass and Releass bearing date the twentie third and twentie fourth dayes of June in ye Sixteenth Year of his s^d Maj^{ties} Reigne did Bargain and sell all that part of the afores'd Tract of Land comonly called or Known by the name of Nova Cesarea or New Jersey Together wth all y^e Powers jurisdictions and Governments of the same unto John Lord Berkley

Barron of Straton and S^r. George Carteritt of Saltrem Knight and Barronett **And Whereas** the s^d King Charles y^e 2^d by Letters Patent bearing date y^e twentieth Day of June in the twentie Sixth Year of his Reign did againe Grant the af'sd Tract of Land wth y^e Powers Jurisdiccions and Governments of ye same to his s^d Royall Higness James Duke of York who in y^e moneth of July next after Did Transferr and Convey the s^d Tract of Land called Nova Cesarea unto y^e afors^d Jn^o L^d Berkley and S^r. George Carteritt **And Whereas** by a deed of Parti'ion Between y^e s^d S^r. Geo: Carteritt of y^e one part & William Penn Esq^r Gawen Lowrie Merch^t Nicholas Lucas Maultster and Edward Byling Gentⁿ. Assignee of y^e s^d John L^d Berkley the s^d S^r. George Carteritt became Vested & Sized of one Moyetie of the afors^d tract of Land comonly called or known by the name of East New Jersey **And Whereas** y^e s^d S^r. Geo: Carteritt by his Last will and Testament bearing date on or about y^e fifth day of Decem^r. 1678, did amongst other things devise y^e afors^d Tract of Land Called East New Jersey unto James Earle of Sandwich John Earle of Bath Thomas L^d Crew Bernard Grenvill Esq: S^r Robert Atkins K^t and S^r Edward Atkins K^t in trust to be sold for payment of his Debts and Legacies **And Whereas** y^e s^d James Earle of Sandwich by Indentures of Leass & Releass bearing Date y^e 20th day of Feb^r. anno dom' 1681 did releass his Estate in trust of s^d tract of land called East New Jersey unto y^e s^d Jn^o Earle of Bath Thomas L^d Crew & y^e other trustees afors^d **And Whereas** the s^d Jn^o Earle of Bath Thomas L^d Crew Bernard Grenvill S^r Robert Atkins & S^r Edward Atkins trusties [a]fors^d by & wth ye [consent of] dame Elizabeth Carteritt widdow & Executrix of s^d S^r. George Carterett Dec'd did Bargaine & sell y^e afors^d Tract of land called East New Jersey wth. y^e. jurisdiccition & Government of the same unto Will^m Penn Esq^r Robert West Esq^r Thomas Rudyard Gent and others to

y^e number of twelv and y^e s^d Twelve some time afterwards did Bargaine & sell one Moyetie thereof wth a Proportionable Right of Government unto James Earle of Perth John Drumond of Lundie Esq^r Robert Barclay of Urie Esq^r and others to ye Number of twelve more

And Whereas his said Royall Highnes James Duke of York in y^e thirtieth & fifth year of his s^d Maj^{ties} Reigne did Grant a Confirmat'on of the afors'd tract of Land called East New Jersey wth all y^e Jurisdictions and Powers of Governing the same unto y^e s^d James Earl of Perth John Drumond of Lundie Robert Barclay & others to y^e number of Twentie four Grantees all w^{ch} by y^e above recited Letters Patents Deeds &^a remaining upon y^e Publique Records of y^e s^d Province of East New Jersey Doth more at Large appear **Now Know yce** that we the said Robert Burnett Miles Forster John Johnston David Lyell Tho^{'s} Warne Tho^{'s} Gordon Michael Houdon & Jn^o Barclay Grantees and Ppr's by mean conveyances Derived under his s^d Royall Highness Out of our Duty love and Alledgance we ow unto our Now dread Saveraigne L^d William y^e third by y^e Grace of God King of England Scotland France & Ireland Defender of y^e ffaith &^c **Have** ffreely Volentarily for ourselves & our heirs & so far as we are capable for our fellow Ppr's Resigned & Surrendred & by these presents Doth Resigne & Surrender all y^e authorities jurisdictions & Powres of Govern^t y^t we have or can pretend to have in y^e s^d Province of East New Jersey by Vertue of the above recited Letters Patents Grants & Conveyances howsoever devized to us by mean conveyances or otherways unto our s^d Soveraigne L^d & King William y^e third & to his Royall Successors Kings of England at all times to come forever hereafter **In Testimony Whereof** wee have to these presents sett our hands & seales and have hereunto affixed the Publick Seall of the s^d Province of East New Jersey the Nintenth day of June in the thirteenth year of the

Reigne of our s^d Sovereign L^d Will^m y^e 3^d over Eng^l
&c^a King an'oqe Dom' one Thousand Seven Hundred &
one¹

David Lyoll L S

Nites Forster L S

John Barclay L S

Thomas Gordon L S

R^d Burrett L S

Mark Handon L S

Tho: Harne L S

John Johnstone L S

¹ The surrender was effected on April 13, 1702. As the instrument appears in Smith's New Jersey, pp 211-219, Lewis Morris signed for the parties to this surrender, which gave place to the more perfect document then executed.—Ed.

Memorial of Jeremiah Basse to the Lords of Trade, asking for a consideration of the Memorials and Letters in their hands relating to the government of East and West Jersey.

[From P. R. O. B. T., Proprieties, Vol. 6. G. 19.]

TO THE RIGHT HONOR^{BLE} THE LORDS COM^{SRs} OF THE
COUNCILL OF TRADE &°

THE HUMBLE MEMORIALL of Jeremiah Bass on
behalfe of his Majestys province of East New
Jersie.

May it please your Lordshipp:

The hopes of haveing the disorders of the Jersies happily concluded by the Parliments reasumeing of the Proprietary Governments into the hands of his Majesty being for this Session Vacated Ocations me afresh to Solicit your Lordships on the behalfe of that vnhappy Province Intreateing your Lordships to Review the humble Address or Remonstrance of the saide province presented to his Majesty & by him Referred to your Lordship^s Consideration together with those Subsequent Memorials & Letters in which the miserable Condition of the saide Inhabitants is layde before your Lordships amongst whome as I have formerly Informed your Lordships not so much as the Shadow of Law or Government remains the Proprietors haveing Vacated the Comiss'on granted to Andrew Hamilton Esq^r & giveing another which cannot without his Majesty's Aprobation have any force to the determinateing of the differences of that Province but rather tending to the increaseing of the same. I dare not venture to prescribe methods to your Lordships butt am humbly of the opinion if those provinces of

the Jersies with the Lower Counties of Pensilvania were by a spetiall Com'ission from his Majesty considering the preasant exigence of afaires putt vnder the Conduct of some person knowing in the afaires of the Country itt might intirely conduce not onely to the preasant quieting of those places butt the preventing of those Illegall practisses wheareby his Majestys Revennue is diminished Illegall trade increased & his Majestys Subjects in those parts Oppressed I begg your Lordshipp to pardon my presumption & to believe that none more truely desires the Settlement of those Collonies on such A foundation that his Majesty's Revennue might be secured & the people in their legall trade & Industrie Incoraged Then

Your Lordship:

Most humble Serv^t

J. BASS.

Rec^d 20 June 1701

Memorial from Jeremiah Basse to the Lords of Trade, relating to the Government of New Jersey.

[From P. R. O. B. T., Proprietors, Vol. 6, G 22.]

TO THE RIGHT HONOR^{BLE} THE LORDS COM OF THE
COUNCIL OF TRADE &^c

May itt please Your Lordships

The complaintes of the disorders & irregularities of the proprietary & Charter Collonies Still increasing & itt being the opinion of this Board that It is of absolute nessecity that the Legislative power of the nation is onely capable of provideing Sutable remedies for so great evils by reasumeing the powers of Government & placeing them in the hands of his Majesty. In order to the attaineing this end I would humbly propose to Your Lordships:

That a Commission of Inspection into the State & Complaints of the Proprietary & charter Governments might be granted to such person or persons as your Lordships shall Judge fit for such a servis with sutable [powers] to Enquire Into:

The severall trangressions of the acts of trade &c

The Encouragement & entertainement of pyrates

The deniall of appeals to England

The raising & faleing of Coyne to the damage of the neighboring Colonies

The quantitys of Tobbacos yearely made in the Three Lower Countys of pensilvania & how & by whome shipped with the places wheare.

The State of their militia & courtes of law

The boundaries of Pensilvania mad particulerly wheare M^r Penn's patent limited to the latitude of fourty degrees takes its begining on Delawar river

That a true acco^t may be given of the quantity, of lands surveyed outt of the bounds the one halfe of the quit rents being due & reserved to his Majesty.

The Refuge that hath been given by any of those proprietary or Charter Colonies to fugitive Sailers Soldiers or Servants &c

And to make returnes of those enquiries with the prooffe's against the next Session of the Parliment by which not onely your Lordships but that honorable Assembly may be thoroughly acquainted with the true state of those Colonies & better enabled to make a due regulation & settlement of them. This My Lords as It would be butt of Little expense to his Majesty So itt is humbly Conceived would be highly Servisable towards the prevention of the growing evils of those Colonies all which humbly Submitted to Your Lordships Consideration

By Your Lordship^s most humble Ser^{tt}

[July 15th 1701]

J BASS

Petition of the inhabitants of East Jersey, asking to be taken under the government of the King, should the Proprietors not appoint a suitable person as Governor.

[From P. R. O. B. T. Proprieties, Vol. 6, No. G. 23.]

TO THE KINGS MOST EXCELLENT MAJESTY.

THE HUMBLE PET^{ON} YOUR Maj^{ty}s Loyall Subjects inhabiting in your Maj^{ty}s Province of East New Jersey in America.

Humbly Sheweth.

THAT M^r Jeremiah Basse was sent over by the Proprietors of this Your Maj^{ty}s Province In the year 1697 with a Commission from them to govern the said Province, whose Authority was by many opposed, for that (as it was alleged) he wanted our Maj^{ty}s Royall approbation as by Act of Parliament is required, whereupon very great disturbances have arisen amongst the Inhabitants of this Your Maj^{ty}s Province.

That the Councill here did give an account to the said Proprietors, of those disturbances & at the same time did advise and assure them that no Gov^r by them commissioned would satisfy the People here without Your Maj^{ty}s Royall approbation.

That yet notwithstanding (in contempt of your Maj^{ty}s known Laws and against the advice of the Councill aforesaid) They the said Prop^{rs} have sent over Colonell Andrew Hamilton (in the year 169) to govern the s^d Province by virtue of a commission from themselves only, not having your Maj^{ty}s Royall approbation, who has thereupon assumed the Government; and by force of arms holds Courts to the great terrour of your Maj^{ty}s good Subjects; and has pressed Sundry Persons

to his assistance therein, some of whom he has imprisoned, and fined for no other cause but for refusing Obedience to his Illegall Authority commanding them to take up Arms against their peaceable Neighbours.

WE Your Maj^{ty}s Loyall Subjects labouring under these and many other grievances and oppressions by the Proprietor of this your Maj^{ty}s Province of East New Jersey, do in most humble manner lay ourselves prostrate before your Maj^{ty} (the fountain of Justice) humbly imploring your Maj^{ty} will be graciously pleased, according to your Princely Wisdome, to take into consideration Our evill circumstances under the present Prop^{rs} And that Your Maj^{ty} will be graciously pleased to give Your Royall Command to the said Prop^{rs} (if the Right of Government is invested in them) that with Your Maj^{ty}s Royall approbation they commissionate for Gov^r: a fitt Person, qualified according to Law, who as an indifferent Judge may decide the Controversies, arising between the Prop^{rs} and the Inhabitants of this Your Maj^{ty}s Province, and settle all the differences which at present they labour under, or if otherwise Your Maj^{ty} be graciously pleased to take the Government immediately into Your Maj^{ty}s own hands, We humbly pray (if it may be for your Maj^{ty}s Service) That East and West New Jersey's may be one distinct Government

And Your Pet^{rs} as in duty bound shall ever Pray
&^c ¹

William Looker Sr.	W ^m Mitchell	Sam ^l . Potter
Jos: Whitehead	Jos: Halsey	Benj: Parkhurst
Sam ^l . Carter	Jn: Harriman Jun ^r	Jos: Ogden
James Whitehead	Tho: Fitz Randolph	Walter Wall
Jn: Miles	Benj: Hull	W ^m . Chesman Sen ^r

¹ These names are written in columns in the draft, but as they are not original autographs, it is impossible to say in what order they were written. All those having an asterisk appended are very doubtful.

Benj: Woodroffe	W ^m Olden	W ^m Chesman
W ^m Brown	Jutt: Hall*	Jn. Morford
Jos: Maker Jun:*	Andrew Bowne	Peter Stout
Tho. Skenoye*	Rich. Hartshorne	W ^m Mercell
Jn: Rosse	Lafty Gronen	Jn: Bray
Jn: Thomas	Rob! Hamilton	Jn: Whitelock
Jos: Hindse	Obadiah Holmes	Tho. Taylor
Josh: Clarke	Jorat Mall*	Jos. Anirell*
Tho: Clarke	Jn: Nahihan*	Fra: Buckhalson
Jos: Lyon	Jn: Stout Sen:	Jacob Vadoon
Kendrick Tunneson*	Ja: Wilson	Aty Beune
Jn: Clarke	Jn: Bowne Jun:	W ^m Lawrence Jun:
Jn: Willis	Benj: Borden	Jn. Lawrence
Hommuel Bunel*	James Grover	Rech ^d James
Jos: Cand	Nico: Stevens	Sam ^l Forman
John Boyse	Kend. Hendickson	Jn: Swinney
Sam: Walker	Lamb: Johnson	W ^m Lawrence
George Drake	Peter Landevinter	James Lawrence
Jn: Drake	Peter Wilson	Ben: Lawrence
Tho ^d Higgins	Hen: Harsh	Ja: Borden
Jn: Langstaff	James Ashton	W ^m Wood
Henry Crosley	Tho: Hanackson	Alex: Forman
Jn: Perte*	Tho: Johnson	Jere: Bennit
Jn: Edmonds	Ephraim Clarke	James Bowne
Rich Corden	Jn. Moecker	Rob ^t Ashaly
Jn Cleayton	Edw ^d Osborne	W ^m Eastell
Hen: Parat	Stev: Bedford	W ^m Whandrick
W ^m Laten*	Rob: Wolly	George Shammit
W ^m Wheavins	W ^m Willis	W ^m Furch
Nic: Larta*	Bar. Carter	Jn. Wilson
Jn: Parant	Ben. Bond	W ^m Jones
Charles Chubs	Ja: Manning	Jos. Cole
Dav. Cleayton	Jos: Manning	James Fox
Tho: Potter	Jn. Chaplin	Sam ^l Forbenor
Rob: Holman	Jed: Higgins	James Dorset
Tho: Cox	Jn: Fitz Randolph	W ^m Verety
Dan: Robins	Wm. Runyen	Rich ^d Hankson
Nat. Robins	Hugh Dun	George Allin
Mons: Robins	Jud: Sutton	Jos: West

Jos: Meeker	Jo: Fitz Randolph	Jn. Herne
W ^m . Looker Jun ^r	Jn. Manning	Caleb Allin
Jn. Allen	Jn. Jemings	Jos: Parker
Sam. Whitehead	Jn. Dreake	Josias Planbord
Benj. Meeker	Fra: Dreake	Aron Robins
Sam ^l . Clarke	Elis Lawrence	W ^m . Purden
Henry Tuttell	Ben: Cooke	W ^m . White
Jn: Hindes	James Stout	James Ashton
Ob: Sale	Abner Ilnes	Rich ^d . Robins
Jona: Ogden	Tho: Eistell*	Tho: Parker
Jona: Ogden Jun ^r	Ob: Bowne	Tho: Parker Jun ^r
W ^m . Whitehead	Rich. Davis Jun ^r	Jn. Dewilde
Benj. Price Jun ^r	Benj: Corden	Jn Page Sen ^r
Tho: Sayre	Jn. Cole	Jn Page Jun ^r
Nat: Whitehead	Sam. Willit	Jn Fowler
W ^m . Strayhearne	Jn. Sealton	Ant. Woodw ^d
Pier Mice	Moses Lipet	Jn. More
Dan. Robins	Jn. Woodroffe	Jonas Wood
W ^m . Parrent	Rich: Clarke	Jn. Parker
W ^m . Winter	Tho: Thompson	Jn. Megie
James Gunner	Benj: Meeken*	Charles Tooker
Rich. Davis	Geo. Rosse	Remembrance Lip-
Rich. Compton	Jos. Ressey*	pincott
W ^m . Bowne	George Ross	Jos: Lippincott
Step: Vane	John Cox	Steph: Sheate
Moses Tompson	Sam ^l . Dotey*	Garet Bowler
Abr: Baker	Rich ^d . Sutton	Jn. Woolley
Benj. Ogden	Isaac Smalley	Jn. Williams
Jn. Gold	Benj: Manning	Ja: Bollen
W ^m . Miller	Sam ^l . Dotey	Ja: Seabrooke
Jn. Cramer	Sam: Hull	Jos. Lawrence
Eben: Lyon	Edm ^d . Downham.	Sam: Throp
Andr: Cragg	Reheboth Gannet	Henry Bell

[Transmitted in a letter of Mr. R. Yard, Secretary of the Lords Justices, July 17th, 1701.]

Letter from Lewis Morris to the Lords of Trade in relation to the disorders in New Jersey.

[From P. R. O. B. T., Proprieties. Vol. 6, G. 28.]

Mem^l from M^r Lewis Morris lately come from y^e Jerseys, relating to y^e Disorders in those Provinces.

TO THE RIGHT HON^{ble} THE LORDS COMMISS^{rs} FOR TRADE & FORREIGN PLANTATIONS

MY LORDS.

In Obedience to your L^{ps} comands, I have perus'd the Petic'ons of East and West Jersie, & the better to Enable Your L^{ps}, to Judge of y^e hardships y^e Petic'on'rs lye under, I take Leave to Lay before your L^{ps}, y^e State of those two Provinces, but more particularly, of East Jersie, w^{ch} is as follows.

M^r Basse ariv'd y^e last of March 1698, and some time in Aprill, aply'd himsele to y^e then Governor (Hamilton) and Councill, Producing a Comission, from y^e Proprietors (of East Jersie), for Governour of that Province, but not Producing an Approbation, As was Expected, the Governour told him, y^t though he was assur'd y^e Proprietors, had given what authority they had, to M^r Basse and had thereby Sup'seded him, yet he did not thinke, M^r Basse without y^e Kings Aprobation, was sufficiently authoris'd to Enter upon y^e Government, however, he left that matter with y^e Councill, who adjourn'd for a day or two, & at y^e time appointed, part of them met Againe, (some of which are in y^e number of the Petic'oners) and notwithstanding that Barr; acknowledg'd him their Governour, & twelve daies after swore him, and Was themselves sworne by him.

On the Eleventh day of May, he held y^e Supream Court of y^t Province, & there, one of y^e Late Councill, did Publicly demand of Him by what Authority He tooke on Him y^e government of his Majesties Subjects? who replied by the Kings, and ordered that Person to be Seiz'd, and y^e Court, (Some of y^e members of which; Are now Some of y^e Petic'oners) fin'd him fiftie Pounds, and comitted him to y^e Sheriffs Custody.

On y^e [] day of [] Captⁿ Peter Matthews, by order of y^e Govern^r of New Yorke, did seize in y^e River, before y^e citty of Perth Amboy, a ship called the Hester, about y^e Vallue of £600-Pounds, upon w^{ch} Some time after, M^r Basse, Sumon'd an Assembly, & on y^e 13th day of March 1698,¹ Pass'd Severall acts, among which Was one; for y^e Raising y^e sum of Six hundred Seaventie & five Pounds, Entitled, an Act for Redressing a force of Our Neighbour Province.

This act was so displeasing to y^e Greatest part of y^e country; that they did in Severall Towns, resolve not to pay it, unlesse forc't to it, & y^e Severall Towns, having met, (by Warrants from y^e Justices of the Peace) did write to y^e Proprietors, of East New Jersie which Letter N^o: (1) Lyes before your L'ps: ²

M^r Basse and Councill, finding y^t the afforesaid Act, wanted Some Necessary Amendments, without which it was Judg'd Impracticable to raise the money, resolv'd to wait till y^e next Session of Assembly; who met according to Adjournment, and Aply'd themselves, to make those amendments requisite; but finding the country (on one side) to murmur, & resolve not to put the money, & M^r Basses deputy Governour & councill (on y^e other side) Insist Violently on it; the greatest part of the deputies left y^e House, without a Quorum to act; & that Assembly dissolv'd of course, and Every

¹ 1698-9.

² See pages 270-273 of this volume.—E5.

thing was Quiet till y^e Arivall of Coll^o Hamilton, who arriv'd in y^e month of december 1699, & Produc't a commission from y^e Proprietors of East Jersie, apointing him, to be their Governour of that Province. He also told us, your L^{ps} refus'd him an Aprobation, because it would be A recognising, y^e Proprietors rights to Government, but did not thereby Intend to Inhibit him, from Governing, & provided he acted in y^t Station, agreeably to y^e Laws of England, and y^e Laws of that Province, not repugnant unto them, He was Justifiable.

M^r. Basses Councell did acknowledge y^t he deriv'd His power, from y^e Same persons y^t commissioned M^r. Basse that his comission was good; & promis't to pay an Obedience to it; and accordingly, all but foure continued their former stations, in y^e Government, & three of those foure, Coll^o Hamilton by repeated solicitations, desired to continue in their former Stations also, but they alleg'd they were ffatigued wth the toyles of publique businesse, and desired rest; so that Coll^o Hamilton was forc't to comissionate others in their stead.

Those men of y^e former Councell, with Some others of Lesse note (who during M^r. Bass's administraⁿ did Sedulously Inculcate to y^e People, y^t although M^r. Basse wanted an Aprobation, he was a Lawfull Governour; & on all occasions asserted his Authority, notwithstanding that defect) whether Vext at being disappointed, of raising the money they wanted, or displeas'd at y^e Proprietors, for displacing M^r. Basse, sooner than they Expected, did Stir up y^e Same People, to Opose Coll^o Hamilton in his Adminisⁿ because he wanted an Aprobation.

Their Endeavors, had y^e Effect they Propos'd, as appears by the severall records N^o (1, 2, 3, 4, 5,) now Laid before y^{or} L^{ps}, and to Consumate y^e Worke, so well begun, & Successfully carried on; they did on y^e

25th of March 1701 Rescue a pyrat, one of Kids crue, from y^e Barr; seise y^e Govern^r. & Justices, as by Record N^o.: (6) do's more at Large appeare.¹

On y^e 7th of June 1701 Ariv'd a new comission, from part of the proprietors of East New Jersie, Impowering Cap^{tn} Andrew Bowne, (one of the Petic'oners & one of y^e Councell y^t did not advise & assure y^e Proprietors, y. no Governour by them Comisionated would Satisfye y^e People, without his Majesties Aprobation, as Apears by y^e 2^d paragraph of y^e Petic'on.) to be Govern^r. of y^t Province

Coll^o: Hamilton resolves, not to Surrender y^e Government, unlesse Cap^{tn} Bownes Com'ision, is signed by two thirds of y^e Proprietors; as by their agreements among themselves, it ought to be If it be Enquired Into, I feare few of their comissions, has had that Sanction, for they are divided, & five of one party (w^{ch} is about one fifth y^e whole) hatcht this last comission in A corner; & one of that Number, having the keeping of their Publique Seale, affixt it to it, and sent it into America; without y^e knowledge, & consent, of most of the rest, Som of them being Ignorant of it, untill (to their great Surprise) they heard of it from America.

Att this rate my Lords, we may have new Governours, by Every Ship from England; and none of them, with y^t Sanction Requisite, even by there owne Constitutions.

Government is prostituted in y^e Hands of such people. I hope our Present, Unhappy Circumstances, & y^e Illegality, & Ill consequences, of y^e Proprietors Procedures, will move your L^{ps} to take such methods, as may be for His Majesties honour and our safety

In West Jersie M^r Basse arriv'd, about y^e same time he did in East, y^e Assembly then Sitting, but M^r Basse

¹ See page 362 of this volume.—Ed.

not Producing, His Ma'ties Aprobation, y^e Assembly Rejected him, & did refuse to act wth him, or recognise him as Governour.

M^r Basse made a Councill, and Some other Magistrates who made Some few Efforts, to assert his Authority, but y^e Generality of y^e Country being Against them they had no Effect, but setting y^e People together by th' Ears. This was the State of that Country till Coll^o Hamilton arriv'd; the Assembly was then Sitting: Coll^o Hamilton Produc't y^e Proprietors Comission; acquainted them what steps had been made, to obtain his Ma'ties Aprobation, & y^t it could not be Had, during y^e Present cirrcumstances of things.

The Assembly, having Experimented y^e Ill effects of Confusion, and Judging a Lame authority to be better than none, (though they thought Coll^o Hamiltons, not to be such) did recognise Coll^o Hamilton; and so did y^e Country In Generall, till y^e Assembly (to defray y^e necessary charges, of y^t Government) Rais'd a Tax; w^{ch} so disoblig'd y^t Party, y^t adher'd to M^r Basse, y^t they made use of y^e Present ocasion; & arguments Against paying of money, meeting generally with favourable Auditors, they gain'd to themselves, a party considerable enough, to disturb y^e publique Peace; & are got to y^t Height, y^t Sometime in March Last, about Eighty of them, Came into y^e Towne of Burlington, & at noon day broke open the Prison, & tooke away, one Comitted (I suppose) because he would not give security for His good behavior.

I Have Laid before your L'ps y^e truth of Fact; & your L'ps by comparing y^e names of y^e Petic'oners of East Jersie, wth y^e Names in y^e Records of the severall riots, comitted in y^t Province Will find, those riots to be made by those persons, who are now y^e Petic'oners; Especially y^t Remarkable Ryot, or rather Rebellion, comitted on y^e 25th of March, as by Record N^o (6) appears which I Lay before your Lordships, as a complaint,

& begg those persons may have, an Exemplary punishment.

The Petic'oners complain of y^e Hardships they Lye under; Which are no other, yⁿ what theire unwarantable practises, have brought upon y^mselves and Others; who had they Paid that Submission, was necessary to the Conservation of y^e Peace, those Provinces had been Happy, and Your Lordships, not Troubled with Their Murmurs.

There is A necessity the Prayer of their Petic'on be Answer'd, and I presume there is no Expedient, can Settle those governments but giving A Formall approbation, to y^e Proprietors Governour, and Comanding y^o Peoples obedience, till his Majesties pleasure be ffurther Knowne or comissionating Som person, (to be Governour of those Provinces) under y^e broad Seale.

Our Present bleeding, and Unhappy circumstances, makes us fit objects of your L'ps Care, and pittie, I begg that our settlement; May by any means, Speedily be Acomplis't, & y^e I may be Accounted:

My Lords

Your Lordshipps most Obedient
And Faithful Servant & Friend

London
August 5th 1701.

*Memorial of the Proprietors of East and West Jersey,
submitting their views relative to the Surrender of
their Governments.*

[From P. R. O. B. T. Proprieties, Vol. 6, G 29-4, and printed in Grants & Concessions, p 599.]

The Humble Memorial of the Proprietors of the
Provinces of *East* and *West New Jersey* in
America.

Though the Proprietors are advised by their Council, that their Right to Ports within those respective Provinces was fully asserted, and their past administration of the Government of those Provinces as fully Justified at the late Tryal had in the Court of Kings Bench, between Mr. *Basse* and the Earl of *Bellomont*; they are notwithstanding ready and desirous in Obedience to his Majesty's Pleasure, to surrender all Right of Government there, in humble hope and confidence, that as his Royal Wisdom prompts him to resume the *American* Proprietary Governments into his own more immediate Administration, so his Justness and Goodness will incline him to grant the Proprietors all reasonable Privileges, which are necessary to preserve their civil Rights and the Interests of the Planters, and which are not inconsistent with his Majesty's Service or Royal Authority.

To which they humbly propose and pray.

First. That his Majesty will grant and confirm to them, their Lands and Quit-Rents, with such other Liberties, Franchises and Priviledges as were granted to them by the late King *JAMES*, when Duke of *York*, or have been granted by his Majesty to other Proprietors of Provinces in *America*, except the Powers of Government.

II. That his Majesty will grant to them the sole Power of purchasing from the Indians, all lands lying within these Provinces, which remain unpurchased from them, and that all other Persons, who have purchased or shall purchase Lands from the Indians, either with or without Licence first had from the Proprietors, and who have not already taken Patents, shall be obliged to take Patents of such Lands from the Proprietors, under a moderate Quit-Rent; and in default thereof, their Title from the Indians to be declared null and void. This the Proprietors humbly conceive will be necessary, as well to vindicate his Majesty's Royal Right, as their own Property under him, because the Planters have lately taken up and promoted an Opinion, that the King's Right to all *American* Countries discovered by *English* Subjects, is only Notional and Arbitrary, and that the *Indian Natives* are the absolute Independent Owners, and have the sole disposal thereof; and some of the Planters, who have made such Purchases of Land from the Indians, refuse to take Patents from the Proprietors, Grantees of the Crown, and others who have taken Patents, refuse to pay the Quit-Rents reserved.

III. That the Inhabitants of both Provinces may have the same Liberty of Trading with the Indians, as the Inhabitants of *New York*, or of any other Plantation in *America*, under his Majesty's immediate Government do or shall enjoy.

IV. That the Port of *Perth-Amboy*, in *East-Jersey*, and the Ports of *Burlington*, and *Cohanzie* in *West-Jersey*, may be established Ports of these respective Provinces for ever; and that no Ships bound to any of these Places shall be obliged to enter at any other Port, nor any Ships to be laden there, shall be obliged to clear at any other Port; and that Officers may be appointed at such Port for collecting the Customs and seeing the Acts of Navigation duly executed.

V. That the Proprietors may appoint Surveyors General and other Officers, for surveying and recording the Surveys of Land granted by and held of them.

VI. That the Proprietors of *East-Jersey*, may hold three Markets in every Week for ever, on Tuesday, Thursday and Saturday, for all manner of Cattle, Goods and Merchandizes at *Perth-Amboy*, and four fairs in every year, these to begin the [] Monday in the Months of [] and each Fair to continue six Days; and that the Proprietors of *West-Jersey* may hold the like Number of Markets in every Week, for ever on Monday, Wednesday, and Friday at *Burlington* in *West-Jersey*, and four Fairs in every Year, these to begin the [] Monday in the Months of [] and each Fair to continue Six Days

VII. That *East* and *West-Jersey*, may be erected into one distinct Government, and have one General Assembly for making Laws for the good of both Provinces, to sit alternately at *Perth Amboy* in *East-Jersey*, and *Burlington* in *West-Jersey*; and that such General Assembly may be elected every Year in the Month of [] and may meet on the first Monday in *October*, and oftener if need be.

VIII. That the General Assembly may consist of Thirty Six Representatives to be chosen in manner following, viz two by the Inhabitants House-holders of the City or Town of *Perth-Amboy* in *East-Jersey*; two by the Inhabitants House-holders of the City or Town of *Burlington* in *West-Jersey*; Sixteen by the Freeholders of *East-Jersey* and Sixteen by the Freeholders of *West-Jersey*; but that no Person shall be capable of being elected a Representative by the said Freeholders, or afterward of sitting in General Assembly, who shall not have one Thousand Acres of Land of an Estate of Freehold in his own Right within the Province, for which he shall be chosen; and that no Freeholder shall

be capable of electing said Representatives, who shall not have one Hundred Acres of Land there in his own Right of an Estate of Free-hold: and that this Number of Representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise than by Act of General Assembly, and the Approbation of his Majesty, his Heirs and Successors.

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

X That all necessary Officers and Courts for Administration of Justices in Cases Criminal and Civil, be established in each Province, and that one Supreme Court may be held for both Provinces twice in every year at *Perth-Amboy* in *East-Jersey*, and *Burlington* in *West-Jersey*, alternately; in which Court all Writs of Error or Appeals in the nature of Writs of Error from any other Courts within these Provinces shall be brought and determined; and that this Court may consist of the Governor's Council and the three Capital Judges of each Province (except such of them who pronounced the first Judgment, Sentence or Decree) or of any seven of them, whereof two of the Council, and three Judges for the Time being shall be five, and every Member of the Court who shall be present, shall have an equal vote, saving that where the Court shall be equally divided in their Opinions, the eldest of the Council shall have a decisive Vote.

XI. That no Appeals to the King may lye in Personal Actions, when the Cause of Action is of less Value than *two Hundred Pounds*.

XII. That all Protestants may be exempt from all penal Laws relating to Religion, and may be capable of being of the Governor's Council and of holding any other Publick Office, though they do not conform to the discipline of the Church of *England*, or scruple to take an Oath; and that an Instruction be given to the

Governor for procuring a Law to pass in the General Assembly for substituting some proper Declaration in the Place of an Oath.

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

XIV. That all such further Priviledges, Franchises and Liberties, as upon Consideration shall be found necessary to the good Government and Prosperity of the said Provinces, and increasing the Trade thereof, may be granted to the Proprietors.

WALTER BENTHALL

E. RICHIER

JOS. BROOKSBANK

DAN. COX JUNR.

THOMAS LANE

PAUL DOMINIQUE

JOHN BRIDGES

MICHAEL WATTS

THOMAS SKINNER

THOMAS HART.

JOSEPH ORMSTON

JOSEPH ORMSTON, as having
procuration from Miles
Forster and Edward An-
till

GILBERT MOLLESON

THOMAS BARKER

CLEMENT PLUMSTEAD

THOMAS COOPER

WILLIAM DOCKWRA

August 12th 1701

Memorial of the Proprietors of both East and West Jersey, asking for the approval of Andrew Hamilton as Governor until the Surrender of the Government can be perfected.

[As printed in Grants and Concessions, p 591.]

To their Excellencies the Lords Justices of *England*.
The Humble Petition of the Proprietors of the Province of East and West-Jersey in America.
Sheweth.

THAT your Petitioners, as they were advised by their Council, being legally entitled to the Government of those Provinces, by virtue of several Grants from the

late King JAMES, when Duke of *York*, the Declaration of the late King CHARLES the Second, under the Great Seal of *England*, and of several Acts of State and Orders of Council, admitting their right, have for many Years appointed Governor's there, and particularly Colonel *Andrew Hamilton*, who administred the Government to the great Service of the Crown and Universal Satisfaction of the Inhabitants, until an Act of Parliament passed in the seventh and eight Years of his Majesty's Reign, entitled, *An act for preventing Frauds and regulating abuses in the Plantation Trade.*

Upon which Laws some doubt arising, whether a Native of *Scotland*, (as Colonel *Hamilton*, is) were capable of being a Governor of the Plantations, your Petitioners for avoiding any Colour of Offence against the Act of Parliament, appointed one *Jeremiah Basse*, Governor of those Provinces; but the Lords of the Committee of Trade and Plantations, making then some Scruple concerning your Petitioners Right of Government, Mr. *Basse* had not such a formal Approbation of his Majesty, as that Act directs, and though your Petitioners were at the same Time honoured with Instructions from the then Lords Justices, and Lords Commissioners of the Treasury; for their Governor's Conduct, which were produced and published by Mr. *Basse*, as a Testimony of his being nominated Governor, with the Knowledge and implicate Consent of his Majesty and his Ministers of State, yet for want of an Express Approbation in Writing, the Inhabitants refused to obey him, and we returned for *England*.

Whereupon your Petitioners who had been informed of the Opinions of his Majesty's late Attorney and present Solicitor General, that a Native of *Scotland*, was not disabled to execute any Office in the Plantations, were reduced to reappoint the said Colonel *Hamilton*, (then in *England*) Governor of those Provinces, whom your Petitioners presented to the Lords of the

Committee of Trade and Plantations, humbly remonstrating to them the necessity of sending a Governor for preservation of the Publick Peace, and praying their Lordships Recommendation of him, for his Majesty's Approbation, but their Lordships having resolved to controvert your Petitioners Right of Government by a tryal at Law, declared they could not consent to such an Approbation without prejudice to his Majesty's Right; yet in regard of the necessity of the People's being under some Government, till the Right was determined, the Lordships delivered their Opinions, that Colonel *Hamilton*, acting according to the Laws of *England*, your Petitioners might be safe in commissionating him, and he in executing their Commission, under the security of which Approbation Colonel *Hamilton* went over, and re-assumed the Government of those Provinces; but some factious and turbulent Persons impatient of any Government. oppose his Administration, because he is not approved of by an Order of Council, according to the express Letter of the Act of Parliament, and have made so great Divisions and Confusions there, that the publick Peace is daily violated, and the publick Justice obstructed.

That your Petitioners have agreed and are ready to surrender all their Right of Government to his Majesty, upon such Terms and Conditions as are requisite for Preservation of their Properties and civil Interests, and which they humbly hope will be allowed to them.

Your Petitioners therefore most humbly pray, that for the Preservation of the publick Peace of these Provinces, your Excellencies will be graciously pleased immediately to approve of Colonel *Hamilton* to be Governor of the Provinces of *East* and *West-Jersey*, until the Terms of Surrender can be adjusted.

And your Petitioners shall ever pray.

Thomas Lane,

Dan. Cox, junr.

Paul Dominique,

Thomas Hart,

Thomas Skinner,
John Bridges,
Michael Watts,
E. Richier,
Clement Plumstead,
Thomas Cooper,
Walter Benthall,
Jos. Brooksbanke,
 [July 1701 ?]

Joseph Ormston,
Joseph Ormston, as having
 procuracy from *Miles*
Foster and *Edward Ant-*
hill,
Gilbert Molleson,
Thomas Barker.

Lord Cornbury to the Lords of Trade, asking for such an extension of his authority, as will allow of his appointing militia officers in New Jersey and Connecticut.

[From New York Col. Docts., Vol. IV, p 912.]

To the Lords Commissioners for Trade and Plantations.

The humble memorial of Edward Lord Cornbury.
Sheweth.

That having perused his Commission for the Government of New York, he finds that the command of the Militia in the Jerseys and the Province of Connecticut is placed in him; but he humbly conceives that he shall not be able to serve the King so usefully as he desires to doe in that matter, unless he may have a power (by commission) to nominate the Officers of the Militia in the said Provinces of East and West Jersey and Connecticut, which he imagines may the more easily be granted, because the Militia in all the parts belonging to the British dominions, is by Act of Par-

liament lodged in the King; and without such a power he presumes his command over the said Militia will be but precarious. * * * * *

Your Lordships most faithfull humble servant,
September the
2^d 1701



Lewis Morris to Secretary Popple, relating to the surrender of the Government of the Proprietors of East and West Jersey.

[From P. R. O. B. T. Proprietors. Vol. 6, G 32.]

Lre from M^r Morrice, wth a Mem^l from y^e Proprietors of East and West Jersey, relating to y^e Surrender of their Title to y^e Gov^{nt} of those Provinces; With the Names of Persons to be of y^e Council of New Jersey.

Sir.

Among the Proprietors Propositions, I think there is but 5 articles, y^e can admit of any dispute. Those are the 4th 7. 8. 9: and 13th. I will by this, give you y^e Proprietors Sentiments of them, their reasons for asking them, and how far they are Willing to agree; w^{ch} may be of some help to you, in y^e Drawing y^e report, I understand you are About. The Proprietors thinke, they have an Indisputable right, to y^e goverment, as well as to y^e soile of those Provinces, y^e Government has been verry chargeable to them, and is a feather, they are verry willing to part with; but they will

either chuse, to stand a tryall in Westminster Hall, or apply themselves to y^e House of Commons, then they will make a Surrender, even of that same chargeable feather, if their Properties, and civill rights cannot be well assur'd to them, and though their L'pps, and yourse have Promis't them, that there shall be no Invasion of them, yet, they thinke they shall be great Sufferers, if those articles are not (if not Absolutely, yet) in some measure complied wth. As 1st for y^e 7th article, if those two Provinces, be anex't to any other, (at this Juncture) before they can Adjust, their matters in them, and fix their titles, both to their Own land, and to the Persons they have made grants too, they thinke it will be much to their damage, and even if that article, is granted they cannot so well adjust those things, if they have not y^e 13th: Complied wth, and Coll^o Hamilton for their Govern^r:. their affairs at Present, are Verry unsetled, and it is morrally Impossible they can fix them, Otherwise then to their great Losse, if they have not some body, thats well aquainted wth the Intricacy of them, and that no body in y^e world is, but Coll^o Hamilton. Lastly since they are going, to Put themselves on the levell wth the people, it will be no small advantage to them, that y^e People thinke they have Interest Enough, to recomend a Governour, and it will make them cautious, of Invading their Properties, w^{ch} they are Verry Prone to do, as their L'pps are Inform'd by y^e 2^d Article.

the 4th article, they thinke is absolutely necessary, and they believe, they have a Judgment of Court for it, but they are not desirouse of having Ports, under greater advantages than their Neighbours Enjoy, they will aquiesce in Such Reasonable measures, as their Lordships shall please to take. The choyce of the councill, in y^e 9th Article they leave to his Majestie, but they would have them chose Equally out of both Provinces; least in y^e first assembly, one province may

have an advantage over the Other, and make Some act of Assembly, to Keep the disparity for ever. the Eighth article, is y^e Limiting y^e number of Assembly men, their Quallifications, their L'pps may alter the number if they thinke fit. the Proprietors Judges that number y^e y^e fittest, and as to their qualifications, its only modally-different, from y^e House of Commons in England. the Proprietors, and Severall Persons in that country, have large tracts of Land, and if every body, were admitted (though of Never so little worth) to be Lawmakers, those Persons of best Estate in y^e Countrie, and y^e Prop^{rs} Interests, would be at y^e disposall, of y^e tag, rag, and Rascallity. These S^r are y^e Proprietors Reasons, and I hope in youre Opinion, they are good Reasons, as to the method of Grantiug those things, they leave it to your Lordships.

The present circumstances of things, in that Country, requires that there be some thing Speedily done, and if there was an Order sent, comanding an Obedience to Coll^o Hamilton till matters was adjusted (which I feare will take up some time) it might hinder y^e Spilling abundance of humane blood. Inclos'd are Some names of Persons for Councillors, and Some Papers w^{ch} came from Jersie, if there is any other perticuler, relating to y^t Country, w^{ch} you thinke fit to be apris'd of. If I can do it, you man comand.

S^r

Your Most Obedient Servant

L. MORRIS.

Sept: 13: 1701

[Enclosed in the foregoing.]

TO THE RIGHT HON^{BLE} THE LORDS COMMISSIONERS FOR
TRADE & FOREINE PLANTATIONS.

THE HUMBLE MEMORIALL of the Greatest part of y^e .
Proprietors of the Provinces of East and West
Jersie.

May it Please your L'ps.

We are humbly of opinion, y^t the right to y^e gover-
ment of the Provinces, of East and West Jersie (untill
we do make a Surrender of it, or untill we are dispo-
sest of it by due course of Law) is Lodg'd in us, and as we
are Willing to part wth this right, and put those gover-
ments, under his Majesties more Imediate Administra-
c'on; and to that End Have presented our Humble
memoriall, to their Excellc's: the Lords Justices (w^{ch}
is by them refer'd to your L'ps) conteining such condi-
tions, as we are Willing to make this Surend^r upon
w^{ch} we presume are no other, then Such as will Secure
to us Our civill Rights; and to y^e Inhabitants of those
Provinces, Such priveledges as is necessary they should
Enjoy; and Which we Humbly hope, your Lordships
will advise His Majestie to grant: And more Especi-
ally the thirteenth article of y^e said memoriall, with-
out w^{ch} we thinke our properties cannot well be
secured; and without which in Our Opinion, we cannot
be safe in making A Surrender.

We do therefore most Humbly Propose and Pray, y^t
Coll^o Andrew Hamilton (in whom we have an Entire
confidence y^t he will put in Execution y^e Acts of Navi-
gation, and Sedulously act on y^e behalfe of His Majes-
tie, in pursuance of such Instructions as he shall from
time to time Receive) may be Governour of that
Province He having during his past Administration,

behav'd himselfe As became a good man; Administering Justice Equally to the Inhabitants, and discharging the trust by us repos'd in Him, with faithfullnesse and Truth; and on all ocasions procuring what assistance he could, of Men and money to the frontiers during the Last Warr wth France.

We begg your L^{ps} further to consider, that this is not onely the desire of (by far) y^e major Part of y^e Proprietors, here in England, but of all y^e proprietors in America, and y^e whole province of West Jersey, and of 5-6^{ths} of East; and that it is Opos'd by none but M^r: Dockwra, and A small number of the meaner sort, who Sides wth one Bowne, who we can by no means Admitt to be Govern^r!, unlesse we designe to have our Interests in that Country totaly ruin'd, as your L^{ps} will percieve, by A protest made in y^t country, and Sundry depositions taken there, and are ready to be produc^t before your Lordships.

We also Intreat your L^{ps}, to look upon coll^o Hamilton as an Indifferent Person, and that there is no other reason to thinke him byas't to A party, then to thinke all the Magistrates in the world so, who Endeavour to punish those who breake y^e Laws; Opose their Authority; and Obstruct y^e Publique Justice.

It is rare to find in any human Societie, an agreement of all y^e members; we are (by farr) y^e majority, y^t Pray that Coll^o Hamilton may be continued, Govern^r! of y^t Province, and we humbly hope our desires may be complied with.

L. MORRIS

In behalfe of all y^e Proprietors Residing in East Jersie.

JOSEPH ORMSTON

for Edward Anthill Charles Ormston and selfe.

GILBERT MOLLESON

THO LANE

PAUL DOCMINIQUE

E. RICHIER

FFRAN: MINSHULL

MICHAEL WATTS

for all the Proprietors of West Jersie

[Enclosed in the foregoing letter.]

Persons Recommended by y^e Majority of the Proprietors of the Province of East and West Jersie to be of y^e Councill in New Jersie.

LEWIS MORRIS
 WILLIAM PINHORNE
 WILLIAM SANDFORD
 SAMUELL LEONARD
 JOHN JOHNSTONE
 ANTHONY PINTARD
 EDWARD EARLE
 SAMUELL DENNIS
 of woodbridge
 MILES FORSTER

These are Persons
 of y^e Best Estates
 in East Jersie.

Quaker SAMUELL JENNINGS
 EDWARD HUNLOCK
 Q. GEORGE DEACON
 DANIELL LEEDS
 Q. PETER FRETWELL
 Q. THOMAS GARDNER
 THOMAS REVELL
 Q. FRANCIS DAVENPORT

These are persons of y^e
 best Estates in West
 Jersie:

the Board may be Inform'd of y^e characters of Persons in that Country by

S^r Edmond Andross Coll^o Joseph Dudley Captⁿ Jasper Hicks Captⁿ Christopher Billop Captⁿ James Thomas M^r Adolph Phillips M^r James Mills M^r Thomas Palmer the Reverend George Keith:

Memorial of Jeremiah Basse to the Lords of Trade, asking to be heard before any final decision, as to the Surrender of the Government of East & West Jersey.

[From P. R. O. B. T., Proprieties, Vol. 6, G. 35]

TO THE RIGHT HONOR^{BLE} THE LORDS COMMISS^{RS} OF
TRADE &^c

THE HUMBLE Memorial of J Bass on the behalfe of
His Majesties Province of East Jersie.

May itt please Your Lordsh^{ps}.

Being Informed that some few of the Proprietors of the Jersies have made some proposals of surrendring their Pretentions to that Government vnto his Majesty, & have also petitioned for the Aprobation of their late Governor Hamilton but not being aqvainted with the termes of their Surrender or the contents of the saide petition I must humbly move on the behalfe of the saide Inhabitants least theare should be any thing thearin that may be derogotary to their just rights & interests that your Lordships would be pleased to Order Me Coppys boath of the saide Pretended Articles of Surrender & Petition that I may advice with Council on the same & that your Lordships would be pleased to Allow me time if theare should appeare any thing contrary to the Interests of the Inhabitants to give in Reasons against either the saide Articles or Petition. This my Lords I am the rather Induced to Request of your Lordships in that I am advised by Council Learned in the Law That these Pretended proprietors of the Jersies have no Legal Title to the saide Government of the Jersies.

Because. The Grant of Government from King Charles the Second to James Duke of Yorke &^c of the Jersies together with a much larger tract of Land was a personal trust & not by law Assignable to any others. The Grant from the saide James Duke of Yorke &^c to the the Proprietors of the Jersies of the saide Government ought to have passed to them All the whole extent of the land Mentioned in the Original Grant from Kinge Charles the Second & not have devided the same into Three distinct & independent Goverments as by the pretended grants to the Proprietors their Heirs & Assigns is apparant.

If the saide powers of Government May be Legaly boath Assigned & Divided The saide pretended Proprietors have no legal right to dispose of the same They being butt some part of those Gentlemen Grantees of the said Government & conveyed to them Joyntly with severall Others who are not aquainted with much less consenting to the saide pretended articles of Surrender, from which reasons and many more to tedious to trouble your Lordships with the recital of I am advised that the said Proprietors ought not to pretend to the nomination of any person to Your Lordships as Governor of the saide Provin^{ces} much Less the saide Andrew Hamilton Esq^r who Not being a native borne Subject of England Ierland nor the Plantations is by Council Learned in the Law Deme'd to be vnqualified for the said trust by the Act made in the Seaventh & Eighth years of his majesty for the Regulation of the plantation trade *In that* The Governors of any of the Provinces have not onely the Com'isionating the Naval Officers to take care of the Plantation trade butt Have also the Heareing & determining of all Causes by Appeale from any of the Lower Courts whearein the breaches of the saide Acts of trade & plantations are more perticulerly complained of & tried: & the saide Act doth Expressly provide That all places of Trust in

the Courts of Law or what Relats to the Treasurie in the saide Islands shall from the makeing this Act be in the hands of the Native borne Subjets of England Ireland or the saide Islands, so that Not onely this clause but the whole designe & end of the Act being to Keepe the trade of the Plantations intirely in a dependance on England & the great cause of makeing itt being the Continued complaints of an Illegall trade Carried on by Scotchmen to Scotland Holland Curasoe &^c & connived att by Such as vare in Authority an Instance wheareof I am informed was given by Edward Randolph Esq^r Survey^r Gen^l of his Majestys Customs &^c in this very Gentlemans open countenancing & abbetting on William Righton in bringing Scotch goods &^c into the provinces of the Jersies of which he was att that time Governor. I would humbly intreat your Lordships that I may be heard by my selfe & councill before your Lordships doe make any finall Report on the Articles or Petition of the saide Proprietors.

[September 30th 1701]

J BASS

Lords of Trade to the Lords Justices, relating to the Surrender of the Governments of East & West Jersey by the Proprietors.

[From P. R. O. B. T., Proprietors, Vol. 27, p 244.]

TO THEIR EXCELLENCIES THE LORDS JUSTICES

May it please your Excellencies;

In obedience to your Excellencies Commands signified to Us by M^r Yard, upon severall Papers laid before your Excellencies relating to the State of his Majesties Provinces of East and West New Jersey in America.

We have considered all the said Papers together

with others of the like nature that were already in our hands, and having like wise heard what the Proprietors and others had to offer. We thereupon most humbly report to your Excellencies

That these Countrys which are now known by the name of East and West New Jersey were granted, together with Severall other Territories by King Charles the Second by Letters Patents bearing date the 12th day of March 1664 to the then Duke of York, his heirs and assigns, Together with full and absolute power and authority to him, his Heirs, Deputies, Agents, Commissioners & Assignes, to Correct, punish, pardon, govern and rule all such persons as did then or should at any time thereafter reside within the said Territories according to such Laws, Orders, Ordinances, Directions and Instructions as by the said Duke of York or his Assigns should be Established, and with Several other Clauses relating to the Govern^t and defence of the same.

That the said Duke of York did thereupon grant, carry & Assign the said Provinces (by the name of Nova Caesaria or New Jersey) to John Lord Berkley and S^r George Carteret their Heirs and Assignes, wth all and every the Appurtenances thereto belonging, in as full & ample manner as the same were granted to him by the foresaid Letters Patents of King Charles the 2^d.

That his said Majesty King Charles the second by other Letters Patents, Dated the 29th of June 1674, did again grant and convey to the said Duke of York, all the said Lands and Territories in the same manner as before expressed; And that Severall Subdivisions and Sales having in the mean while been made by the said Lord Berkeley, S^r George Carteret and others claiming under them He the said Duke of Yorke did by Indenture dated the Sixth day of August 1680, Grant and Confirm the Province of West New Jersey, with all

the Appurtenances thereto belonging to Edward Byllinge of Westminster Gent in whom the Title thereunto then was, and to his heirs & Assignes for ever, and did in the like manner by Indenture dated the 14th day of March, 1682, grant and confirm the Province of East New Jersey with all the appurtenances thereto belonging to James Earle of Perth, William Penn Esq^r and Several other persons in whom the Title to the Same then was, and to their Heirs and Assignes for ever. And by each of the said Indentures did like wise give grant and assign unto the aforesaid respective Grantees or Assignees, all and every such and the same Pow^{rs} Authorities, Jurisdictions, Governm^{ts} and other matters & things whatsoever, which by the fore mentioned respective Letters Patents or either of them were granted or intended to be granted, to be exercised by him the said Duke of Yorke, his Heirs, Assignes, Deputies, Officers or Agents.

That the present Proprietors who derive their respective Titles to their Several Shares and proportions of the soyle of those Provinces by Several mean Conveyances from and under the fore mentioned Grants to Edward Byllinge & to the Earl of Perth and other persons to whom the Duke of York had immediately conveyed the same, doe in like manner and by virtue of diverse such mean Conveyances, claim the same Powers and Rights of Government as were granted by King Charles the Second to the Duke of Yorke and by him to others according to the Tenour of the foresaid Indentures.

That nevertheless we do not find that any sufficient form of Government has ever been settled in those Provinces either by the Duke of York or by those claiming under him as afores^d. But that many inconveniences and disorders having arisen from their pretence of right to Govern, The Propriet^{rs} of East New Jersey did Surrender their said pretended Right to the

late King James, in the Month of Aprill 1688, which was accordingly accepted by him.

That since his Majestys Accession to the Crown, the Proprietors both of East and West New Jersey have continued to challenge the same Right as before, and did in the year 1697 apply themselves to Us in order to their obtaining his Majesties approbation of the person whom they desired to have constituted Governour of the said Provinces; But at the same time refused to enter into Security to his Majesty pursuant to the address of the Right Hon^{ble} y^e House of Lords of the 18th of March 1696, that the person so presented by them the said Proprietors should duly observe and put in Execution the Acts of Trade; Yet Nevertheless proceeded, from time to time, to Commissionate whom they thought fit, to be Govern^r: of those Provinces without his Majesties Approbation according to what is required by the late Act for Preventing Frauds and regulating abuses in the Plantation Trade.

That in this manner having Formerly Commissionated Collonel Andrew Hamilton, Afterwards M^r: Jeremiah Bass; Then again Superseding their Commission to M^{rs} Bass and renewing or confirming that to Collonel Hamilton; And even Since that also Some of them having Sent another Commission to one Captain Andrew Bown. The Inhabitants Sensible of the defects and Insufficiency of all those Commissions, for want of his Majesties Authority, have upon Severall occasions Some of them opposed one of those Governours, Some another, according as Interest, friendship or Faction have inclined them.

That the Inhabitants of East New Jersey in a Petition to his Majesty the last Year, complained of Severall grievances then lay under by the neglect or mismanagement of the Proprietors of that Province or their Agents; As particularly that from the latter end of June 1689 till about the latter end of Augst 1692 (which

was a time of Actual Warr) they had not taken any manner of care about the Government thereof; So that there having been neither Magistrates Established to put the Laws in Executⁿ nor Military Officers to command or give directions in Order to the defence of the Province, they were exposed to any Insults that might have been made upon them by an Enemy. Unto which they also added, that during the whole time the said Proprietors have Govern'd or pretended to govern that Province, they have never taken care to preserve or defend the Same from the Indians or other Enemies, by Sending or providing any Arms, Amunition or Stores as they ought to have done; And the said Inhabitants thereupon humbly prayed his Majesty would be pleased to Commissionate Some fit person qualified according to Law, to be Gov^r over them.

That it has been represented to us by Severall Letters, Memorials and other Papers, as well from the Inhabitants as Proprietors of both those Provinces that they are at present in confusion and Anarchy and that it is much to be apprehended, least by the heats of the Parties that are amongst them, they should Fall into such Violences, as may endanger the lives of many persons and destroy the Colony.

That the greatest number of the Proprietors of both those Provinces residing in this City, being hereby Sensible of the Necessity of His Majesties Authority for the preserving of Peace and good Order in those Countries, have lately presented a Petition to Your Excellencies; in the preamble whereof tho' they still seem to assert their Title to the Government of the said Provinces, Yet nevertheless in the end declare that they have agreed and are ready to Surrender the same to his Majesty, upon such Terms and Conditions as are requisite for preservation of their Proprieties and Civill Interests; And they thereupon humbly pray, that for the preservation of the publick peace, Your Excellen-

cies would be Graciously pleased immediately to approve Collonel Hamilton to be Governor of both the said Provinces of East and West New Jersey until the Terms of Surrender can be adjusted.

That in a late Memorial presented to your Excellencies (and signed not only by the same persons, but by others likewise, who wou'd not joyn in the Prayer of that Petition) having again prepaed [?] their own pretended right to Government; They do in like manner declare their readiness to Surrender the same, In humble hope and Confidence (as they express themselves) that his Majesty will be pleased to grant them all reasonable privileges which are necessary to preserve their Civill Rights and the Interests of Planters, and which are not inconsistent with his Majesties Service or Royal Authority, after which they proceed to propose, and particularly enlarge upon Several Articles relating to the Method of Settling both the said Provinces and uniting them under one Government.

That the Proprietors of East New Jersey, residing there, have signed and sent over hither, to a Gent, whom they have constituted their Agent and Attorney in that behalf, an absolute and unconditional Surrender of their Right to the Government of that Province so far as the same is in them And so far as they are Capable of doing it for others concerned with them in that Propriety.

That in relation to the foresaid Articles, We have been Attended by Severall of the Proprietors here, who have further personally declared to Us, that their intention in proposing the same is only to secure their right in such things as are matter of Property, and that they Unanimously desire to Surrender the Government to the King, and Submit the Circumstances thereof to his Majesties Pleasurè. But in relation to the fore mentioned Petition, that Collonel Hamilton may at present receive His Majesties approbation to be

Governour of these Provinces, the said Proprietors are so divided amongst themselves, that whereas some seem to insist upon his Approbation as one principal Condition of their Surrender others in the same manner insist upⁿ his Exclusion.

Upon all which we humbly Represent to your Excellencies.

That not being satisfied that the fore mentioned Grants from the Duke of Yorke (the only Title upon which the said Proprietors Claim a right to Government) without any direct and immediate Authority from the Crown, were or could be of any validity, to convey that Right (which we have been informed is a power inalienable from a person to whom it is Granted, and not to be Assigned by him unto any other, much less divided, Subdivided and convey'd from one to another, as has been done in the present Case) We did thereupon humbly represent to his Majesty the 18th of April 16⁹, that a Tryal might be had in Westminster Hall, upon a feigned issue, whereby their Claim to the right of Government might receive a determination.

That no such determination having yet been made, nor any proceedings (that we know of) had upon the fore mentioned Surrender. But it being generally acknowledged both by the Inhabitants and Proprietors of the fore said Provinces, that the disorder and Confusion they are now fallen into are So great, that the publick Peace and Administration of Justice is interrupted and violated; And that whilst those disorders continue, there neither is nor possibly can be, any due provision made for the guard and defence of that Country, against an Enemy; We are humbly of Opinion, that it is very Expedient for the preservation of those Territories to the Crown of England, and for securing the private Interest of all persons concerned. That his Majesty would be pleased to Constitute a Governour over those Provinces by his immediate Com-

mission; Which together with the Instructions to be also given to the said Governor, may contain such Powers, Authorities and directions, as may be necessary for the Establishing there a regular Constitution of Government, by a Governour Councill and Generall Assembly, with other Civill & Military Officers, and for securing to the Proprietors and Inhabitants all their Proprieties and Civill Rights in as full and ample manner as the like are enjoyed by any Plantation und^r. Governours appointed by his Majesties immediate Commission; Together with such Clauses and further Provisions as may be thought reasonable in Order to prevent the interfering of that Colony with the interest of his Majesties other Plantations as the Proprietary Governments in America have generally done

And we further humbly offer that Draughts of such a Commission & Instructions may be prepared; And that they may be also shown to y^e. Propriet^{rs} of those Provinces, in Order to their acquiescence & the Surrend^r. of their pretended Right to Governm^t in such manner & form as may be effectual in Law, to the final extinguishing of their pretences. Or in case of their refusal, in Ord^r. to such other proceedings as shall then be thought fit

All w^{ch} nevertheless is most humbly Submitted

Phil: Meadows

Jn^o: Pollexfen

Abr: Hill

Mat. Prior

Whitehall }
 Octob^r. the 2^d. 1701 }

[Under date of October 5th, Secretary Yard informed the Lords of Trade that the Lords Justices had directed that they proceed to prepare the draft of the Commission and Instructions they proposed.—ED.]

Chief Justice Atwood to the Lords of Trade.

[From N. Y. Col. Doc'ts., Vol. IV., p 923.]

To the R^t Hon^{ble} the Lords Commissioners for
Trade and Plantations.

My Lords (Extract)

* * * * *

In a short intervall of publick business here, I went to Burlington, where I published my Commission for West Jersey and tooke the Oath and signed the test and association in Council before Coll Hamilton, whose authority in the other Jersey is much disputed.

* * * * * My Lords

Your Lordships most obed^t
& most devoted humble Serv^t

W. ATWOOD.

New Yorke
Oct^r 20 1701

Secretary Popple to Sir Thomas Lane Knight.

[From P. R. O. B. T. Proprieties, Vol. 27, p 312.]

To S^r Thomas Lane Knight.

Sir.

I am commanded by the Lords Com'ission^{rs} for Trade and Plantations to send you the inclosed Draughts of a Commission and Instructions for a Governour for his Majesty's Province of New Jersey, prepared by Order of their Excellencies the Lords Justices; That you may communicate the same to the Proprietors of both the Divisions of East New Jersey and West New Jersey, for their Observations thereupon; Which their Lord-

ships desire may be made and returned to them with all convenient speed, in Order to such further proceedings as shall be found necessary for the settling of that Province in a due form of Government. I am &c

W: P:

Whitehall

November the 14th 1701

Names of Persons proposed for Governor and Council of New Jersey by the Proprietors of West Jersey.

[From P. R. O. B. T. Proprieties, Vol. 6, G 45.]

Names of persons proposed by Sir Tho: Lane and other prop^{rs} of West New Jersey for Gov^r and Council of Nova Caesaria.

Names of Councillours. And Govern^r.

Coll^o Andrew Hamilton; Esq^t: Govern^r

E. N. J. ¹	1	Lewis Morris	} Councillors
	2	Edward Hunloke	
E. N. J.	3	Andrew Bowne	
	4	Samuell Jennings	
	5	Thomas Revell	
	6	Francis Davenport	
E. N. J.	7	William Pinhorne	
E. N. J.	8	Samuel Leonard	
	9	George Deacon	
E. N. J.	10	Samuell Walker	
	11	Daniell Leeds	
E. N. J.	12	William Sandford	

¹ The names having "E. N. J." attached, from East Jersey, the others, from West Jersey.—Ed.

Names of Persons proposed by the Proprietors of East New Jersey to be Governor and Council of New Jersey.

[From S. P. O. B. T. Proprieties, Vol. 6, No. G. 23.]

NAMES OF PERSONS proposed by M^r. Dockwra and other prop^{rs} of East New Jersey for Gov^r. and Council of Nova Caesaria.

THE PROPRIETORS OF THE PROVINCE of East-New-Jersey in America, In Obedience to yo^r. Lo^{ps} Directions, Doe humbly p^rsent the ffollowing List of Persons, together with their respective Character and quallifications. For Governor and Council of the intended Province, to be call'd Nova Caesaria, or New-Jersie.

FOR GOVERNOR

Andrew Bowne Esq^r. present Governor of East-New-Jersie, a man of Probity, much esteem'd in the Province, of Unblemisht Reputation and intirily affected to His Maj^{ties} person & Governm^t

OR

Major Richard Ingoldesby well known to have Signallized himself by many good services to His Country and in the year 1688 came over from Holland wth His Maj^{tie} was then honored with the first Commission for Major, and served in Coll^o. Tolmash his Regiment, afterward in Ireland wth exemplary courage & conduct before Carick-fergus & maintaining that notable pass of the Newry, and since went abroad to His Maj^{ties} Colony of New-York, being well acquainted with the Countryes in that Neighbourhood. And on the death

of Governor Slaughten com'anded in Chief in that Province to the generall satisfaction of y^e Inhabitants for which he has ample & authentick Testimonials. And particularly is recommended to the West-Jersey-Society as well as to y^e Proprieto^rs of East-Jersey, by His Grace the Duke of Ormond, to be presented to yo^r Lo^{pps} to Report the said Majors Character & merrits to His Majesty in hopes of His Grace & ffavour to appoint him His Maj^{ties} Governor of Nova Caesaria or New-Jersie.

For Members of the Council for
East-Jersey Divission We present.

Lewis Morris Esq ^r .	M ^r Sam Walker
Andrew Bowne Esq ^r .	M ^r W ^m Pinhorne
if his Maj ^{tie} please to	M ^r Sam: Leonard
nominat Major Ingoldesby	M ^r W ^m Sandford
His Governor.	

The six Persons abovementioned To the best of our knowledge or information are the most fitt to be presented to yo^r Lo^{pps} for members of the Council to His Maj^{ties} Govern^{or}.

Will Dochnora & Tho^s: Barker

Clem^s: Plumsted

Peter Jonmans

Secretary Popple to Attorney General Northey, asking him to consult with the Lords of Trade upon the Surrender of the Governments of East & West Jersey.

[From P. R. O. B. T., Proprieties, Vol. 37, p. 317.]

To Edward Northey Esq^r her Majestys Attorney
Generall.

Sir.

The Lords Commissioners for Trade and Plantations having under Consideration by Reference from the Late Lords Justices, some Proposals made by the Proprietors of East & West New Jersey in America relating to the Surrender of their pretended Right to the Government of that Country, Their Lordships desire you would please to call in at their Board on Thursday or Friday morning next (which may best suit with your Conveniency) about Ten of the Clock; In order to advise with them about the Methods in which that Surrender may most fitly be made.

W: P.

Whitehall
December: 9th 1701.

Objections to the appointment of Andrew Hamilton as Governor of New Jersey, presented by William Dockwra.

[From P. R. O. B. T. Proprieties, Vol. 6. G 48.]

Paper of Objections against Coll: Hamiltons being made Governour of New Jersey, presented to the Board by M^r Dockwra &c. Dec^r 16th 1701

The Following Account of Coll: Hamilton & his Proceedings whilst Govern^r. & Agent in the Provinces

of East and West Jersey, is humbly Presented to your L'dppps.

In the year 1687 Coll Hamilton had a Commission sent from y^e Committee [by the] Proprietors of East Jersey under the Province Seale in London, By which he was obliged to follow Such orders and Instructions as he should receive from the said Councill of Proprietors in London.

In his Administration under this Commission Instructions and orders were sent from time to time which he was required to put in Execution, But directly contrary to the same, in Breach of the Trust reposed in him, to the great Loss and Dishonour of the Proprietors.

After many Letters of complaint from the Proprietors, he took shipping [for] England. But in his Passage hither was taken by the French, and as [. . .] the Proprietors lost all the coppies of those Books and papers which he pretended would have put him in a capacity of giving a better accounte of his Administration and of excuseing himselfe; This Insinuation joyn'd to the Fair promises of [. . .] better Administration at his Return to Jersey, and that he would give [. . .] satisfaction for his former offences, and the Pitty the Proprietors had of his misfortunes Prevailed with the Proprietors to grant him a new Commission in the year 1692.

Under these [this?] Commission He had repeated orders and Instructions, But notwithstanding all his Promises and the continued Importunity of y^e Proprietors] to have an account of his Former proceedings: He persisted in the [discharge?] of his duty not observing any of their orders, and to this day have never given an account of any One years Transactions in the Province.

The Proprietors of East Jersey Provoked by such

usage joyn'd with the Society of West Jersey: and sent over Coll: Bass in the year 1697 with their Com[mis-sion] of both Provinces, thereby superceeding Coll: Hamiltons [.] Commission which his Faction resented in that manner that tho' Coll: Bass received Instructions from this Hon^{ble} Board Signed by the Lords Justices and Counter Signed by the Lords of the Treasury having his Dispatches from hence, and Embarking on the same man of Warr with the Earle of Bellomont, and had a Dedimus Protestation under the Broad Seale of England. By which he was Sworne by my Lord Bellomont in New Yorke; notwithstanding all this, they denied his Authority and Publickly affronted the said Governour Bass & Judges in open Court as appears by many Letters and Affidavits.

This Opposition was the first occasion of the Heats and Animos[ities] in those Provinces and laid the Foundation of all those fewds & Com[plications] which continue to this day.

Coll: Hamilton after the Province was sett on Flame by his Incen[diaries] took advantage of those confusions Returned to England; insinuating [him]Selfe in to the Favour of Some of the West Jersey Society (who were Ignorant of his Proceedings under the Commission of the East Jersey Proprietors) and by his relation of the Posture of Affairs induced them to believe that there was no way of Quieting the province But by constituting him Governor Since the Superceeding his Commission gave Rise to the Divisions there.

The West Jersey Society Deluded by this Artifice perswaded some of y^e East Jersey Proprietors to Joyne with them in giving Coll. Hamilton a New Commission under a pretence that the necessity of affairs required it; at least till they could be better Provided.

The East Jersey Proprietors dreading the event of Intestine Animosities comply'd with the Proposall tho' Coll: Hamilton had formerly so notoriously forfeited

his Reputation with them: Thus by this management they procured a Majority of proprietors and Sent Coll^d Hamilton over with their Com[']ission and thereby Superceeded that of Coll Bass. But Collonel Hamilton Sensible without the Kings approbation he should meet with Opposition, being the very Argument used by himselfe and adherents against Coll^d Basses Co[']mision, Endeavours were used to obtain the same by Petition to his Majesty, But it was denyed. Yet the business Coll^d Hamilton had to doe for the West Jersey Society was motive sufficient to prevaile with him to act under a Commission of so much less Authority than that of Coll Bass, and which for that Reason he knew would be strenuously controverted there, and has since had all those Dire Effects which the Aversion to that people to a Scotch Governour (promoting a Scotch Interest) gave Just apprehensions would procure.

The East Jersey Proprietors finding they were mistaken in their Remedy, and that this Alteration had occasioned a farr greater disgust in the Province, and that the Inhabitants were resolved never to obey Coll: Hamilton But they themselves under any Power rather then that of a Scotch Governor, did send over their Commission constituting Capt: Andrew Bowne upon the place their present Governour, a quiet man that had been Deputy Governour and well esteemed in the Province: and a Second time Superceeded Coll^d Hamiltons Commission.

Coll^d Hamilton believing it Impossible ever to Impose again on the Proprietors, resolved to try the Last Effort, and then Sett up in Opposition to the Proprietors themselves, and tho' by his Commission he was obliged to Surrender the Government on the arrivall and Publishing of a New Comission, under the Seale of the Province, which Commission was So Published. Yet he detained the Provinciall Seale, keeps all the Records, and the Dedimus Prostatem, totally Subverting the Government

This may it please your Lopp's is but a Short account of Collenell Hamilton, and it's hoped that This with the Petitions & Remonstrances both from East and West Jersey already before this Honorable Board, will So farr lessen him in your Lo'pps Esteeme that he will not be thought worthy of Recommendation for Governour of New Jersey, and since your Lo'pps were pleased to advise ag'st presenting any party man (Coll Hamilton being peculiarly such) It is hoped your Lo'pps will not think it a medium to reconcile the contending partys of both Provinces by presenting him, nor Judge it the most proper method to advance and Encourage an English Colony by advising his Majesty to constitute a Scoth Governour.

The Aversion of the Inhabitants is an Objection of that Importance as is presumed will have weight with y^r Lo'pps.

For may your Lo'pps be pleased to be further Informed that the Injuries the Inhabitants there, and the Proprietors here have received from Coll: Hamilton are the motives to their Surrender; and they therefore hope that they Shan't draw on themselves that very Evill, they would Endeavour to be freed from; and only beg leave to add, that all those who have suffered by Coll Hamilton can have no hope of Redress Should he be constituted Govern^r: For then he will become Both Judge and Party too.

To give yo^r Lo'pps no further trouble; Tis humbly conceived the Present Apprehension of Warr may require a Gov^r: Skilled in Military affairs. That the Militia may be well moddled and Disciplined, and putt in a Capacity of Opposing Forreign Enimies as well as quieting Intestine Fewds. And therefore tis humbly offer'd to your Lo'pp's Wisdome for the Recommendation to his Majesty of Such a One.

*Letter from Governor Andrew Hamilton to the Proprietors in England.*¹

From the original among the MSS. of W. A. Whitehead.

From Governor Hamilton.

Perth Amboy, 1st June, 1700.

Worthy Gentlemen:—

I am at a great loss for want of advice from you how farr you have concerted the affair of the surrender. The people here proposeing to themselves that they will be upon the levell with you when the goverment is out of your hands, may purchase lands of the Indians as well as you & may thro vp their patents & hold by their Indian purchase. I say proposeing these advantages to themselves (& there's no beating them out of it) they lay hold on any twigg they think will attain their end. I send for your perusall a copy of a petition that the factious part of the people sent about to get hands to, & I send you my remarks vpon it.²

I was in a mistake concerning Mr. Royse, he had an old patent w^{ch} contains about 20000 acres,³ but becaus the stations were uncertain & the boundaries would not meet, he addressed the prop^{rs} at home for a new patent, w^{ch} he had & contains about 6000 acres, for w^{ch} he was to pay £5 a year for the whole instead of the $\frac{1}{2}$ per acre, and the prop^{rs} forgetting to make him surrender his old patent he now claims about 20000 acres by it & so takes away upon Milston River from Mr. Hart, & on the Raritan from Mr. Plumstead & Mr. Barker considerable tracts of land, so that he uses both patents, the old one if he can, and the new one if

¹ Should have been previously inserted.—Ed.

² This was probably the petition to be found on page 321.—Ed.

³ "Being all purchased by him from the Indians" erased.—Ed.

the old fail him; it was a great oversight, he is the ringleader of the troublesome part of the people, & its he that infuses the notion in them of holding by their Indian titles. If they have made any alterations in their petition I know not; but I believe it will be much to the same purpose, but if the King give a Countenance to a factious & a false petition to break your Governm^t it will introduce ill presidents.

While the people propose to themselves such advantages by the governm^{ts} being in the hands of the King, you cannot expect they'l raise money to defend it, nor give any thing wherein they suppose you will share the advantage with them, & therefore if the surrender is not compleated, a tryall will be less expense, & whatever be the issue will vindicat you more than the surrender, for instead of thanking you for the priviledges you obtain, they will reproach you for receding from what they think their due, for instance, you propose that upon the annexation, the same number of Counties continue, & by the same Names, & that as many represent in Generall Assembly a County in E. J. as there shall at N. Y and I perceive the Ld^s will allow but E. J. to be $\frac{1}{3}$ of that Assembly, & should you consent to this proportion by Charter the people will curse you, for in York governm^t two represent a County, wherein E. J. being but $\frac{1}{3}$ will be less than one to represent a County; & so will they Cavil if the Port be precarious. Indeed I don't well see that their Ld'ps can retrench them, or a Charter ty them vp to less then a just proportion.¹ I beseech you gentlemen without loss of time bring things to an issue, if they will not advise the King to establish your Port by

¹ These remarks refer to one of the proposals of the proprietaries containing specific provisions to be inserted in the act of surrender, which was submitted to the Lords in July, 1689. It was probably the difficulty that might be expected in pleasing the inhabitants, who were disposed to cavil at whatever they might do, which led to an unconditional surrender. The proposals will be found on page 294 of this volume, and the reply of the Lords in Smith's N. J., p 562.—Ed.

patent, & give the people a just proportion in the Assembly you have a handsome retreat. Only this I must caution, you'l be forced to accept of a New Charter to secure your lands if it be allowed by Council learned in the Law that an Indian title be good tho' it is strange to me if it be, for if so, then the King's Grant is of no benefite to the prop^{rs} but if you find the people will be forced to hold by their patents, the tryall will best clear you of imputation.

Finding no hopes of raising money, I forbore calling our Assembly till their own was to sit of Course by an Act passed in Mr. Basse's time, w^{ch} is to meet yearly by proclamation the 4th Tuesday in May, & the rather becaus the Assembly of West Jersey was to sit on the 12th of the same month, & that the decencie & order of that people might be of good example to them. I accordingly issued out proclamations to meet on the 4th Tuesday in May, & becaus severall towns had not chosen, I issued out writs to them to choose & to meet the s^d day. They accordingly mett, & on the afternoon of that day the whole house came to me & the Council. Capt. Bowne (as I was beginning to speake,) told me that he was ordered by the Representatives to ask By what authority I called them together. I told him he could very wel have answered that point himself having heard my Commission read upon my arrivall, Mr. Royse asked if I had the approbation as the Act directs, I told him I was as much surpris'd to hear him ask that question, 1st that he had not scrupled that in Mr. Basse's time, believing that was the King's business to enquire into, not the peoples in w^{ch} I told him he was in the right. 2d. For that he had upon my first comeing, heard me relate the several steps had been taken to obtain an approbation, & what obstructed it, but since he was not so just as to inform the Representatives what he knew, that I would, And accordingly I related the whole steps had been made &

why it was not granted, viz^t., that to break their Ports the Crown had of late questioned the prop^{rs} Right to governm^t looking on it as unaccountable to be a governm^t & not allowed a Port as all other distinct Colonies in America are. That accordingly the L^{ds} of Trade, to whom the prop^{rs} petition was Referred, had advised the King to consent to a tryall in West Minister Hall for their Claim to both, w^{ch} Report was Confirmed by the King & referred to the Attorney Gene^l to direct the method of the tryall. That, after the Report, I had applyed to the Council of Trade & told their L^{ps} that since they were pleased to scruple the prop^{rs} title to Governm^t I should be unwilling to act under any Comission their L^{ps} should account unwarrantable, and thereby either draw my self or the prop^{rs} under any Inconveniences I Acquainted the Representatives that (being ordered to withdraw) I was in a short time after called in, That the L^{ds} were pleased to tell me that tho' they questioned the prop^{rs} Right to Governm^t yet they did not intend that as an Inhibition to the prop^{rs} or a forbidding them to act further untill the tryall betwixt them & the King were issued, or that the terms of the surrender were Concerted, being sensible that people could not be without Governm^t. And therefore if I acted according to the Laws of Engl^d the prop^{rs} would be sufficiently justifiable in Commissioning me, & I safe to act under it, but that the granting an Approbation was a recognizing the prop^{rs} title, & by Consequence giving away what they accounted the King's Right.

I further told the Representatives that all of them were sensible that the prop^{rs} did not set up a governm^t at their own hand, but that the obedience of the Inhabitants was first commanded by King Charles 2d that no King since had absolved them from that ty That the tryall w^{ch} the King offers them for their Right to Governm^t is an argument that he looks on

their Grant to be in force till that tryall is issued, & thêrefor while it was safe for the prop^{rs} to act, it was safe for them to obey, that the want of an approbation was no fault of the prop^{rs} for that they had followed the proper Methods for obtaining it, & if the L^{ds} refused it, it could not be charged as a crime in the prop^{rs} or in me if I acted without it, & that it was the King not the people was judge how farr a person was qualified or unqualified to Act, & the prop^{rs} were always ready to answer for that, & it was they run the risque if any was not the Inhabitants.

Notwithstanding Mr. Royse he' still insisted that they were not safe to act without an Approbation, w^{ch} put me upon the necessity of plain dealing with them, I told them that I was not a stranger to the point they were driveing at, & that the getting the governm^t out of the prop^{rs} hands they accounted the means to obtain it as it was that, not want of an Approbation, was the reason of their pretended scruples, but withall, as they might miss the mark, so they were unmannerly & ungratefull to the prop^{rs} who had been at so great a charge to maintain the Governm^t purely to make them easie and would always have thrown it vp when the people had applied to them, That by keeping them a distinct province throughout the Course of the late Warr, they had their purses & their persons in their own disposall, & freed of a Charge of at least 15000£ w^{ch} their proportion would have amounted to, & tho' their Cariage would ere long make the prop^{rs} thro' them off, yet even that Governm^t to w^{ch} by their own fault they were like to be annexed, they'l use the treason but despise the Traitors.

Thereafter they withdrew, & understanding by some of the Members that they were resolved to raise no money, and fearing they might use the Authority of the Assembly for Countenancing their petition & so might make a better figure at home, that when signed

by a few stragglers, I was glad of an opportunity of dissolving them, & as luck would have it, with debates among themselves they omitted choosing a speaker the first day, & that dissolved them a Course. I shall once more only recommend it to you to bring the affair of Governm^t forthwith to an issue by surrender, or rather by a tryall & then you are free of the expense of a New Charter. I am unwilling to begin the other sheet, & therefore take leave.

Worthy Gentlemen,

Your most faithfull servant

AND. HAMILTON.

(Endorsed.)

Received 24th July.

Lewis Morris to the Lords of Trade, in relation to William Dockwra's objections to the appointment of Andrew Hamilton as Governor of New Jersey.

[From P. R. O. B. T., Proprieties, Vol. 6, G. 50]

Mem^o from M^r Morris in answer to M^r Dockwray's complaints agst Coll Hamilton. Rec^d 31th Dec^r 1701.

TO THE RIGHT HON^{BLE} THE LORDS COMMISSION^{RS} FOR
TRADE AND FORREIGNE PLANTATIONS.

My Lords.

After so much noise and clamour, as was made Against Coll^o Hamilton, by his unalterable Enemy M^r Dockwra, I did expect a List of Particular charges Against him, of such crimes, and Male Administrations, as ought to have Barrd him his Majesties favour; and the reason I undertooke his defence, was, because to my knowledge, his conduct from the year 1692 till Basses arrivall, was to y^e generall Satisfaction of the

Inhabitants, and from his second arrivall in that collony, in y^e yeare 1699, untill I Left the Province, Even his Enemies, did not aleage any thing Against him, but his want of Sufficent & lawfull power to comand them, w^{ch} if he had (in their opinion) been cloth'd with they had not only then, but would now readily obey, not by force, but Choice.

It is no small Justification, of A Person in the Coll's circumstances, y^t after A series of allmost (if not quite) ten years administration, his most Inveterate Enemies (who certainly would not omit anything) Cannot find any Peticular, to acuse him of, but Lay to his charge such generalls, as may be aleadg'd against any Governour whatsoever, and may wth greater probability be Supos'd falce, then true, and even if true, may not be Criminall.

N^o A: It is verry possible A governour may omit, to put in Execution those orders and Instructions he receives But its not to be Imagined, A man in his right witts would Act directly contrary to all of them, even the Largenesse of that Accusation, makes it allmost Impossible to be true, and if it were, Such might have been the nature of their Instructions, that it had not been criminall to have disobey'd them (had they been absolutely Enjoyn'd) but the Contrary.

In the yeare 1687 (I thinke) the Late King James, reunited y^e Province of East Jersie, and some other Proprietary Governments, to the Crowne; and put them under the administration of S^r Edmond Andross, who gave Coll^o Hamilton the chief comand of that Province, in his absence, but not long after, the late Happy revolution hapning, the Severall governments reasum'd what they thought to be their rights, and Among the rest New Jersie, but was (as all y^e rest) at that time, in confusion, coll^o Hamilton therefore thought fit to take Shipping for England, to Accomplish its Speedy Settlement, dnd not (as his acusers Seeme to Insinuate) because of their complaints

In his Voyadge home, he was unhappily taken by A French Ship, where he Lost some Accounts relating to them as their Agent, notwithstanding they were so well satisfied wth his former Conduct, that they gave him A commission in the year 1692, & if what his Acusers alleadge were true, and he so faulty as they would paint him to your Lordships they were unwise for so doing.

He return'd to New Jersie, and by Virtue of this new comission tooke the Government on him, and his administration was to y^e greate Service of the Crowne, and universall Satisfaction of the Inhabitants, as his present Accusers do owne in So many words in a Petition to their Excellencys the Lords Justices.

N^o. B: And y^e Same Persons, in y^t Petic'on do allso acknowledge, y^t the reason of their appointing Basse, was because they would Avoid any Colour of Offence Against the Act, of Parliament made in the 7th and 8th yeare of his present Majesties reigne, Entituled: An Act for preventing frauds, and regulating abuses in y^e Plantation trade, and they write over to Coll^o Hamilton in New Jersie, thanking him for his past administration, and Asuring him that he Should not have been remov'd by them, had he not been unquallified on y^e Score of his Nation so it was neither the breach of his duty, nor that they were provokt by his usage, as they falsely aleadge, that Induc't them to remove him, and put Basse in his roome.

What opposition or afronts, Basse met wth Coll^o Hamilton was not concern'd in, but diswaded them. It was from me he receiv'd Some of them, not put on by Coll^o Hamilton or any body elce; I did nothing but what I might Lawfully do, and am ready to Justifie every thing I did (on y^t Score) when call'd to an Account for it.

Bass's Administration was Such, y^t the Generallity of the country extreamly dislik't it, and writ home to

y^e Proprietors, complaining of him, upon which they Gave Coll^o Hamilton a new commission notwithstanding all that they alleadg'd against him, and writ a verry Sharpe letter to Basse & Councill. blaming them for classing the Kings Naturall Subjects, into English and Scotts wth all telling them, they had don Coll^o Hamilton right in reinstating him in that Government, from which by A mistake they had remov'd him.

Captain Bowne that quiet man, wth some others Were So Netled at this Letter, which had So Severely Censured their Ill conduct, during Bass's administration, that they would not continue in the Councill. not because they had any aversion to A Scotts man or to Coll^o Hamilton in Peticuler, (who they profest A great respect to) but because the Proprietors had afronted them, as A Letter under captain Bowns hand to Coll^o Hamilton makes apeare, and All those dire Effects they talke of, proceeded from their aversion to the Proprietors whose Impruden Conduct Influenced by M^r. Dockwra) not only gave rise to Our unhappy divisions, but by A Series of repeated follies, added fuell to those flames which rage amongst us wth so much fury for that

N^o. C: Small part of the Proprietors who are now Coll^o Hamiltons Acusers, finding y^e Captain Bowne and that partie, had so farr resented the Affronts they rece'd from them, as to sacrifice the Publick peace to gratifie their revenge, began now to move in the tother extrem, and descending from y^e Heights of an Arogant and Imperieuse Stile, to y^e lownesse of adressing to their Adversaries like humble Supliants; they askt their pardon for their past usage, and Intreated their Assistance for the future, this base and mean trucing, as it rendred them to all Persons y^e Objects of A just derision. So those they Adress't to turn'd their fury into Scorne and Spurn'd at their Authoritie with an

Equall contempt, & to add A delicacy to their revenge, and render those Proprietors as ridiculous, and despicable, upon record to future Ages, as their Conduct justly deserv'd, they attempted to Prevaile wth them, to make Andrew Bowne (the verry Person that headed the faction Against them) their Governour; & chose those two Persons who had publicquely Apeard Against the Government (on all occasions) to negotiate that affaire and by meanes of M^r. Dockwra's mediation (who as is writt from New Jersie, received A Bribe of one Hundred pounds Sterling) they Succeeded in the Attempt, and Procur'd A Commission for said Bowne, wthout ever so much as consulting the rest of the Proprietors, and sent it over wth one Salter (A person not of the best reputation) giving him Power (in case Bowne refus'd) Either to take y^e Goverment himself, or Constitute Such other P'son as he thought fit, An Action (to say no worse of it) Verry unjust and unreasonable.

When this commission arriv'd in Jersie, the Prop^{es} there, finding So few hands to it, judg'd y^t it was hatch't Privately in A corner, without y^e Knowledge and conSent of the rest; Enter'd their Protest against it, as a thing Surreptitiously and basely obtain'd; write to y^t Small part of the Proprietors here, y^t gave that commission to Bowne, and Expostulate wth them about it, & tell them that Six Proprietors in New Jersie, have as much right to constitute A governour, as Six in England & Coll^o. Hamilton whose commission was signed by as many Proprietors, as make up two thirds of the whole, by farr y^e Majority (w^{ch} by the common reason of Mankind, in all Societies concludes y^e minor will not nor ought not so far betray that trust ropos'd in him by the rest, as to give up the Publique records or Seale, or any way to Part w^{ch} that Authority he is Cloath'd wth, till an Authority more Sufficient Apeares to demand it.

This may it Please your Lordships is A short Narration of Fact, and deffence of Coll^o Hamilton against his Acusers, and I beg your Lordships wont admit Such generall, and (Possibly) untrue allegations, to Lesson a Person in your L^{ps} Esteem, who has so well deserv'd of the Crowne as Coll^o Hamilton has, & Since y^e Proprietors have Agreed to Pay the Governour till a Sufficient fund be rais'd in y^e Country for that End (provided they have the naming of him) its hop't your L^{ps} will Judge it reasonable, to oblige them in it; Especially when they name A Person, y^t will be So generally acceptable to y^e people, who (Excepting A Small number) have no Avertion to A Scotch man, nor to y^e Coll^o in Particuler.

The Inhabitants there (I am Sure) and I believe y^e Proprietors here, have receiv'd no Injury from Coll^o Hamilton, nor in his Male administration y^e motive to their Surrender, but because the maintaining their Government is A charge, and no Proffit to them, their authority not Obey'd, the Province in Confusion, and no Prospect of its being otherwise, till its put under his Majesties more Imediate Administration.

A Governour Skill'd in Military affaires, is not Amisse in any of the King's Plantations, at any time, Coll^o Hamilton is not unskill'd; and to Opose Forreign Enemies, and Quiet Intestine feuds, a whole Regiment So Skil'd will do more Service. The whole is offer'd to: your Lordships, to do as your Lordships in your wisdom Shall thinke fit by:

My Lords:

Your Lordships most humble
Servant

LEWIS MORRIS.

*Representation from the Lords of Trade to the King,
transmitting drafts of a Commission and Instruc-
tions to the Governor to be appointed over New
Jersey.*

[From P. R. O. B. T., Proprieties, Vol. 27, p. 319. Printed from an early certified copy in the Library of the N. J. Hist. Society.]

TO THE KING'S MOST EXCELLENT MAJESTY.

May it Please your Majesty.

Having been directed by their Excellency's the Lords Justices, upon a Representation which We humbly laid before them, concerning the Disorders in Your Majestys Provinces of East and West New Jersey in America, to prepare Draughts of a Commission and Instructions for a Governor to be sent thither by Your Majesty, and to Consult therein the Proprietors of those Provinces, in Order to the Surrender of their pretended right to the Government of the same; We humbly lay before Your Majesty the Draughts, which We have prepared accordingly, with such Clauses as We conceive proper to enable the Governor (for whose Name We have left a Blank) to proceed in Settling a Government in that Country, conformable (as near as the Circumstances of the Inhabitants will permit) to the methods of Government Settled by Your Majestys respective Commissions, in Your other American Plantations, and withal to prevent the interfering of that Colony, with the Interest of those other Plantations.

We have, also, in Pursuance of their Excellency's directions, communicated the said Draughts to Sir Thomas Lane and others, the Principal Proprietors of West New Jersey, and to M^r William Dockwra, Secretary, and others the principal Proprietors, of East

New Jersey, in behalf of themselves and the rest of the Proprietors of both those Divisions; Which Draughts they have Unanimously approved; And, in Confidence that Your Majesty will be graciously Pleased, accordingly, to Constitute a Governor, over those Countrys, they have declared themselves willing and ready to Surrender all their Right, or pretence of Right, to Government, which they have hitherto claimed.

Whereupon, We humbly represent to Your Majesty that the reducing those Colonies to an Orderly Form of Government, under a Governor Constituted by Your Majestys immediate Commission, will be of great Service to Your Majesty, in preventing illegall Trade, and the Harboursing of Pirates, and will be of good influence, throughout the other Plantations. And We humbly offer that M^r Attorney General be directed, forthwith, to Prepare a Form of Surrender of their said Right, or Pretence of Right, to Government, which may be most effectual to the extinguishing their said Pretensions, and present the same to Your Majesty.—

And Whereas they have desired that the first Governor, to be thus appointed by Your Majesty, may be a person fitly Qualified for that Service, But cannot Agree in the Recommendation of any Particular Person, We humbly propose that, when the Surrender shall be made, Your Majesty would be Pleased to Nominate some Person, wholly unconcern'd in the Factions which have divided the Inhabitants of those Parts. All which, nevertheless, is most humbly Submitted.

Whitehall	}	W ^m Blathwayt.	Stamford.
Janu the 6 th		John Pollexfen.	Ph. Meadows.
170 ² ₂			Abr. Hill.

From the Council to the Lords of Trade, enclosing the Attorney General's draft of the surrender of the Government of East and West Jersey for the signatures of the Proprietors.

[From P. R. O. B. T. Proprieties, Bundle G. H. I. & K, H. 8.]

Order of Council upon y^e Draught of a Surrender of Gov^{nt} prepared by M^r Att^{ny} Gen^l to be executed by y^e Proprietors of East & West New Jersey.

At the Court at Kensington the 29th of January
1701 [1701-2]

Present.

THE KINGS MOST EXCELLENT MA^{TY} IN COUNCILL.

Vpon reading this day at the Board a Report from M^r Atturney Generall, with the Form of a Surrender; Prepared by him, to be made by the Proprietors of the Provinces of East and West New Jersey in America, to His Ma^{ty}, of all their Right or Pretence of Right to the Government they have hitherto Claimed of the said Provinces, His Ma^{ty} in Council Approving the same, is pleased to Order that the said Form of a Surrender, which is hereunto annexed be, as the same is hereby Referred to the Lords Comm^{rs} of Trade and Plantations, who are to Call upon the said Proprietors to Execute the said Surrender according to the said Forme.

JOHN POVEY

Lords of Trade to Lord Cornbury.

[From N. Y. Col. Docts: Vol. IV, p 948.]

To the R^t Hon^{ble} the Lord Viscount Cornbury.

My Lord.

Whereas your Lordship is commissioned to take

upon you the Command of the Militia of East and West New Jersey, and to be Vice Admiral of the same; and these Colonies having been and continuing to be without any settled Government, your Lordship is to cause the High and Mighty Princess Anne to be proclaimed Queen of England, Scotland, France and Ireland and all the Dominions thereu[n]to belonging &c in the most solemn manner and most proper places of those Colonies, to the End there may be no failure there in the speedy acknowledging her Majestys Title and Authority, and for your information we further send you.

Her Majestys declaration at her first sitting in Privy Council.

Her Majestys Proclamation for continuing all officers &c.

The Address of the House of Lords to her Majesty.

The Address of the House of Commons to her Majesty and

Her Majesty's speech to both Houses of Parliament.

You are upon this occasion to assure all Her Majesty's subjects in those Colonies of her Majesty's especial care and Protection and to exhort them to do on their parts what is necessary for their security and defence in the present conjuncture, and you are to return a speedy account of your proceedings therein.

We are My Lords

Your Lord^{ps} most humble Servants

STAMFORD

LEXINGTON

W^m BLATHWAYTE

JN^o POLLEXFEN

MATT: PRIOR

Whitehall

March the 20, 1702.

*Surrender of the Government of East and West Jersey
to the Crown.*

[From copy of the Attorney General's draft in P. R. O. B. T. Proprieties, Bundle G. H. I. & R. H. 8. Compared with an official copy from the Rolls of the High Court in Chancery, and Smith's History of New Jersey, pp. 215-219.]¹

Surrender from the Proprietors of EAST and WEST
NEW JERSEY, of their pretended Right of Gov-
ernment to Her Majesty.

Whereas his late Ma^{ty} King Charles the Second by his Letters Patents under the Great Seale of England bearing date at Westminster on or about the Twelfth day of March in the Sixteenth Yeare of his Reigne Did Give and Grant to James then Duke of Yorke his heirs and assigns **All that** part of the Main Land of New England beginning at a certain place called or known by the name of S^t Croix next adjoining to New Scotland in America, and from thence extending along the Sea Coast unto a certain Place called Pemaquod or Pemaquid and so up the River thereof to the farthest head of the same, as it tendeth Northwards, and extending from thence to the River of Kinebiquie, and so upwards by the shortest Course to the River Canada Northward, And also **All** that Island or

¹ The draft of this document was submitted to the King in Council, January 29th, 1701-2, by the Attorney General, as shown by the Order of Council under that date, and, having been approved, was referred to the Lords of Trade for execution. The draft as reported is of record in the Public Record Office, London, as stated in the above heading, but the death of King William, which occurred early in March, prevented immediate action. It was finally executed on 15th April, 1702 and accepted by Queen Anne on the 17th. (See succeeding document). As the death of the King occasioned some slight changes of phraseology, the document is here given as recorded in the Public Record Office after comparison with, and being corrected by, a certified copy from the rolls of the High Court of Chancery, in the library of the New Jersey Historical Society. Smith's History of New Jersey was also compared with the two records, all three varying in some, although not important, particulars. The surrender in substance had been acceded to by the Proprietors in the Province in 1701. (See document under date of June 19th, 1701).—Ed.

Islands com'only called by the severall Name or Names of Mattowacks or Long Island seituat lying and being towards the West of Cape Codd, and the Narrow Higansets Abutting upon the Main land between the Two Rivers there called or known by the severall Names of Connecticut and Hudsons River, together also wth the said River called Hudsons River, And all the land from the West side of Connecticut River to the East Side of Delaware Bay, and alsoe **All** those severall Islands called or knowne by the Names of Martins Vinyard and Nantucks or Nantucket, Together with all the Lands Islands Soyles Rivers Harbours Mines, Mineralls, Quarryes, Woods Marshes Waters Lakes ffishings, Hawking Hunting and Fowling and all other Royalties profits Comodityes and hereditam^{ts} to the said severall Islands Lands and premisses belonging and appertaining wth their and every of their appurtenances **To have and to hold** all and singular the said Lands Islands and hereditam^{ts} wth their and every of their appurtenances to the said James Duke of Yorke his heirs and Assignes for ever, **To be held** of the said King his heirs and Successors as of his Mannor of East Greenwich in Kent in free and Com'on Socage and not in Capite or by Knights Service YEILDING AND RENDRING therefore yearly and every yeare Forty Beaver Skins when demanded or within Ninety days after, And by the same Letters Patent the said late King Charles the Second for himselfe his heirs and Successors Did Give and Grant to the said James Duke of Yorke his heires Deputyes Agents Commissioners and Assigns full and absolute Power and Authority to Correct, punish Pardon Govern and Rule all such Subjects of the said King his heirs and Successors as should from time to time adventure themselves into the Parts and Places aforesaid or that should at any time then after inhabit within the same according to such Laws, Orders, Ordinances, directions and Instru-

ments As by the said Duke of Yorke or his Assigns should be established And in defect thereof (in cases of necessity) according to the good directions of his Deputyes Commissioners Officers or Assignes respectively, as well as in all Causes and matters as well Capitall and Criminall as Civill both marine and others, So alwayes as the said Statutes Ordinances and Proceedings were not contrary but as near as might be agreeable to the Laws & Statutes & Govern^t of the Realme of England, Saving & reserving to his said late Ma^{ty} his heirs and Successors the receiving hearing and determining of the Appeal and Appeals of all or any Person or Persons of in or belonging to the Territoryes or Islands aforesaid in or touching any Judgement or Sentence to be there made or given And further that it should and might be lawful to and for the said Duke of Yorke his heires and Assignes from time to time to Nominate make Constitute Ordain and Confinne such Laws as aforesaid by such Name or Names or Styles as to him or them should seem good and likewise to revoke discharge change and alter as well all and singular Governours Officers and Ministers which thenafter should be by him or them thought fitt or needfull to be made or used within the aforesaid Parts and Islands, and alsoe to make Ordain and Establish All manner of Orders Laws, directions Instructions Forms & Ceremonyes of Government and Magistracy fitt and necessary for, and concerning the Government of the Territoryes and Islands aforesaid, So alwayes as the same were not contrary to the Laws and Statutes of the Realm of England but as near as might be agreeable thereunto, and the same at all times then after to put in Execuc'on or Abrogate Revoke or Change not only within the Precinct of the said Territoryes or Islands but also upon the Seas in going and com'ing to and from the same As he and they in their good direction should think to be fittest for the good of

the Adventurers and Inhabitants there; And the said late King did thereby Grant Ordain and declare that such Governors Officers or Ministers as from time to time should be Authorized and appointed in manner and forme aforesaid should and might have full Power and Authority to Use and exercise Martiall Lawe in Cases of Rebellion Insurrection and Mutiny in as large and ample manner as the Lieftenants of his said Ma^{ty} in his Countyes of the Realme of England had or ought to have by force of their Commission of Lieftenancy or any Lawe or Statute of the said Realme of England. And the said late King did thereby Alsoe for himself his heires and Successors Grant to the said James Duke of York that it should and might be lawfull for him his heirs & Assigns in his or their discretions from time to time to admitt such and so many P'son and Persons to trade and traffick under and within the Territoryes & Islands aforesaid, and into every or any Part or Parcell thereof, and to have possess and enjoy any Lands and hereditaments in the Parts and places aforesaid as they should think fitt according to the Laws Orders Constituc'ons and Ordinances by the said James Duke of York his heires Deputyes Commissioners and Assigns from time to time to be made & established by virtue of & according to the true intent and meaning of the said Letters Patent & under such Condic'ons reservac'ons & Agreem^{ts} as the said James Duke of York his heires & Assignes should sett down order and direct & appoint & not otherwise And by the same Letters Patent the said King did for himselfe his heires & Successors Grant to the said James Duke of York his heires & Assigns & to all & every such Governour & Governours or other Officers or Ministers as by the said James Duke of York his heirs or Assigns should be appointed Power and Authority of Government & Com'and in or over the Inhabitants of the said Territoryes or Islands that they and every of them should

or lawfully might from time to time and at all times then after for ever for their severall defence & Safety en counter expulse repell & resist by force of Arms as well by Sea as by land and all wayes & means whatsoever all such Person or Persons as without the especial Licence of the said James Duke of York his heires or Assigns should attempt to inhabit within the severall Precincts & Limits of the said Territoryes & Islands And alsoe all and every such person & persons whatsoever as should enterprise or attempt at any time then after the destruction Invasion Detriment or Annoyance to the Parts Places or Islands aforesaid or any part thereof As by the said recited Letters Patent duly Inrolled relac'on being thereunto had more at large may appear **And Whereas** the Estate Interest Right & Title of the said James Duke of York in and to the Provinces of East Jersey and West Jersey part of the premisses by the said recited Letters Patent Granted are by meane Conveyances and Assureances in the Lawe come unto and vested in or claimed amongst others, by Sir Thomas Lane, Paul Docminique, Robert Michell, Joseph Brooksbank, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steele, Obadiah Burnet, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Colyer, Thomas Lewis, Jo. Bennet, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Fras. Paunceford, William Hamond, Ferdinando Holland, William Dockwra, Peter Sonmans, Joseph Ormston, Charles Ormston, Edward Antill, George Willocks, Francis Hancock, Thomas Barker, Thomas Cooper, Robert Burnet, Miles Foster, John Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Clement Plumstead, Gilbert Mollison, and Richard Hasell,

THE PRESENT PROPRIETORS thereof, And they also have claimed by virtue of the said Letters Patent and mean Conveyances to exercise within the said Provinces for the Governing the Inhabitants thereof All the Powers & Authorityes for Government granted by the said Letters Patents to the said Duke of York and his heires and Asssigns But **Her Majesty** hath been advised that they have no right nor can legally execute any of the said Powers but that it belongs to her Majestie in right of her Crowne of England to Constitute Governours of the said Provinces and to give directions for governing of the Inhabitants thereof as her Majesty shall think fitt And the said Proprietors being desirous to submitt themselves to her Majestie are willing to Surrender all their pretences to the said Powers of Government To the intent her Majestie may be pleased to Constitute a Governor or Governours of the same Provinces with such Powers Priviledges and Authorityes for the Government thereof and making of such Laws there with the Consent of the Assembly of the said Provinces and her Majestie's Subsequent Approbacion thereof as her Majestie in her great Wisdom shall think fitt & convenient **We** therefore the said Sir Thomas Lane, Paul Docminique, Robert Michell, Joseph Brooksbank, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, Clement Plumstead, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steele, Obadiah Burnet, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Colyer, Thomas Lewis, Jo. Bennet, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Fras. Paunceford, William Hamond, Ferdinando Holland, William Dockwra, Peter Sonmans, Joseph Ormston, Charles Ormston, Edward Antill, George Willocks, Francis Hancock, Thomas Barker, Thomas Cooper, Robert Burnett,

Miles Foster, John Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Gilbert Mollison, and Richard Hasell, THE PRESENT PROPRIETORS of the said Provinces of East Jersey and West Jersey for the Considerac'ons and to the intent aforesaid **Have** Surrendred and yielded up And by these presents for Us & our heirs do Surrender & yield up unto Our Sovereigne Lady Anne by the Grace of God Queene of England Scotland France and Ireland Defend^r: of the ffaith &^c: her heires & Successors **All** those the said Powers & Authorityes to correct punish pardon govern & Rule all or any of her Majestie's Subjects or others who now inhabit or hereafter shall adventure into or inhabit within the said Provinces of East Jersey & West Jersey or either of them & also to nominate make constitute ordain & Confirm any Laws Orders Ordinances and directions & Instruments for those purposes or any of them And to Constitute Nominate Appoint revoke discharge change or alter any Governour or Gouvenours Officers or Ministers which are or shall be appointed made or used within the said Provinces or either of them and to make ordain & establish any Orders Laws directions Instruments Forms or Ceremonyes of Government and Magistracy for or concerning the Government of the Provinces aforesaid or either of them or on the Sea in going & coming to or from thence or to put in Execuc'on or Abrogate Revoke or change such as are already made for or concerning such Government or any of them And also All those the said Powers and Authorityes to Use and exercise Martiall Law in the Places aforesaid or either of them And to Admitt any person or persons to trade or traffic there and of Encountring Repelling and resisting by force of Arms any P'son or P'sons attempting to inhabit there without the Licence of Us the said Proprietors our heires or Assignes And All other the Powers Authoritye Priviledges of or concern-

ing the Governm^t of the Provinces aforesaid or either of them or the Inhabitants thereof which were granted or menc^oned to be granted by the said recited Letters Patent and every of them *In Witnesse* whereof the Persons above named have hereunto sett their hands and Seales this fifteenth day of Aprill in the yeare of our Lord One thousand Seven hundred and two and in the first yeare of her Majesties Reigne.¹

FOR THE EASTERN-DIVISION.

<i>L. Morris In the behalfe of Robert Burnett, Miles Forster, John Johnstone, Michael Hawdon, John Barclay, David Lyell, Thomas Warne, Thomas Gordon, William Dockwra, Peter Sonmans, Joseph Ormston, for my- self, and as Proxy for Charles Ormston, Ed- ward Antill, and George</i>	<i>Willocks, and Represen- tative of Francis Han- cock. Thomas Barker, Thomas Cooper, Gilbert Mollison, Henry Adderly, for Rich- ard Hasel, of Barbados. Thomas Lane, Paul Docminique, Robert Michell, Joseph Brooksbank, E. Richier, Michael Watts, Clement Plumstead.</i>
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FOR THE WESTERN-DIVISION.

<i>Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell,</i>	<i>John Booker, John Whiting, John Wilcocks, John Bridges, Thomas Skinner, Benjamin Steele,</i>
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¹ These names are taken from Leaming and Spicer's Grants and Concessions, their orthography and arrangement having been first compared with the record from the rolls in the High Court of Chancery. The list in Smith, p 218, is incorrect in several instances, both in arrangement and orthography.—Ed.

Francis Mitchell,
Francis Pounceford,
Wm. Hamond,
Ferd. Holland,
Elizabeth Miller,
Benjamin Levy,
Francis Minshall.
Joseph Colyer,
Thomas Lewis,
Jo. Bennet,

Obadiah Burnett,
Jos. Micklethwait,
Thomas Lane,
Paul Docminique.
Robert Michell,
Jos. Brooksbank,
Michael Watts,
E. Richier,
John Norton,
Eben. Jones.

Sealed and delivered by *Thomas Lane, Paul Docminique, Robert Michell, Joseph Brooksbank, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Wilcocks, John Bridges, Thomas Skinner, Benjamin Steele, Obadiah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Colyer, Thomas Lewis, John Bennet, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Fras Pounceford, William Hamond, Ferdinando Holland.* And for the Interest the Proprietors of *West-Jersey* have in *East-Jersey, Thomas Lane, Paul Docminique, Robert Michell, Joseph Brooksbank, Edward Richier* and *Michael Watts.* Sealed and delivered by the aforesaid Persons in presence of Us.

L. Morris,
Jonathan Greenwood.

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

Richard Bouts,
Nathaniel Welch.

Sealed and delivered by *Gilbert Mollesson,* in presence of Us.

Daniel Wild,
Gilbert Falconer.

Sealed and delivered by *Clement Plumstead*, in presence of Us.

John Askew,
Samuel Hannington.

Sealed and delivered by *Henry Adderly*, in presence of Us.

John Blackcall,
Thomas Cage,

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

Order of Council, that the Surrender of the Governments of East and West Jersey be enrolled in the Court of Chancery.

[From P. R. O. B. T., Proprieties, Vol. 6, 1. 39]

Copy of an Ord^r of Council, relating to the Surrender of the Gov^{nt} of the Jerseys.

AT THE COURT AT ST JAMES'S THE 17TH DAY OF APRILL 1702.

PRESENT.

THE QUEEN'S MOST EXCELLENT MA^{TY}

[His Royal Highness	Earl of Radnor,
Prince George of Denmark,	Earl of Barkeley,
Lord Keeper,	Earl of Rochester,
Lord President,	Earl of Marlborough,
Lord Steward,	Earl of Bradford,
Duke of Bolton,	Earl of Romney,
Duke of Schomberg,	Earl of Renelagh,
Duke of Leeds,	Lord Ferrers,
Lord Great Chamberlain,	Lord Godolphin,
Earl Marshal,	M ^r Comptroller,
Lord High Admiral,	M ^r Vice Chamberlain,
	M ^r Secretary Vernon,

Lord Chamberlain,	M ^r Chancellor of the Ex-
Earl of Dorset,	chequer,
Earl of Manchester,	Lord Chief Justice,
Earl of Stamford,	Sir Charles Hedges,
Earl of Burlington,	M ^r Smith.] ¹

This day the Severall Proprietors of East and West New Jersey in America did, in Person present a Deed of Surrender by them Executed, under their Hands and Seals, to Her Ma^{ty} in Councill, and did acknowledge the same the same to be their Act and Deed, and humbly desire Her Ma^{ty} to Accept the same, that it might be Enrolled in the Court of Chancery, Whereby they did Surrender their Power of the Government of those Plantations, which Her Ma^{ty} graciously accepted, And was pleased to Order as it is hereby ordered, that the same be Enrolled in Her Ma^{ty}'s said High Court of Chancery And the said Instruments are to be Delivered to M^r. Attorney Generall, who is to take care that the same be Enrolled accordingly.

Colonel Blakinston of Maryland, to Mr. Moore of Pennsylvania, relating to the irregularities in that Province and New Jersey, with Mr. Moore's Answer.

[From P. R. O. B. T. Proprieties, Vol. 6, K 44.]

Letter from Coll: Blakiston to M^r Moor of Pennsylvania, Enquiring into the irregularities of y^t Province & the Jerseys, With y^e Said Moores Answer. [April 21, 1702.]

Maryland 2^d Dec^{br} 1701.

S^r:

I cannot have recourse to a Person better qualify'd

¹ The copy from the Public Record Office does not contain these names. They are inserted as printed in Smith's History of New Jersey, p 219, and in Grants and Concessions, p. 617.—Ed.

than y^r self upon this Subject who is every way so good a Judge of Men and Actions

I have here inclos'd yⁿ a copy of a parragraph of the Hon^{ble} the Lords Commissionars of Trade letter to me requiring an Acco^t of the Miscarriages of this Government dureing the Proprietors time as also the Irregularities of Pennsylvania and the Jerseys. I must be very imperfect in my acc^{ts} of Pennsylvania & the Jerseys without you can furnish with the State of this matter, for I have no correspondency with any body in Pennsilvania but y^r self and Coll' Quarry, for you know the Inhabitants are most Quakers. I know Coll' Quarry is gone home arm'd cap-apee of the transactions of Pennsilvania, and I would by no means anticipate what he has to lay before that Hon^{ble} board for I believe he has done it ere this, and that would be only troubling their Lordships with a reppition of what he in person will fully satisfye them of, I am more a Stranger to the Affairs of the Jerseys, but they lyeing so adjacent to you, possibly you may furnish me with something materiall to signify to their Lordships, as likewise if any thing worth observation, has happened in Pennsylvania since Coll' Quarry went away, & also desire you will lett me know, to whom M^r Penn has intrusted his Government in his absence it is reported here that Coll' Hamilton is left he is a Gentleman to whom I am an absolute Stranger, therefore I shall say nothing concerning him. I know you will excuse this trouble as being ever Industrious in distinguishing y^r regards due to his Majestys service, so I will make know apologies but assure you I am

Your most faithfull fr^d &

Serv^t

N BLAKISTON¹

[Note by Mr. Moore.]

Rec'd y^e above of Cap. Hill, March 10th at night
Answer'd 21st April 1702 on the other side.

¹ Governor of Maryland.—Ed.

[Answer of Mr. Moore.]

Philadelphia April 21: 1702

S^r:

Your Excellencies by Cap^t Hill of the 2^d of December came not to my hands till the 10th of March at night w^{ch} I much wondred at the Commands therein lay'd and all others from your hands readily should follow but before I had them what was most materiall was transmitted to Col' Quary. Things have been here at full Stopp expecting the issue att home. And now by a Vessell newly arriv'd we have account the matter is called for by the house of Commons from the Lords of Trade and the doom ere this past, the Administrac'ons of this and the Jerseys is at pr'sent under Col' Hamiltons care, we hear the latter have surrender'd their Government to the King w^{ch} will be a leading case to the rest. I have not a Syllable from Coll' Quary, N York continues still in confusion, the English scatter'd and waiting my Lord Cornburys arrivall. M^r Vesey the minister is now in Jersey. Maj^r Wenthorp Governour of Connecticut and Coll' Hamilton, have interposed their advice like honest gentlemen but reason wil not be hearkn'd to, Col Bayard is reprieved at last noe accon' yett in the Indies tis said the Spaniard refused the french Convoy, and have taken their plate ashore and laid up their Ships for this year. I doubt not yo^r Excellencies has later news from England than wee, We hear of your Exsellencies intencion for England but flatter our Selves shall have the honour of seeing y^u here ere y^r departure, my humblest regards to your Lady and Self begs acceptance. I am

Y^{rs} &^c

J M.

*Order of Council, referring to the Lords of Trade a
Petition from Peter Sonmans and William Dock-
wra.*

[From P. R. O. B. T., Proprietors, Vol. 6, I 36.]

ORDER OF COUNCIL, upon the Petic'on of M^r. Son-
mans & M^r. Dockwra relating to a Gov^r. to be
appointed by her Majesty for East & West
New Jersey.

At the Court of S^t. James's the 14th. day of May 1702.

PRESENT.



THE QUEENS MOST EXCELLENT MA^{TY} IN
COUNCILL.

Upon reading this day at the Board the Petition of Peter Sonmans and William Dockwra, for themselves and on behalf of others Proprietors of the Provinces of East and West New Jersey in America, relating to a Governor to be appointed by her Ma^{ty} for the said Provinces. It is ordered by her Ma^{ty} in Council that it be as it is hereby Referred to the Lords Comm^{rs} of Trade and Plantations to Examine the Allegations of the said Petition, a copy whereof is hereunto annexed, and to Report to this Board a true State of the matter of Fact therein set forth, with their Opinion upon the whole matter.

TO THE QUEENS MOST EXCELL^T MA^{TIE}

THE HUMBLE PETIC^{ON} OF PETER SONMANS and WILLIAM DOCKWRA for themselves and on the behalf of others Proprietors of the Provinces of East and West New Jersey in America.

Sheweth.

That whereas the Lords Comm^{rs} for Trade & Plantations have represented to yo^r Ma^{tye} that the reduceing of the Colonies of EAST and WEST NEW JERSEY to an Orderly form of Government under a Governour constituted by yo^r Ma^{tyes} im^{ediate} Com^{ission} will be of great Service in preventing illegall Trade, Harboursing of Pyrates &c. and that when a Surrender of the said Government shall be made yo^r Ma^{tye} would be pleased to Nominate some Person wholly unconcerned in the Factions which have divided the Inhabitants of those parts, as by the said Representac^{on} hereunto annexed does more at large appeare, Yo^r Pet^{rs} in Obedience to yo^r Ma^{tye} *are ready to Surrender*¹ their Right of Government and *are* informed that some of the West Jersey Society and a few others joyning with one Andrew Hamilton and those of his Faction (Notwithstanding the Representation of the said Lords Comm^{rs} to your Ma^{tye}) have presumed to Petic^{on} yo^r Ma^{tye} in behalf of the said Andrew Hamilton to be Governour of the said Province, who tho' he was formerly Governour under the Com^{ission} of the Proprietors of the said Colonies, was by the Proprietors of East Jersey dismissed for his Mismanagements and Male Administrac^{on}, and has been guilty of protecting Scotch Ships and encourageing illegall Trade to the infringement of

¹ In the margin of the document is the following: "Mem'd'm. The Petitioners by a Mem'l to the Board [25th May] desire that these words might be corrected and made *have already surrendered.*"

the Acts of Navigation against whom there are Sundry Petitions & Remonstrances now lying before the Hono^{ble} Plantation Board

That the said Andrew Hamilton at this day Setts up in opposition to the pr'sent Governour constituted by the same Authority by which he Acted as Governour in East Jersey and has caused the seizing all Records & detained the Provinciall Seale, thereby Subverting the Government and has brought all into Anarchy & Confusion

Yo^r Pet^{rs} further humbly begg leave to Represent to yo^r Ma^{ty} That as the chief motive to their Surrender was the well Settling those Provinces under yo^r Ma^{ty}'s more im'ediate Authority, so they humbly conceive it impossible the Differences there can be reconciled if yo^r Ma^{ty} should please to constitute the said Andrew Hamilton Governour; Forasmuch as that neither yo^r Pet^{rs} here, or the Inhabitants there who have opposed the said Andrew Hamilton can reasonably hope for redress of the Injuries they have received from the Male Administrac'on and Injustice of the said Andrew Hamilton if he should be Arm'd with yo^r Majesty's Com'ission, whereby he will become both Judge & Party

Yo^r Pet^{rs} therefore most humbly Pray That yo^r Ma^{ty} would be graciously pleased to Constitute Some Person Governour who is wholly unconcern'd in the Divisions and Factions of the said Provinces

And yo^r Pet^{rs} (as in Duty bound) shall ever Pray &c

Peter Sonmans
 W^m Dockwra.

¹ PETER SONMANS was the son of the Arent Sonmans, an East Jersey Proprietor.

Order of Council, referring to the Lords of Trade a Petition from the Proprietors of East & West Jersey, that Andrew Hamilton may be appointed Governor.

[From P. R. O. B. T. Proprieties, Vol. 6, I. 37.]

Order of Council upon the Petic'on of several Proprietors of East & West New Jersey relating to a Gov^t. to be appointed by her Ma^{ty} for those Provinces.

ATT the Court at S^t James's the 14th day of May 1702.

PRESENT

THE QUEENS MOST EXCELL^T MA^{TY} IN COUNCILL

Upon reading this day at the Board the Petic'on of

who was shot by a highwayman in 1683, when passing through Hunterdon Shire on his way from Scotland to London, in company with his wife, Robert Barclay the first Governor, and one other person, as noticed on page 527, volume I. PETER inherited the greater part of his father's estate, and came over to New Jersey as early as 1688, for a brief period, and in 1705 came again with the intention of remaining. He received his education in Leyden, and had held several public offices in England. For some time he was one of the Council and afterward a member of the Assembly from Bergen county. The Proprietors bestowed upon him several important positions, being at different periods Receiver of their Quit-Rents, Ranger of the Forests, Surveyor General &c. Notwithstanding these indications of the good opinion entertained for him by others, he very soon incurred the ill-will of the Assembly and of most of the public, leading to his being dismissed from many of his public offices, among them being the high position of Associate Justice of the Supreme Court, to which he had been appointed by William Pinhorne while filling the executive office prior to the arrival of Governor Hunter. Although dispossessed of his authority as Receiver of the Proprietors' Quit-rents, he persisted in performing the duties of the office until, in 1726, Governor Burnet issued a proclamation pronouncing his conduct illegal and unwarranted. He rendered himself particularly inimical to the Quakers by considering them as prohibited from sitting as jurors and from making affirmations instead of taking oaths; and appears to have enjoyed contentions, preferring to attain his ends by some tortuous, difficult course than by any concessions to others. His unpopularity led him at last to remove to Philadelphia, where he had a son, Peter, practicing physic, and died there in March, 1734.

Mr. Sonmans was twice married; his second wife being Sarah, daughter of John Nevill of Stafford, England, and sister of Judge Samuel Nevill, subsequently of Perth Amboy, whom he married October 17th, 1723. She was left his sole heiress and executrix, and on her death in December, 1735, the settlement of her estate devolved upon her brother, who came to America for the purpose.

the greatest part of the Proprietors of the Province of Nova Caesarea or New Jersey in America relating to a Governour to be appointed by Her Ma^{tie} for that Province, and humbly proposing Collonell Andrews Hamilton as a fitt Person, It is ordered by Her Ma^{tie} in Council, that it be, as is hereby referred to the Lords Comm^{rs} of Trade and Plantations to examine the Allegations of the said Petic'on, a Copy whereof is hereunto annexed, and to Report to the Board as soon as may be a true State of the matter of fact therein sett forth, with their Opinion upon the whole matter.

TO THE QUEENS MOST EXCELLENT MA^{TY}

THE HUMBLE PETITION of the greatest part of the Proprietors of the Province of Nova Caesaria or New Jersey in America.

Humbly Sheweth.

That whereas your Ma^{ty's} Pet^{rs} the Proprietors of the Province of Nova Caesaria or New Jersey in America, have Surrendered unto your Ma^{ty} all their Rights and Pretences to the Government of that Province, praying withall that they might have the Naming of the first Governor. to be Commissionated by Your Majesty Governor over that Collony.

Collo: Andrew Hamilton the Present Governour thereof (whose Administration for severall years past, has been to the Generall satisfaction of the Inhabitants, and of Your Ma^{ty's} Pet^{rs} who Employed him, and who on severall occasions, during the late War with France, Influenc't, The Assembly of East Jersey, to raise Men and Money, for the Defence of the Frontiers, of your Ma^{ty's} Province of New York) Is by us most humbly recommended unto your Ma^{ty's} Grace and Favor, and we pray that your Majesty would be Graciously pleased to Commissionate Collo: Andrew

Hamilton, Governour over the aforesaid Province of Nova Caesaria, or New Jersey in America.

And your Ma^{ty's} Pet^{rs} as in duty bound shall ever pray.

Joseph Ormston	Gilb ^t Molleson	proxie	Fra: Michel
Jos: Ormston as rep-	for Robert Barclay	Jo: Bennett	
resentative of y ^e	Tho: Hart	Joseph Wildigos Ex ^r	
Deceased Francis	John Jurin	of Paul Darby	
Hancock, and Benj:	Nelson	dece'd	
Proxie for Edward	William Snelling	John Booker	
Anthill and George	Robert Ford	Tho: Lane	
Willcocks	Richard Harrison	Paul Docminique	
L. Morris	Richard Greenaway	Tho: Skinner	
ffor all the Propri-	John Hollis	E. Richier	
etors Residing in	Jos: Collyer	Michael Watts	
East Jersey	Thomas Allen	Obadiah Burnett	
Isaac Cocks [Cox?]	Philip Wrightman	Jn ^o Bridges	
Tho: Bromfeild	Tho: Miller	Rob ^t Michel	
F's. Paunceford	Tho: Morice	John Wilcocks	
Ben [Levy]	Charles Michel	Jos: Brooksbanke	
John Davis	Peter Hudson	: Minshull	
P ^r . Honblon	Peter de Lannoy	Eben Jones	
James Boddington	Tho: [Barker]	Jn ^o Norton	
John Whiting	Ben Steele	Hen: Adderly for	
Gilbert Molleson	Hannah Howard	Rich ^d Haswell	

Memorial from Wm. Dockwra and Peter Sonmans to the Lords of Trade, transmitting objections to Andrew Hamilton as Governor of New Jersey.

[From P. R. O. B. T. Proprieties, Vol. 6, I. 38.]

Mem^l M^r Dockwra & M^r Sonmans containing Objections agst Coll Andr^w Hamilton's being Gov^r of y^e Jerseys.

OBJECTIONS AGAINST ANDREW HAMILTON ESQ^s.

May it please Your Lordships.

That her Ma^{tye} in Councill may not be Surprized by

the Artifices of M^r Penn and some persons, of the West Jersey Society, so as to Nominate Andrew Hamilton to be Governour of the Province of New Jersey; Wee presume to informe Your Lordships that he hath been severall times Complained of in his late Ma^{ties} Raigne on the severall heads following, Viz^t

1st As the Incendiary of the Provinces of the then East and West Jerseys, by haveing Sett up a Quaker and Factious party to the great disturbance of the Peace of those provinces, and opposition to the true Loyall English Intrest, and for his Zeale to the Quakers is at present by M^r Penn's Commission Constituted his deputy Governour in Pensilvania.

2^{dly} His Arbitrary and Unjust practices, when Governour, Apparent in many Instances too long to trouble Your Lordships with at present, severall of w^{ch} are Lodg'd with your Honors.

3^{dly} His Encourageing and protecting Pirates and receiving money for them particularly Merick and Elson, two of Averries Crew, who together with severall others lived under his Government unmolested, till afterwards Seiz'd by his Successor, and by him delivered to the Governour of New Yorke

4^{thly} His converting to his own use, money which was raised by the Assemblys of Both Provinces of the Jersies for the Supply of Albany a Frontier of New Yorke.

5th His Encourageing Illegall Trade, as is evident by Sundry informations and affidavits from the Country, and for which by the act of 7^o and 8^o Gulielmi tertiji &^c he became liable to forfitt 1000[£] and rendred Incapable of any Employment &^{ca}

6^{thly} His exercising Government in the Jersys and Pensilvania, without the Royal Approbation directly contrary to the said act of 7^o & 8^o Gulielmi tertiji &^c which requires all Governors to be approved by her Ma^{tie}

7^{thly} There being severall controverses betwixt the

said Andrew Hamilton and divers proprietors and Inhabitants of the Countrey, should he be Constituted Govern^r: those persons who have been Injured by him, cannot hope to obtain Justice, Since he then will become both Judge and Party

8th And whereas some persons of the West Jersey Society have taken upon them to Assert, that it is the desire of the greater part of the Proprietors and Inhabitants of both Jerseys that the said Andrew Hamilton may be Constituted Govern^r: and that it was upon that Condition they delivered up the Surrender of the Governm^t: of the said Provinces, Wee humbly crave leave to informe Your Lordships that the said assertion is Utterly untrue, for that all the persons of y^e: society who so Strenuously Sollicitt for Andrew Hamilton, and Signed the Petition on his behalfe, make not altogether above one fifth of the Proprietors of West Jersey nor one Sixth part of East Jersey, among the whole West Jersie Society.

9th Yet nevertheless and contrary to their promise by their late Agent M^r: Morris, have Clandestinely promoted the said Petic'on, which most of the Proprietors both of East and West Jersey were Wholly Ignorant off; and those few who are Since informed being Surpris'd, take this opportunity to Dissowne: Forasmuch as their Chief motives of Signing the Surrender of the Governm^t: with them was, that the Crowne might nominate a Govern^r: unconcern'd in any party or ffaction whereby they might be freed from the Oppressive Governm^t: of the said Andrew Hamilton and his Faction. They therefore hope and pray that her Ma^{tie}: will Graciously please to nominate some person to be Gover^r: over y^e: said Province of New Jersey, wholly unconcern'd in the Factions, which have divided the Inhabitants of those parts, According to the humble Opinion of your Honors, contained in the Report made to his late Ma^{tie}: of Happy Memory.

[May 28th 1702]

Secretary Popple to Sir Thomas Lane, transmitting copies of papers received from Wm. Dockwra and Peter Sonmans, relating to Andrew Hamilton.

[From P. R. O. B. T. Proprieties, No. 28 Ent. Rook D., p. 10.]

L^{re} to S^r Tho: Lane with some papers of M^r Dockwra's ag^t. Coll: Hamilton.

To S^r Tho: Lane Kn^t & Alderman

Sir.

The Lords Commissioners for Trade and Plantations have ordered me to send you the inclosed Copies of Papers laid before them this day by M^r Dockwra and M^r Sonmans: Viz^t Their Desire to correct an Error in their Petition to her Majesty, So that it may be exprest, "Not "that they are ready to Surrender their right to the" Government of New Jersey, but That they have already surrendred the same; Their objections against Coll: Andrew Hamilton, And a Copy of the Representation of this Board of the 6th of January last relating to the said Surrender.

I am also to acquaint you, that, upon their desire, Summons have been given them for Coll: Quarry, M^r Randolph, M^r Bass and M^r Joshua Barkstead, to attend this Board on Wednesday next at ten a Clock in the Morning (the time already appointed for hearing what may be offered relating to Coll: Hamilton's being appointed Governour of New Jersey) And that if you desire Summons for any other persons to attend at the same time, they shall be sent to you. I am

&c.

Whitehal
May 28th 1702.

W^m POPPLE

The Lords of Trade to the Secretary of State, enclosing a draft of a letter for the signature of the Queen, conferring temporary authority in New Jersey on Lewis Morris.

[From P. R. O. B. T. Proprieties, Vol. 28, p. 13.]

To the R^t Hon^{ble} the Earle of Nottingham Principal
Secretary of State.

My Lords.

Inclosed is a Form of a Letter in behalf of Coll: Morris, which may not be improper for her Majesty to sign, if her Majesty shall so think fit. We are &:

Rob^t Cecil W^m Blathwayt
Ph. Meadows John Pollexfen

Whitehall

Mat: Prior

June 1st 1702.

ANNE by the Grace of God Queen of England, Scotland, France and Ireland, Defender of the Faith &c: To all to whom these Presents shall come Greeting. WHEREAS our Trusty and Wellbeloved Colonel Lewis Morris is returning to our Colony of New Jersey in America, after having given Us signal Testimonies of his Loyalty and good Affection to our Service; We do hereby Will and require all our Loving Subjects within the said Colony to have a due regard to the said Colonel Morris in his Endeavours to preserve the peace and Quiet of that our Colony upon the Surrender that has been made by the Proprietors of their Right or pretended Right unto us of Government, untill We shall by our Royal Commission under the Great Seal of our Kingdom of England give our farther Orders therein. For which this shall be in the meantime to all whom it may concern, a Sufficient Warrant and Direction. Given at our Court at S^t James's the [] day of [] 1702, In the first Year of our Reign

By her Majesty's Command

Reply of several of the Proprietors of New Jersey, to the complaints against Andrew Hamilton, by William Dockwra & Peter Sonmans.

[From P. R. O. B. T. Proprieties, Vol. 6, I 44.]

TO THE RIGHT HONORABLE THE LORDS COMMISSIONERS
FOR FORREIGN TRADE AND PLANTATIONS

A Reply of the Proprietors of East and West New Jersey, to the Articles Exhibited by William Dockwra & Peter Sonmans against Collonel Andrew Hamilton.

To the first Article we answer

1° Coll: Hamilton was Governour of these two Provinces for the Space of nine or Ten years to the good Liking of Prop'rs and people, and all the neighbouring Colonies, without any Complaint against him, neither would he have been Superseded, but from a Belief of his Incapacity to Serve by the Late Act of the 7th & 8th of King William, and he is so farr from being an Incendiary, that his Mildness and Moderation was the only motive for W^m Pen to Intrust him with the Government, and those in the abovesaid Province who have (by the Influence of Jer: Basse & W^m Dockwra, appeared of Late against him, are now So well Satisfied of his moderation and good Conduct, that they have declared their readiness to Submitt to him, if he is Cloathed with a Commission from the Crown

To the Second Article

2° We know of no Arbitrary or Illegal proceedings Coll: Hamilton hath been Guilty of, unless they call them Such as were acted in Opposition to the Common Disturbers of the peace of the Government Stirred up by the Influence of M^r: Dockwra and his party, for which he hath often hazarded his Life to preserve the publick peace and quiet of the Provinces.

To the Third Article

3^o We are well Informed that in all the time of Coll: Hamiltons Government before he was Superseded by a Commission given to Jer: Basse, not one person in all those Northern Colonies was accused of Pyracy, and Since his Last going over, he hath been Eminent in Discovery & bringing Pyrates to Justice, particularly appeared at a County Court at Midleton in East Jersey upon the Tryall of one, who was by a factious Crew rescued from the Barr, as appears by Certificates under the provinciall Seall, Lodged by Lewis Morris Esquire before your Lordships.

To the fourth Article

4^o We have received many Letters from the Assemblies of Both Provinces with advice of what past there, but never any accusation of that kind and we Conceive the accusation is altogether groundless, Since an affair of that nature could not pass without our having notice of it, and the Gen^{ll} Assembly (who being the givers of the mercy, [money?] are the proper Inspectors into its application) have been So far from taxing him with Such Crime, that at Severall Sessions they have given him Gratuitys for his Publick Service and prudent administration,

To the fifth Article

5^o We have heard that one Randolph (a noted Enemy to Coll: Hamilton did Some time agoe Exhibit to the Right Honorable the House of Lords a Complaint and accusation against the Said Colonel and others about Illegal Trade, and we heard he was So farr from making good any Such accusation, that it was Thrown out as Groundless, which we believe to have come under the Notice of this Hono^{ble} Board, and his now accusers were So farr from accusing him whilst he was here, that they Joyned with us in Application to your Lordships, for his approbation

To the Sixth Article

6^o We must Referre our Selves to this Hon^{ble} Board,

that when he was presented by the Proprietors for his Late Majesty's Royall approbation, whether it was not your Lordships Opinion, that Since there was a dispute betwixt the Crown and the Proprietors about the Government, your Lordships could not advise his Majesty to give an approbation. Since it wold be a recognizing the Proprietors Title, but that Since Government must be administered, the Proprietors were Safe in giving him a Commission, and he in acting under it till the Dispute was Determined. And we are highly Surprised at the assurance of those two Gentlemen in accusing Coll: Hamilton on this head, Since in the first place they Signed his Commission, after they knew the Grant of an approbation had been declined, and r^d. [?] They Clandestinely Gave a Commission to one Andrew Bowne, to which W^m Dockwra (the Proprietors Secretary and one of the 2 Petitioners) affixt the publick Seall, without either the assent of, or Communication to the rest of the Proprietors which Commission they sent over, without So much as presenting him for his Majesties approbation, and Said Bowne hath endeavoured to act by virtue of Such Indirect Commission and by Orders from the two accusers, and we must further acquaint your Lordships that the Proprietors (who were Influenced by those two Gentlemen to sign that Commission) have been So Sensible of their Error, that they have retracted, and Signed a Petition for Collonel Hamilton.

To the Seventh Article

7^o If Coll: Hamilton Should be partiall in the administration of Justice (we conceive the Contrary) he will lye obnoxious to the Censure of the Gen^l Assembly there, and to Informations that may be Lodged here, but we know of no party that fear his impartiall administration of Justice except W^m Dockwra one of the two accusers who Stands Charged with Severall articles of high misdemeanours Exhibited against him, as

appears by the Duplicates under the Common Seall of the Province of East Jersey Lately laid before your Lordships, and we conceive it is for the reason only he doth So violently oppose Coll: Hammilton to be Governour

To the Eighth Article

8^o We presume to acquaint your Lordships in Order to your full and clear understanding of this matter, that the two petitioners, Viz W^m Dockwra the Secretary and Peter Sonmans are not possest of above two or three 24th parts of the Province of East Jersey, whereas almost all the other Proprietors of East Jersey here, and the Proxys of those beyond Sea, have Joyned with the whole West Jersey Society to petition for Coll: Hamilton, being So entirely Satisfyed of his Integrity, ability and good Conduct.

To the 9th Article

9^o The Petition for Coll: Hamilton was So far from being Clandestine that it was Signed by all the Proprietors at a full Generall Court of the West Jersey Society, and by Lewis Morris Esq^r on the behalf of all the Proprietors residing in East Jersey, who delivered his authority for So doing to her Majesty in Council, and by the greater part of the East Jersey Proprietors Living in London, and on the other hand in opposition to this, is obtruded a Petition Signed only by Peter Sonmans and W^m Dockwra.

The worthy Character of Coll Hamilton: is not (as we presume) unknown to your Lordships, it hath been transmitted from Severall of his Late Majesties Governours in the Neighbouring Colonies, and the Proprietors have always found him faithfull in the Discharge of that Trust reposed in him, And Since it pleased her Majesty (upon the Surrender of the Government) to return this Gracious answer, that She would take it into her Consideration, to appoint Such a Governour as Should be most agreeable to the Proprietors. We

Humbly hope and pray that your Lordships will be pleased to make a Report to her Majesty in Council, that Coll: Andrew Hammilton is the fittest person to Serve her Majesty, and the Proprietors in the Government of East and West New Jersey, now Nova Caesarea

[June 3^d 1702]

From Colonel Quarry to the Lords of Trade, adverse to the appointment of Andrew Hamilton as Governor of West New Jersey.

[From P. R. O. B. T., Proprieties, Vol. 6, K. 6.]

Mem^l: from Coll: Quarry ag^t: Coll: Hamilton Gov^r: of
West New Jersey.

Right Hon^{ble}:

My Employment^t under his Maj^{ties} in Penselvania and the Jerseys gives mee the advantage of knowing very well the severall Intrist devisions, and distractions of those Govern^{ts} what I have to offerr this Hon^{ble} Board at present is confined to the Jerseys The Inhabetants of those Provinces have beene alwaies devided into two differan^t factions. the united Intrist of the Quakers being one, and the rest of the Inhabetants the other. Coll: Hamleton was alwaies (tell of Late) of the faction in opposition to the Quakers, but finding that they opposed him in all things that conserved his privatt intrist he thought fitt to change his Party and became the head of the Quakers faction, in w^{ch} he hath beene for at Least fouer yeares and is so Zealous an assertor of their cause and intrist that the rest of his Maj^{ties} Subjects complain of great oppressions and hardships received from him in favo^{ur} of the Quakers.

The heate and distractions of that Govern^t is now growne to that height that nothing but his Maj^{ties} sending a Prudent Govern^r: alltogether unconserned in their Quarrels and differances can secure the peace of the County the People haveing Imprisoned him, and as they Generally complaine he hath very much opprest them, so that the prejudice and resentments on both sides is so very high and great that it is impossable to reconcile it.

Coll Hamilton is a man of good Sence & parts but considering the present state of those Provinces and how farr he hath beene actually conserned in all the differances and distractions of the two factions, he is the most unfittest person for that Govern^t in the world, that hee is wholly in the Quaker Intrist in opposition to the rest, may appeare by M^r: Penns makeing him his Lieut^{tt}: Govern^r: of Penselvania, alltho' he very well knew that he was not Quallefied as the Law requires.

As to what consernes his Incouredging & countenancing Illegal trade it being before my time I must Leave to M^r: Randolphs representation of it. I have only this to add that since hee was appoynted M^r: Penns Lieu^t: Govern^r: hee hath opposed the Authority & Juresdiction of the Admiralty contrary to the Act of the 7th & 8th of his Late Maj^{ties}: the p^ticulars of w^{ch} Lyes before this hon^{able} Board all w^{ch} is humbly submitted by

Y^{or} Lordships

Most Obedian^t:

Serv^{tt}:

[June 17th 1702]

ROB^t: QUARY

*Surveyor General Randolph to the Lords of Trade,
adverse to Andrew Hamilton.*

[From P. R. O. B. T. Proprieties, Vol. 6, K 7.]

A Paper from M^r Randolph containing Complaints
ag^t Coll: Hamilton Gov^r of West New Jersey,
with relation to illegal Trade.

TO THE RIGHT HON^{BLE} THE LORDS COMM^{RS} FOR TRADE
May it please y^r Lords^{PPS}

That during the time of my Survey in the Severall Colonys & plantations made in y^e year 1695: I found in the Bookes of James Williams the Collector of y^e Customs in y^e Province of Pennsylvania an Entry, viz: 1695: William Wrighton M^r: of the William & Mary: of London. bound to New Castle in Eng^d: with 180: Hogg^{ds}: of tobacco aboard: but he went directly to Scotland. Wrighton at his return to pennsylvania imported 30: or 30 Tuns of Scotch Cole from Scotland: & in his way going up with them aboard the Burlington was seized by Cap Thomas Meech Command^r of a small vessell Sett out by Coll Nicholson Gou^r of Maryland with power to seize all illegal Traders. Col: Andrew Hamilton then Gov^r: of W: New Jersey denied Meechs power to seize: afterwards Edw^d Hunlock whom I deputed Coll: of that province seized her but did not prosecute her because Coll Hamilton had upon a petition of Maurice Trent y^e Owner & with Wrighton the M^r: of y^e William & Mary Briganteen setting forth that y^e french tooke their Clerings for the Cole in Liverpool Eng^d: from them at Sea permitted the Vessel to be apprizd: & accepted of their Bond to produce Certificates thereof in a yeares Tyme It appeares by Hunlocks letter to me that there was a Bond given by Trent to Wrighton & by the Copy of my letter to Hunlock to prosecute the Bond but I find no reason for

their Giving such a Bond but to gett their vessel free from the prosecution.

About y^e year 1698. I diputed Coll Basse then the Gov^t of the Jerseys to demand the Bond of Coll Hamilton & to putt it in Suit. But he told him that if he had the Bond I should not have it nor would he deliver it to any I should order to receive it. which Coll Basse when demanded will make appear.

Coll Hamilton has destroyed a Bond of about 200^l to the King: which he is certainly accountable for to his Ma^{ty}. This I certify as farr as I have discovered out of Cap Meech's Journall & other papers relating to the Brigant William & Mary

18: June

1702

J. RANDOLPH: S: G:

Lord Cornbury to the Lords of Trade, giving an account of his proclaiming the Queen in New Jersey.

[From N. Y. Col. Docts: Vol. IV, p 960.]

To the R^t Hon^{ble} the Lords Commissioners for Trade and Plantations.

My Lords.

Your Lordships letter of the 19 of March last (by the care of Coll. Blakiston) came safe to my hands on Wednesday the 17 of this instant June and in it I find a letter from the Lords to her Majesty's most Hon^{ble} Privy Council commanding me to proclaim her most sacred Majesty Queen Anne in the Province of New York and East and West New Jersey * * *

On Friday the 19 instant I went over the waters into the Jerseys and went directly for Burlington which is the chief town of West Jersey, but the wayes were so bad I could not get thither till Sunday night late. Coll. Hamilton to whom I had writt from New York met me in East Jersey and conducted me to Burlington

where he had (being Governour of the Jerseys for the Proprietors) assembled the Chief Magistrates and Inhabitants of the Place in order to proclaim her Majesty which was done on munday at eleven a clock, where the people shewed great marks of duty and affection to the Queen. I did intend to have gone immediately to Amboy which is the chief town in East Jersey, to proclaim her Majesty there but the floods have washed away the bridges so that till the waters are fallen, it will be impossible to travell. I hope two or three fair days will make the wayes passable to Amboy, to which place I will repaire the moment it is passable, I do not doubt but we shall have a good appearance there likewise. Coll Hamilton who intends to conduct me hither having sent beforehand to give notice of my coming In the meantime I have taken this opportunity to come twenty miles down the River De La Ware, to see this place where I find a ship Just ready to saile for London. I thought it my duty to take this opportunity to acquaint your Lord^{ps} how far I have proceeded in obedience to your commands I shall return this Evening to Burlington and as soon as possible go to Amboy, and from thence to Yorke, from whence I will send your Lordships a farther account in the mean time I remain

My Lords

Your Lords^{ps} most obedient
faithfull humble Servant

Philadelphia
June the 23, 1702

EDWARD HYDE, LORD VISCOUNT CORNBURY, having been appointed Governor of New York, arrived there on the 3d of May, 1702. Although it seems to have been intended that he should be Governor also of New Jersey, it will be seen, by the doc-

Lords of Trade to the Queen, recommending that some one not connected with affairs in New Jersey should be appointed Governor..

[From P. R. O. B. T. Proprieties, Vol. 28, page 63.]

TO THE QUEEN'S MOST EXCEL^T. MA^{TY}

May it please your Ma^{ty}

In Obedience to your Majesty's Order in Council of the 14th of May last, upon the respective Petitions of several Proprietors of New Jersey in America, Some of them proposing Andrew Hamilton Esq. to be appointed your Majesty's Governour of that Province, and the others representing their reasons to the Contrary. We have examined the several Petitions, and heard what the parties whom Wee find very much exasperated against each other, could alledge for or against the said Hamilton. And thereupon We humbly report to your Majesty.

That the Divisions among the Inhabitants as well as the Proprietors of that Country and the Disorders arising from thence and from the want of a due constitution of Government, and of an impartial Governour amongst them, have for some years been so great as to endanger the Lives of several of your Majesty's Subjects and to occasion many other great Mischiefs, particularly the Encouragement of Piracy and illegal Trade.

That from the first Intention and Proposal of Surrendring the Government, and whilst the Proprietors had several Conferences before us on that Subject, One party requesting that the said Hamilton might be excluded from the Government as a person chiefly concerned in the mismanagements and Divisions in that Country. The other Party desiring his Nomina-

uments in the text, that from various causes he was not appointed to that position until the December following, and did not enter upon his duties until August, 1708. Lord Cornbury subsequently (1709) became the Third Earl of Clarendon.

tion as a motive of their Surrender; We did always declare to the said Proprietors that Such Surrender ought to be absolute and unconditioned, and that the Choice of a Governour was to depend Solely upon the Royal Pleasure and Authority of the Crown, wherein they Seem'd to Acquiesce.

We further humbly represent that The said Hamilton, upon his last Return to the Jerseys went from England, and, upon a Deputation from the Proprietors, assumed that Government without the Approbation or allowance of his late Maj^{ty} in Contempt of the Act of Parliament made in that behalf and without Staying for Our Report upon his Majesty's Order concerning that matter. That by Certificates of the Surveyor General of the Customs in those parts it appears, he hath favour'd illegal Trade with Scotland and other parts and he has so far incensed one Party of the Proprietors against him, that they will not (according to all appearance) be ever satisfied with his Administration.

And upon the whole matter, in Obedience to your Majesty's Commands We humbly propose as the only method of appeasing the animosities of your Majesty's Subjects in that Colony and of Settling the same, that your Majesty be pleased to appoint some person to be Governour thereof who is wholly unconcerned in those Transactions and Disorders & who being duly qualified may be able to bring both parties to a State of Quiet among themselves, and Submission to your Majesty's Authority, and take Care withall that the Laws of Trade and Navigation be for the future punctually observed.

All which is most humbly Submitted

Whitehall }
June 25th 1702 }

Rob^t Cecill
Ph: Meadows
W^m Blathwayt
Jn^o Pollexfen
Mat: Prior

Earl of Nottingham to the Lords of Trade, recommending certain Gentlemen to be of the Council of New Jersey.

[From P. R. O. B. T. New Jersey, A 3, Vol. 1.]

L^{re} from y^e Earl of Nottingham with a List of persons to be of the Council of New Jersey.

WHITEHALL 4th Aug^t 1702

My Lords & Gentlemen

The Persons, whose names are contained in the enclosed List, being thought proper to be Members of the Council for the province of Nova Cæsarea or New Jersey; I am directed to transmit the same to you, that in case you have no objection against any of the persons therein mentioned, you may cause them to be inserted in the Instructions preparing for the Right Hon^{ble} the Lord Viscount Cornbury, who is appointed Her Ma^{ty's} Governor of the said province.

I am

Y^r most humble Servant

NOTTINGHAM

Council of Trade.

A List of the Names of persons proper to be of the Council for the Province of Nova Cæsarea

Coll Richard Townely	Cap ^t Andrew Bowne
M ^r : Thomas Revell	Cap ^t John Jewell
Maj ^r : John Berry	Lewis Morris Esq
Daniell Coxe Jun ^r Esq	Cap ^t John Reading
William Laurance Jun ^r	Cap ^t John Bowne
Daniel Leeds	John Holmes
David Shepherd	George Tayler
William Sandford	Edward Slater
John Royce	Thomas Codrington
Edward Hanlock	Obadiah Holmes.

Nominations for the Council of New Jersey by Earl of Nottingham.

[From P. R. O. B. T. New Jersey. Vol. 1. A 4.]

List of persons proposed to be of y^e Councils of the two divisions in New Jersey com'unicated by M^r. Blathwayt from y^e Earl of Nottingham. Rec^d Aug^t 12th 1702.

A List of Names for Members of the Governours Council in New Jersey in America

For the	}	Andrew Bowne Esq ^r : The Prop ^{rs} last
Eastern Partition		
M ^r : Rich ^d Hartshorne		of Middletowne
M ^r : Jn ^o Royse		of Piscataway
M ^r : Rich ^d Townely		of Elizabeth Towne
M ^r : William Laurence		of Bergen County
M ^r : Obadiah Bowne		of Middletowne
Jeremiah Basse Esq ^r : when hee arrives		

If any one or two of y^e six above-menc'oned bee for any reason (unknowne to me) excepted against

The following Persons are the next fittest to bee recommended viz: to choose for exchange

First	M ^r : Thomas Warne	of Amboy
	M ^r : Elisha Parker	of Woodbridge
	M ^r : William Lawrence	of Freehold
	M ^r : William Sanford	of Bergen County
	M ^r : Samuel Walker	of Piscataway

But against The following Persons many objections are made, as being of the Scotch & Quaker ffactions concerned sundry years in y^e divisions, & incendiary Parties, that has brought those Provinces into such

Confusion of Governm^t Injustice to y^e Proprietors and
aversion of y^e Planters & Inhabitants, viz^t

These Nine of y ^e Scotch and Quaker ffaction	{	M ^r : Lewis Morris y ^e Head of y ^e ffaction	{	M ^r : Jn ^o : Bishop
		M ^r : Samuel Leonard		M ^r : Samuells Dennis
		M ^r : George Willocks		W ^m : Pinhorne
		M ^r : John Barclay		Samuells Hale
		M ^r : Michael Harden		These last four have other Characters rend- ring them unfit for that Station
		M ^r : Thomas Gordon		
		M ^r : David Lyall		
		M ^r : Miles fforster		
		M ^r : Jn ^o : Johnstone		

For y^e Westerne Partition

M^r: Thomas Revell

M^r: George Deacon

M^r: Daniell Leeds

M^r: Edward Hunlock

M^r: Jn^o: Holme of Salem

Capt Joseph Seely of ffairfeild

Coll Rob^t Quarry when arrived

2: Jeremiah Basse Esq^t when arrives.

There are some other Quakers that are Men of Parts,
and Knowing in y^e affaires of the Province, but &c:

More particularly take Caution against

Samuells Jennings

Francis Davenport

& their ffaction

*Lords of Trade to the Queen, with a draft of Lord
Cornbury's Commission as Governor of New
Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 12, p. 22, compared with Smith's History of
New Jersey, p 220, and Grants and Concessions, p 647.]

TO THE QUEENS MOST EXCELLENT MAJESTY.

May it please your Majesty.

In Obedience to your Majestys Commands We have
prepared the Draught of a Commission for the Right

Hon^{ble} the Lord Cornbury to be Governor of your Majesty's Province of Nova Cæsaria or New Jersey which is in substance the same as was agreed to by the Proprietors before the Surrender of their pretended Right to the Government of that Country

Which is humbly Submitted

Whitehall
August the)
18th 1702)

Dartmouth
Cecill
W^m Blathwayt
Jno Pollexfen
Mat Prior

THE LORD CORNBURY'S COMMISSION TO BE GOVERNOR
OF NEW-JERSEY.

ANNE by the Grace of God Queen of England, Scotland, France and Ireland Defender of the Faith &c To Our Trusty and Well beloved Edward [Hyde, Esquire commonly called]¹ Lord Cornbury GREETING. Whereas in the Government of that Country which was formerly granted by King Charles the Second under the Name of Nova Cæsaria or New Jersey, and which has since been Subdivided by the Proprietors, and East New Jersey and West New Jersey; such Miscarriages have happened that the said Country is fallen into Disorder and Confusion, which has accordingly been represented to our Dearest Brother the late King in Severall Petitions, Memorialls and other Papers signed by the General Proprietors, and by great Numbers of the Inhabitants; And by means of that Disorder the Publick Peace and Administration of Justice (whereby the Properties of Our Subjects should be preserved there) is interrupted and violatèd, and the Guard and Defence of the Country so totally neglected that the same is in imminent Danger of being lost from the Crown of England; And whereas the

¹ The words in brackets in Smith's History, but not in the original draft.—Ed.

foresaid Proprietors being Sensible that the said Country and our good Subjects the Inhabitants thereof, can not be Defended and Secured by any other means than by our taking the Government of the same under our immediate Care, have Executed and made a formal and Entire Surrender of their Right or pretended Right and Title to the Government of that Country unto Us; We therefore reposing especial Trust and Confidence in the Prudence, Courage and Loyalty of you the said Lord Cornbury, Our of Our especial Grace, contain Knowledge and meer Motion, have thought fit to Constitute and appoint, and by these Presents do constitute and appoint you the said Lord Cornbury to be Our Captain Generall and Governour in Chief in and over the foresaid Country of Nova Cæsaria or New Jersey, viz. the Divisions of East and West New Jersey in America; Which We have thought fit to reunite into one Province and Settle under one intire Government.

And We do hereby require and Com'and you to doe and Execute all things in due manner that Shall belong unto Your said Command and the Trust we have reposed in you according to the Severall Powers and Directions, granted or appointed you by this present Commission, and the Instructions and Authorities herewith given you, or by such further powers, Instructions or Authorities as shall at any time hereafter be granted or appointed you under Our Signet and Signe Manual or by Our Order in Our Privy Council and according to such reasonable Laws and Statutes, as shall be made and agreed upon by you, with the Advice and Consent of the Council and Assembly of Our said Province under Your Government, in such manner and forme as is hereafter expressed.

AND OUR WILL AND PLEASURE IS, That you the said Lord Cornbury having (after the publication of these Our Letters Patents) first taken the Oaths ap-

pointed by Act of Parliament to be taken in Stead of the Oaths of Allegiance and Supremacy and the Oath mentioned in an Act, Entituled *An Act to declare the Alteration in the Oath appointed to be taken by the Act Entituled an Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for Extinguishing the hopes of the pretended Prince of Wales, and all other Pretenders and their open and Secret abettors, and for declaring the Association to be determined* as also the Test mentioned in an Act of Parliament made in the 25th year of the Reign of King Charles the Second Entituled, *An Act for preventing Dangers which may happen from Popish Recusants*, together with an Oath for the due Execution of the Office, and Trust of our Captain General and Governour in Chief in and over our said Province of Nova Cæsaria or New Jersey, as well with regard to the equal and impartial Administration of Justice in all Causes that shall come before you as otherwise, and likewise the Oath required to be taken by Governours of Plantations to doe their utmost that the Laws relating to the Plantations be observed (All which Our Council in Our said Province or any Three of the Members thereof have hereby full Power and Authority and are required to give and administer unto You, and in your absence to our Lieutenant Governour if there be any upon the place) You shall administer unto each of the Members of Our said Council, as also to our Lieutenant Governour if there be any upon the place as well as the Oaths appointed by Act of Parliament or be taken in stead of the Oaths of Allegiance and Supremacy and the Oath mentioned in the said Act Entituled *An Act to declare the alteration in the Oath appointed to be taken by the Act Entituled an Act for the further Security of his Majesty's Person and the Succession of the Crown in the Protestant Line, and for Extinguishing the hopes of the pretended prince of*

Wales and all other Pretenders and their Open and Secret Abettors and for declaring the Association to be determined as the fore mentioned Test, and the Oath for the due Execution of the Places and Trusts.

And We do hereby give and grant unto you full Power and Authority to suspend any of the Members of Our said Council from Sitting Voting and Assisting therein, if you shall find just Cause for so doing.

And if it shall at any time happen that by the Death, Departure out of said Province or Suspension of any of our said Counsellors or otherwise, there shall be a Vacancy in Our said Council (any Three whereof We do hereby appoint to be a Quorum) OUR WILL AND PLEASURE IS; That you signify the same unto us by the first Opportunity that We may under Our Signet and Sign Manual constitute and appoint others in their Stead.

But that Our Affairs may not suffer at that Distance for want of a due Number of Counsellors, if ever it shall happen that there be less than Seven of them residing in Our said Province: We do hereby give and grant unto you the said Lord Cornbury full Power and Authority to choose as many persons out of the Principal Freeholders Inhabitants thereof, as will make up the full number of Our said Council to be Seven and no more, which persons so chosen and appointed by you, shall be to all Intents and purposes Counsellors in Our said Province untill either they shall be confirmed by Us, or that by the nomination of Others by Us under Our Sign Manual and Signet Our said Council shall have Seven or more persons in it.

And We do hereby give and grant unto You full Power and Authority, with the Advice and Consent of Our said Council from time to time as need shall require, to Summon and call General Assemblies of the Freeholders and Planters within Your Government in manner and forme as shall be directed in Our Instruc-

tions which will be given You together with this Our Commission.

OUR WILL AND PLEASURE IS, That the Persons thereupon duly Elected by Major part of the Freeholders of the respective Counties and places, and so returned, and having before their Sitting taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and the Oath mentioned in the foresaid Act Entituled An Act to declare the Alteration in the Oath appointed by the Act, Entituled an Act for the further Security of his Majesty's Person and the Succession of the Protestant Line and for Extinguishing the hopes of the pretended Prince of Wales and all other Pretenders and their open and Secret Abettors, and for declaring the Association to be determined, as also the forementioned Test, (which Oaths you shall Commissionate fit persons under Our Seal of Nova Cæsaria or New Jersey, to Administer unto them, and without the taking of which Oaths and Subscribing the said Test, none shall be Capable of Sitting though Elected) shall be called and held the Generall Assembly of that Our Province.

And that you the said Lord Cornbury by and with the Advice and Consent of Our Council and Assembly or the Major part of them respectively, shall have full Power and Authority, to make, Constitute, and Ordain Laws, Statutes and Ordnances, for the publick Peace, Welfare and good Government of Our said Province and of the People and Inhabitants thereof, and such others as shall resort thereto, and for the Benefit of Us Our Heirs and Successors.

Which said Laws Statutes and Ordnances are not to be repugnant, but as near as may be agreeable unto the Laws and Statutes of this Our Kingdom of England PROVIDED, that all such Laws, Statutes and Ordnances of what Nature or Duration soever, be within three Months or sooner after the making thereof trans-

mitted unto Us, under Our Seal of Nova Cæsaria or New Jersey for Our Approbation or disallowance of them; As also Duplicates thereof by the next Conveyance.

And in case any or all of them (being not before confirmed by Us) shall at any time be disallowed and not approved, and So Signified by Us, Our Heirs or Successors, under Our or their Sign Manual and Signet, or by Order of Our or their Privy Councill, unto you the said Lord Cornbury or the Commander in Chief of Our said Province for the time being, then such and so many of them as shall be so disallowed & not approved shall from thence forth cease, determine and become utterly void and of none effect, anything to the contrary thereof notwithstanding.

And to the end that nothing may be passed or done by Our said Council or Assembly to the prejudice of Us, Our Heirs and Successors; We Will and Ordain that you the said Lord Cornbury shall have and enjoy a Negative Voice in the making and passing of all Laws Statutes and Ordinances as aforesaid And that you shall and may likewise from time time as you shall judge it necessary Adjourn, prorogue and dissolve all General Assemblies.

OUR WILL AND PLEASURE IS, That you shall and may use and keep the Publick Seale of Our Province of Nova Cæsaria or New Jersey, for Sealing all things whatsoever that pass the Great Seal of Our said Province under your Government.

And we do further give and grant unto you the said Lord Cornbury full power and Authority, from time to time, and at all times hereafter, by yourself, or by any other to be Authorized by you in that behalf to administer and give the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy to all and every such person & persons as you shall think fit, who shall at any time

or times pass into Our said Province, or shall be resident or abiding there.

And We do further give and grant unto you full Power and Authority with the Advice and Consent of Our said Council, to Erect Constitute and Establish such and so many Courts of Judicature and public Justice, within Our said Province under your Government, as you and they shall think fitt and necessary for the hearing and determining of all Causes as well Criminal as Civil, according to Law & Equity, and for awarding of Execution thereupon, with all reasonable and necessary Powers, Authorities, Fees and Priviledges belonging unto them, As also to appoint and Commissionate fitt persons in the Severall Parts of your Government, to administer the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and the Oath mentioned in the aforesaid Act Entituled *An Act to delare the Alteration in the Oath appointed to be taken by the Act Entituled an Act for the Security of his Majesty's Person and the Succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales, and all other Pretenders and their open and Secret abettors, and for declaring the Association to be determined*, as also the Text unto such persons as shall be obliged to take the same.

And We do hereby Authorize and impower you to constitute and appoint Judges (and in Cases requisite) Commissioners of Oyer and Terminer Justices of the Peace, and other necessary Officers and Ministers in Our said Province, for the better Administration of Justice and putting the Laws in Execution and to administer or cause to be administred unto them Such Oath or Oaths as are usually given for the due Execution and performance of Offices and Places, and for the clearing of Truth and Judicial Causes.

And We doe hereby give and grant unto you full

Power and Authority, where you shall see cause or Judge an Offender or Offenders in Criminal Matters, or for any Fines or Forfeitures due unto us, fitt Objects of our Mercy, to pardon all such Offenders and to remitt all such offences, Fines, and Forfeitueres Treason and Willfull Murder only excepted; In which cases you shall likewise have power upon extraordinary Occasions to grant Reprieves to the Offenders untill and to the Intent our Royal Pleasure may be known therein.

And We do by these Presents, Authorize and empower you to collate any person or persons to any Churches, Chappells, or other Ecclesiasticall Benefices within Our said Province as often as any of them shall happen to be voyd.

And We do hereby give and grant unto you the said Lord Cornbury by yourself and by your Captains and Commanders by you to be Authorized full Power and Authority to Levy, Arm, Muster, command and imploy all persons whatsoever residing within Our said Province of Nova Cæsaria or New Jersey, And as occasion shall serve then to transfer from one place to another, for the resisting and withstanding of all Enemyes, Pirates and Rebels both at Sea and Land, And to transport such Forces to any of Our Plantations in America, if necessity shall require, for the defence of the same, against the Invasion or attempts of any of Our Enemyes; And such Enemyes Pirates and Rebels, if there shall be occasion to pursue and prosecute, in or out of the Limitts of Our said Province and Plantations or any of them; And if it shall please God them to vanquish; apprehend and take and being taken, either according to Law to put to Death, or keep and preserve alive at your Discretion; And to execute Martiall Law in time of Invasion, Insurrection, or War; And to do and Execute all and every other thing and things which to Our Captain Generall and Governour in Chief doth or ought of Right to belong.

And We do hereby give and grant unto you full Power and Authority, by and with the Advice and Consent of Our said Council to Erect raise and build in our said Province of Nova Cæsaria or New Jersey, such and so many Forts, Platforms, Castles, Citys Burroughs, Towns and Fortifications, as you by the Advice aforesaid shall judge necessary; And the same or any of them to Fortifie and furnish with Ordnance Ammunition and all Sorts of Arms fit and necessary for the Security and defence of Our said Province; and by the Advice aforesaid the same or any of them again to demolish or dismantle as may be most convenient.

And for as much as divers Mutinys & Disorders may happen by Persons Shipped and imployed at Sea during the time of Warr, and to the End that such as shall be Shipped and imployed at Sea during the time of Warr, may be the better Governed and Ordered, We do hereby give and grant unto you the said Lord Cornbury full Power and Authority to constitute and appoint Captains, Lieutenants, Masters of Ships and other Commanders and Officers, and to grant unto such Captains, Lieutenants, Masters of Ships and other Commanders and Officers, Commissions to execute the Law Martial during the time of War, And to use such Proceedings, Authorities, Punishments, Corrections and Executions upon any Offender or Offenders who shall be mutinous Seditious, disorderly, or any way unruly either at Sea, or during the time of their Abode or residence in any of the Ports, Harbours, or Bays of Our said Province, as the Cause shall be found to require, according to Martial Law during the time of War as aforesaid

PROVIDED that nothing herein contained shall be construed to the Enabling You, or any by your Authority, to hold plea or have any Jurisdiction of any Offence, Cause matter or thing committed or done upon the

High Sea, or within any of the Havens, Rivers or Creeks of Our said Province under your Government by any Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier or other person whatsoever, who shall be in Actual Service and pay in or on Board any of Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our High Admiral of England under the Seale of Our Admiralty, or from Our Commissioners for executing the Office of Our High Admiral of England for the time being; But that such Captain, Commander, Lieutenant Master Officer, Seaman Soldier and other person so offending, shall be left to be proceeded against and Tryed as the Merits of their Offences shall require, either by Commission under Our great Seal of England. as the Statute of the XXVIIIth of King Henry the 8th directs, or by Commission from Our High-Admiral of England, or from Our Commissioners for executing the Office of Our High Admiral of England for the time being, according to the Act of Parliament passed in the 13th year of the Reign of King Charles the 2^d (Entituled *An Act for the Establishing Articles and Orders for the regulating and better Government of his Majesty's Navys, Ships of War and forces by Sea*) and not otherwise.

PROVIDED Nevertheless, that all Disorders and Misdemeanours committed on Shore by any Captain, Commander, Lieutenant, Master Officer, Seaman, Soldier, or other person whatsoever, belonging to any of Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our High Admiral of England under the Seal of Our Admiralty or from our Commissioners for Executing the Office of High Admiral of England for the time being, may be tryed and punished according to the Laws of the Place where any such Disorders, Offences and Misdemeanours shall be committed on Shore, Notwithstanding such Offender be in Our Actual Service and born in

Our Pay on board any such Our Ships of War or other Vessells acting by immediate Commission or Warrant from Our High Admiral, or from Commission^{rs} for Executing the Office of High Admiral for the time being as aforesaid; So as he shall not receive any Protection for the avoiding of Justice for such Offences committed on Shore, from any pretence of his being employed in Our Service at Sea.

OUR WILL AND PLEASURE IS, That all Publick Mony raised or which shall be raised by any Act hereafter to be made within Our said Province, be issued out by Warrant from you by and with the Advice and Consent of Our Councill and disposed of by You for the Support of the Government and not otherwise.

We do hereby give you the said Lord Cornbury full Power and Authority to Order and appoint Fairs, Marts and Markets, as also such and so many Ports, Harbours, Bays, Havens and other places for the Convenience and Security of Shipping And for the better Loading and unloading of Goods and Merchandizes, as by you with the Advice and Consent of Our said Council shall be thought fit and necessary.

And We do hereby require and command all Officers and Ministers Civil and Military, and all other Inhabitants of Our said Province to be Obedient aiding and Assisting unto you the said Lord Cornbury, in the Execution of this Our Commission and of the Power and Authoritys herein contained; And in Case of your Death or Absence out of Our said Province to be obedient, aiding & assisting unto such person as shall be appointed by us to be Our Lieutenant Governour or Commander in Chief of Our said Province to whom We do therefore by these Presents; give and grant all and Singular the Powers and Authoritys aforesaid to be by him executed and enjoyed during Our Pleasure, or untill your arrival within Our said Province; And if upon, your Death or Absence out of Our said Prov-

ince there be no person upon the Place commissioned or appointed by Us to be Our Lieutenant Governour or Commander in Chief of the said Province. OUR WILL AND PLEASURE IS, That the then present Council of Our said Province do take upon them the Administration of the Government and Exercise this Commission, and the severall Powers and Authorities herein contained, And that such Counsellor who shall be at the time of your death or Absence residing within Our said Province and nominated by Our Instructions to you before any other at that time residing there, do preside in Our said Council with such Powers and Preheminences as may be necessary in those Circumstances, for the due and orderly carrying on the publick Service, in the Administration of the Government as aforesaid until Our Pleasure be further known, or untill your Returne.

LASTLY We do hereby declare, ordain and appoint that you the said Lord Cornbury shall and may hold Execute and Enjoy the Office and Place of Captain Generall and Governour in Chief in and over Our Province of Nova Cæsaria or New Jersey, together with all and Singular the Powers and Authorities hereby granted unto You, for and during Our Will and Pleasure, from and after the Publication of this Our Commission.

[In witness whereof we have caused these our letters to be made patents; Witness ourself at Westminster, the fifth day of December, in the first year of our reign.

ANNE]¹

¹ The concluding paragraph within brackets is from the printed copy of the Commission in Smith's History of New Jersey, p. 230, and in Grants and Concessions, p. 647. The Commission being transmitted to the Queen on the 18th December, 1702, was approved on the 24th, but did not reach Lord Cornbury at New York until the 29th July, 1703. He had received notice of his appointment several months previous.—Ed.

*Letter from Lord Clarendon to the Secretary of State
about the Council for New Jersey.*

[From P. R. O. America & West Indies Vol. 575.]

Letter from Lord Clarendon.

September 1st 1702

My Lord.

Having been confined ever since I was wth your Ldp, by a severe fitt of the Strangury, will make my excuse for not wayting on your Lo'p at this time. I give your Lo'p many thanks for the list you sent me of the Members of the Councell of New Jersey: Not knowing anything of that Countrey myselfe, I have advised wth some here of that Province, & particularly wth Coll Basse, who hath given me his remarks upon six of them; Whether it be fitt, upon this new settlement of the Province of East & West Jersey, to putt Quakers into the Councell, when there is choice of other Men, I submitt to your Lo'p. Coll Basse has desired me to move your Lo'p something, in his behalfe, concerning some alteration to be made in his Warrant of Secretary w^{ch} I cannot better represent to your Ld'p than by laying before you his l're to me, & then your Lo'p will be best able to judge whether what he desires be reasonable or not, I am sure I would not ask any thing that is not thought soe by your Lo'p. I take the liberty of sending this by Coll Basse, because he will be best able to answer such questions as your Ld'p shall have occasion to aske. I will wayt on your Lo'p as soon as I can goe abroad, and am wth all imaginable respect

My Lord

Your Lo'ps

Most faithful humble

Servant

CLARENDON

(Enclosed in the foregoing letter)

[Remarks of Jeremiah Basse on some of these names]

Edward Hunlock: In the time of my administration proued to be an Encorager & Fauorer of y^e Pyrates being their Trustee for their Cash & very much in the Quaker Interest.

Sam^l Jennings. A Biggoted Quaker Preacher, &c.

Francis Davenport: A Quaker & Preacher

William Pinhorne. Formerly Of the Councill & Judge of New Yorke butt turned outt by L^d Bellamont for some Ill practises.

Sam^l Leonard. A man of no Estate Complain'd of by the Country and a zealous stickler for the Quakers.

George Deacon: A Quaker Preacher.

In the Roome of these If your Lordship please to add Majo^r John Berry Daniell Coxe Jun^r John Royce Cap^t John Jewell Collector of his Maj^{ty}s Customs, Edward Slater Coll Rich^d Townely or any other in the list: or your Lordship shall think fit.

Lords of Trade to the Earl of Nottingham., relating to the Council of New Jersey.

[From New York Col. Docts., Vol. IV, p 965.]

To the R^t Hon^{ble} the Earl of Nottingham.

My Lord

We have received your Lordships letter of the 12 of August, signifying that Colonel Jeremiah Bass and Daniel Cox Esq^{rs} having been recommended to her Majesty as persons fit to be members both of the Council of New York and New Jersey might be inserted in the instructions preparing for the Lord Cornbury in case we had no objections against it, in answer where unto we take leafe to offer to your Lordship, that as to

New Yorke the divisions of that Province having been very great and we dayly expecting to be informed from my Lord Cornbury how the present state of things are there, and what will be the best method of reconciling the inhabitants we think it most for her Majestys Service that the nomination of councillors be defer'd till we receive such information. To which we add upon this occasion that it has constantly been given as a clause in all instructions to Governours that the members of their respective Councils should be men who have good Estates and we do not hear of any Estates that either M^r Bass or M^r Cox has in that Province.

As to the said Persons being of the Council of New Jersey We have already inserted in the said Lord Cornbury's instructions for that Province the names of 12 persons which were after much contest between the Proprietors of the East and West division agreed to unanimously by both parties, and which was in some measure a condition upon which they have surrender'd. We think it therefore for her Majestys Service to keep to the nomination of those persons and are apprehensive that any alteration at present may renew their former animosities in that Province. As to the number of 12 We are restrained by an order of Council, and whereas to that number Coll Quarry is added in New Jersey it is only to enable him the better to Execute his office of Judge of the Admiralty as her Majestys Service may occasionally call him thither He not being from thence reckoned a standing Counsellor in that Province We are

My Lord Your Lordships

Most humble servants

DARTMOUTH

ROB: CECILL

JN^o POLLEXFEN

MAT: PRIOR

Whitehall
Sept^r the 3, 1702.

Lewis Morris to the Lords of Trade, referring to the difficulties in New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 1, A 10.]

LETTER from Coll: Morris complaining of y^e great Irregularities in New Jersey.

My Lords

New Jersie is still without Government, and the receptacle of abundance of rogues, that Cannot be safe anywhere Elce; who dayly repair to this Province as to any Asyle; and so many of the Soldiers from New Yorke, are here Protected, y^t in a little time who shall be able to Suply that Garrison. I cannot say we suffer all y^e miseries of Confusion, but realy a great part of them we do; Our Province being without Law and gossell having neither Judge or Priest.

I lay'd (when In England) before your Lordships Some Records of Severall ryots, or rather Rebellions Committed against that Government there was here, and begg'd there might be some notice taken of them; I must renew the Same Intreaties, because it is for y^e Publique Service, and must assure your L^{pps} if those Persons are Suffer'd to Passe wth Impunity, her Majesties Govern^{rs}, not only here, but in all the Neighbouring plantations, will find y^e Ill Effects of so Pernicious an Example, the common People never concidering, the true natures and circumstances of things, but blindly cobby, and generally after (and Outdo) the worst Originalls. I dare not determine that the present Ill circumstances of New Yorke, Jersies, Pennisilvania, y^e Carolina's and Lucay Islands, are deriv'd from New England; but y^e transcripts were so Exact,

in most; or all the Circumstances, y^t I feare they were too much Influenc'd by that worst of Examples.

It is urg'd in defence of the ryoters in our Province y^e the Prop^s had no right to Government, and their Govern^r without y^e Kings approbation, had no more Authority than A Private person. All the power then in being, was Lodg'd in the Proprietors governour, whether rightly or no, I wont determine; nor do I thinke the mob were to be Judges, were it so or not, and Since his Late Majestie did not thinke fit to Supersede the Proprietors Governour, by any person more Imediatly commission'd from himselfe; it was the peoples duty to sit still and obey, there being no other End in Asserting an Authority than y^e publike good. And however Lame the Proprietors Authority was (though by his Late Majesties direction your Lordships making termes wth them, his Late Majestie and Councill, comanding M^r Attorney Gen^l to draw a forme of Surrender, of the powers of government, for the Proprietors to Signe, her Present Majesties Acceptance of the Same Surrender, and your Lords'ps memoriall to y^e Queen, to appoint a governour, now y^e Proprietors had Surrender'd; be more than tacit Acknowledgements that the powers of Government were Lodg'd in them, and that her Majestie had no right to appoint, till y^t Surrender was compleated) I say however Lame the Proprietors Authority, twas derived from A Grant under the great Seale from the crowne, and dependant on it, y^e conservation of the peace, Putting in Execution the Laws, and Administering Justice was both a benefit to the People and a service to the King on the Contrary the beating and wounding Sherrifs, Affronting the Courts, driving the Justices of the bench Laying Violent hands on y^e Governour and Part of his Councill, and Imprisoning them, And all this (excepting three or foure) done by the Verry dreggs and rascallity of the people; was an allmost Ireparable Losse

to y^e Province, an Affront to y^e Crowne, and w^tOught not to Passe (I speake wth Submission) wthout A check at least. the making of them sencible of their Errors by force, was a method of conviction forbore not of necessity but choice, not doubting proper notice wou'd be taken of them, by both their Superiors and Ours. I trouble too Long, and am sorry for the Occasion, but to see men of the best figure and Estates in y^e Province, daily Insulted by crowds of the most necessitous Scoundrells, the scum and dreggs of mankind, is no small temptation to resentment and hope will Inclyne your, L^{ps} to Excuse.

My Lords; Your Lordships most

Humble Servant

LEWIS MORRIS.

Jersie y^e 29th September 1702:

Instructions from Queen Anne to Lord Cornbury as Governor of New Jersey.

[Printed from Smith's New Jersey, p. 230, as approved by Queen Anne August 24th 1702. P. R. O. B. T., New Jersey Vol. 1, A 8., Vol. 11, p. 22.]

INSTRUCTIONS for our right trusty and well beloved Edward lord Cornbury, our captain general and governor in chief, in and over our province of Nova Cæsaria, or New Jersey, in America. Given at our Court at St. Jame's, the sixteenth day of November, 1702, in the first year of our reign.¹

1. WITH these our instructions you will receive our commission under our great seal of England, consti-

¹ Not received by Lord Cornbury until July 29th, 1703. N. Y. Col. Docts. p. 1069.—Ed.

tuting you our captain general and governor in chief of our province of New Jersey.

2. You are with all convenient speed to repair to our said province, and being there arrived, you are to take upon you the execution of the place and trust we have reposed in you, and forthwith to call together the following persons, whom we do by these presents appoint and constitute members of our council in and for that province, viz. Edward Hunloke, Lewis Morris, Andrew Bowne, Samuel Jenings, Thomas Revell, Francis Davenport, William Pinhorne, Samuel Leonard, George Deacon, Samuel Walker, Daniel Leeds, William Sandford, and Robert Quarry, esquires.

3. And you are with all due solemnity, to cause our said commission under our great seal of England, constituting you our captain general and governor in chief as aforesaid, to be read and published at the said meeting of our council, and to cause proclamation to be made in the several most public places of our said province, of your being constituted by us our captain general and governor in chief as aforesaid.

4. Which being done, you shall yourself take, and also administer to each of the members of our said council so appointed by us, the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in an act, entitled, *An act to declare the alteration in the oath appointed to be taken by the act, entitled, An act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined;* as also the test mentioned in an act of parliament made in the twenty fifth year of the reign of king Charles the second, entitled, *An act for preventing dangers which may happen from popish recusants;*

together with an oath for the due execution of your and their places and trusts, as well with regard to the equal and impartial administration of Justice in all causes that shall come before you, as otherwise, and likewise the oath required to be taken by governors of plantations, to do their utmost, that the laws relating to the plantations be observed.

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

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

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

8. And altho' by our commission aforesaid, we have thought fit to direct that any three of our coucellors make a quorum, it is nevertheless our will and pleasure, that you do not act with a quorum of less than five members, except in case of necessity.

9. And that we may be always informed of the names and characters of persons fit to supply the vacancies which shall happen in our said council, you are to transmit unto us, by one of our principal secretary's of state, and to our commissioners for trade and plantations, with all convenient speed, the names and

characters of six persons, inhabitants of the eastern division, and six other persons inhabitants of the western division of our said province, whom you shall esteem the best qualified for that trust; and so from time to time when any of them shall die, depart out of our said province, or become otherwise unfit, you are to nominate unto us so many other persons in their stead, that the list of twelve persons fit to supply the said vacancies, viz. six out of the east, and six out of the west division, as aforesaid, may be always compleat.

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

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

12. You are neither to augment nor diminish the number of our said council, as it is hereby established nor to suspend any of the present members thereof without good and sufficient cause: And in case of suspensiou of any of them, you are to cause your reasons for so doing, together with the charges and proofs against the said persons, and their answers thereunto (unless you have some extraordinary reason to the contrary) to be duly entered upon the council books; and you are forthwith to transmit the same, together with your reasons for not entering them upon the council books, (in case you do not enter them) unto us and to our commissioners for trade and plantations as aforesaid.

13. You are to signify our pleasure unto the mem-

bers of our said council, that if any of them shall at any time hereafter absent themselves, and continue absent above the space of two months together from our said province without leave from you, or from our governor or commander in chief of our said province, for the time being, first obtained; or shall remain absent for the space of two years, or the greater part thereof successively, without our leave given them under our royal sign manual; their place or places in our said council, shall immediately thereupon become void, and that we will forthwith appoint others in their stead.

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

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

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

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

17. You are to observe in the passing of the said laws, and of all other laws, that the stile enacting the same, be by the governor, council and assembly, and no other.

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

which shall be foreign to what the title of such respective act imports.

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

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

21. And we do particularly require and command, that no money, or value of money whatsoever, be given or granted by an act or order of assembly, to any governor, lieutenant governor, or commander in chief

of our said province, which shall not according to the stile of acts of parliament in England, be mentioned to be given and granted unto us, with the humble desire of such assembly, that the same be applied to the use and behoof of such governor, lieutenant governor or commander in chief, if we shall so think fit; or if we shall not approve of such gift or application, that the said money or value of money, be then disposed of and appropriated to such other uses as in the said act or order shall be mentioned; and that from the time the same shall be raised, it remain in the hands of the receiver of our said province until our royal pleasure shall be known therein.

22. You shall also propose with the said general assembly, and use your utmost endeavours with them, that an act be passed for raising and settling a publick revenue for defraying the necessary charge of the government of our said province, in which provision be particularly made for a competent salary to yourself, as captain general and governor in chief of our said province, and to other our succeeding captain generals, for supporting the dignity of the said office, as likewise due provision for the salaries of the respective members of our council and assembly, and of all other officers necessary for the administration of that government.

23. Whereas it is not reasonable that any of our colonies or plantations should by virtue of any exemptions or other privileges whatsoever, be allowed to seek and pursue their own particular advantages, by methods tending to undermine and prejudice our other colonies and plantations, which have equal title to our royal care; and whereas the trade and welfare of our province of New-York, would be greatly prejudiced, if not intirely ruined, by allowing unto the inhabitants of Nova-Cæsaria, or New-Jersey, any exemption from those charges, which the inhabitants of

New-York are liable to; you are therefore in the settling of a publick revenue as before directed, to propose to the assembly, that such customs, duties and other impositions be laid upon all commodities imported or exported in or out of our said province of Nova-Cæsaria, or New-Jersey, as may equal the charge that is or shall be laid upon the like commodities in our province of New-York.

24. And whereas we are willing in the best manner to provide for the support of the government of our said province, by setting apart sufficient allowances to such as shall be our governor or commander in chief, residing for the time being within the same; our will and pleasure therefore is, that when it shall happen that you shall be absent from the territories of New-Jersey and New-York, of which we have appointed you governor, one full moiety of the salary and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall, during the time of your absence from the said territories, be paid and satisfied unto such governor or commander in chief who shall be resident upon the place for the time being, which we do hereby order and allot unto him towards his maintenance, and for the better support of the dignity of that our government.

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

26. You are not to permit any clause whatsoever to be inserted in any law for the levying money, or the value of money, whereby the same shall not be made

liable to be accounted for unto us here in England, and to our high treasurer, or to our commissioners of our treasury for the time being.

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

28. You are not to suffer any publick money whatsoever, to be issued or disposed of otherwise than by warrant under your hand, by and with the advice and consent of our said council; but the assembly may be nevertheless permitted from time to time to view and examine the accounts of money, or value of money disposed of by virtue of laws made by them, which you are to signify unto them as there shall be occasion.

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

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

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

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

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

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

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

36. Our will and pleasure is, that for the better quieting the minds of our good subjects, inhabitants of our said province, and for settling the properties and possessions of all persons concerned therein, either as general proprietors of the soil under the first original grant of the said province, made by the late king Charles the second, to the late duke of York, or as particular purchasers of any parcels of land from the said general proprietors, you shall propose to the general assembly of our said province, the passing of such act or acts, whereby the right and property of the said general proprietors, to the soil of our said province, may be confirmed to them, according to their respective rights and title; together with all such quit-rents as have been reserved, or are or shall become due to the said general proprietors, from the inhabitants of our said province; and all such privileges as are express'd in the conveyances made by the said duke of York, excepting only the right of government, which remains in us: And you are further to take care, that by the said act or acts so to be passed, the particular titles and estates of all the inhabitants of that province and other purchasers claiming under the said general proprietors, be confirmed and settled as of right does appertain, under such obligations as shall tend to the best and speediest improvement or cultivation of the same. PROVIDED ALWAYS, that you do not consent to any act or acts, to lay any tax upon lands that lie unprofitable.

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

38. You are to permit the surveyors and other persons appointed by the forementioned general proprietors of the soil of that province, for surveying and recording the surveys of land granted by and held of

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

39. You shall transmit unto us, and to our commissioners for trade and plantations, by the first opportunity, a map with the exact description of our whole territory under your government, and of the several plantations that are upon it.

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

41. You shall not displace any of the judges, justices, sheriffs, or other officers or ministers within our said province, without good and sufficient cause to be signi-

fied unto us, and to our said commissioners for trade and plantations; and to prevent arbitrary removal of judges and justices of the peace, you shall not express any limitation of time in the commissions which you are to grant, with the advice and consent of the council of our said province, to persons fit for those employments, nor shall you execute yourself, or by deputy any of the said offices, nor suffer any persons to execute more offices than one by deputy.

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

seal of England, or that our further directions be given therein.

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

44. And whereas commissions have been granted unto several persons in our respective plantations in America, for the trying of pirates in those parts pursuant to the act for the more effectual suppression of piracy, and by a commission already sent to our province of New-York, you (as captain general and governor in chief of our said province of New-York) are empowered, together with others therein mentioned, to proceed accordingly in reference to our provinces of New-York, New-Jersey, and Connecticut; our will and pleasure is, that in all matters relating to pirates, you govern yourself according to the intent of the act and commission aforementioned; but whereas accessaries in cases of piracy beyond the seas, are by the same act left to be tried in England, according to the stature of the second of king Henry the eighth, we do hereby further direct and require you to send all such accessaries in cases of piracy in our aforesaid province of Nova-Cæsaria or New-Jersey, with the proper evidences that you may have against them, into England, in order to their being tried here.

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

46. You are to transmit unto us and to our commissioners for trade and plantation, with all convenient speed, a particular account of all establishment of jurisdictions, courts, offices, and officers, powers, authorities, fees and priviledges, which shall be granted or settled within the said province, by virtue and in pursuance of our commission and instructions to you our captain general and governor in chief of the same, to the end you may receive our further direction therein.

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

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

49. You are to take care that no man's life, member, freehold, or goods be taken away or harmed in our said province, otherwise than by established and known laws, nor repugnant to, but as much as may be, agreeable to the laws of England.

50. You shall administer, or cause to be administered the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, *An*

act to declare the alteration in the oath appointed to be taken by the act, entitled, An act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined; as also the forementioned test, to the members and officers of the council and assembly, and to all judges, justices, and all other persons that hold any office or place of trust or profit in the said province, whether by virtue of any patent under our great seal of England, or otherwise, without which you are not to admit any person whatsoever into any publick office, nor suffer those who have been admitted formerly to continue therein.

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

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

53. And whereas we have been further informed, that in the first settlement of the government of our said province, it may so happen, that the number of inhabitants fitly qualified to serve in our council in the general assembly, and in other places of trust or profit there, will be but small; it is therefore our will and pleasure, that such of the said people called quakers, as shall be found capable of any of those places or employments, and accordingly be elected or appointed to serve therein, may upon their taking and signing the declaration of allegiance, to us in the form used by the same people here in England, together with a solemn declaration for true discharge of their respective trusts, be admitted by you into any of the said places or employments.

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

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

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

57. You are to take especial care, that neither the

frequency, nor unreasonableness of their marches, musters and trainings, be an unnecessary impediment to the affairs of the inhabitants.

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

59. And whereas there is no power given you by your commission, to execute martial law in time of peace upon soldiers in pay, and that nevertheless it may be necessary that some care be taken for the keeping of good discipline amongst those, that we may at any time think fit to send into our said province, (which may properly be provided for by the legislative power of the same) you are therefore to recommend to the general assembly of our said province, that they prepare such act or law for the punishing of mutiny, desertion and false musters, and for the better preserving of good discipline amongst the said soldiers, as may best answer those ends.

60. And whereas upon complaints that have been made of the irregular proceedings of the captains of some of our ships of war, in the pressing of seamen in several of our plantations; we have thought fit to order, and having given directions to our high admiral accordingly, that when any captain or commander of any of our ships of war, in any of our said plantations shall have occasion for seaman, to serve on board our ships under their command, they do make their application to the governors, and commanders in chief of plantations respectively, to whom as vice admirals, we are pleased to commit the sole power of impressing seaman in any of our plantations in America, or in sight of any of them, you are therefore hereby required upon such application made to you, by any of the commanders of our said ships of war within our

province of Nova-Cæsaria, or New-Jersey, to take care that our said ships of war, be furnished with a number of seaman that may be necessary for our service on board them from time to time.

61. And whereas together with other powers of vice admiralty you will receive authority from our dearest husband prince George of Denmark, our high admiral of England, and of our plantations, upon the refusal or neglect of any captain or commander of any of our ships of war, to execute the written orders he shall receive from you for our service of our province under your government, or upon his negligent or undue execution thereof, to suspend him, such captain or commande from the exercise of his said office of captain or commander, and to commit him into safe custody either on board his own ship or elsewhere, at your discretion, in order to his being brought to answer for such refusal or neglect, by commission either under our great seal of England, or from our high admiral, or our commissioners for executing the office of our high admiral of England for the time being.

62. And whereas you will likewise receive directions from our said dearest husband, as our high admiral of England, and of our plantations, that the captain or commander, so by you suspended, shall during such his suspension and commitment, be succeeded in his said office by such commission or warrant officer of our said ship, appointed by our said high admiral of England, or by our commissioners for executing the office of our high admiral of England for the time being, as by the known practice and discipline of our navy, does and ought to succeed him next as in case of death, sickness, or other ordinary disability happening to the commander of any of our ships of war and not otherwise, you standing also accountable for the truth and importance of the crime and misdemeanor, for which you shall so proceed to the suspending of such

our captain or commander; you are not to exercise the said power of suspending any such captains or commanders of our ships of war, otherwise than by virtue of such commission or authority from our said high admiral; any former custom or usage to the contrary notwithstanding.

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

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

being, and to our commissioners for trade and plantations quarterly, and duplicates thereof by the next conveyance.

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

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

67. And whereas orders have been given for the commissionating of fit persons to be officers of our admiralty and customs in our several plantations in America; and it is of great importance to the trade of this kingdom, and to the welfare of all our plantations, that illegal trade be every where discouraged. You are therefor to take especial care, that the acts of trade and navigation be duly put in execution; and in order

thereunto, you are to give constant protection and all encouragement to the said officers of our admiralty and customs, in the execution of their respective offices and trusts within our territories under your government.

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

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

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

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

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

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

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

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

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

77. You are to take care, that drunkenness and debauchery, swearing and blasphemy, be discountenanced and punished: And for the further discountenance of vice, and encouragement of virtue and good living, (that by such example the infidels may be invited and desire to partake of the christian religion) you are not to admit any person to publick trusts and employments in our said province under your government, whose ill fame and conversation may occasion scandal.

78. You are to suppress the ingrossing of commodi-

ties as tending to the prejudice of that freedom which commerce and trade ought to have, and to settle such orders and regulations therein, with the advice of the council, as may be most conduce to the benefit and improvement of that colony.

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

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

81. And you are to take care, that there be no trading from our said province to any place in Africa, within the charter of the royal African company, otherwise then prescribed by an act of parliament, entitled, *An act to settle the trade of Africa*.

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

83. You are likewise from time to time, to give unto us, and to our commissioners for trade and plantations as aforesaid, an account of the wants and defects of our said province, what are the chief products thereof, what new improvements are made therein by the industry of the inhabitants or planters, and what further improvements you conceive may be made, or advantages gained by trade, and in what manner we may best advance the same.

84. You are not to grant commissions of marque or reprisals, against any prince or state, or their subjects

in amity with us, to any person whatsoever, without our especial command.

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

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

87. You are also to permit appeals to us in council,

in all cases of fines imposed for misdemeanors; provided the fines so imposed, amount to or exceed the value of two hundred pounds, the appellant first giving good security, that he will effectually prosecute the same, and answer the condemnation, if the sentence by which such fine was imposed in our said province of Nova-Cæsaria, or New-Jersey, shall be confirmed.

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

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

90. You are also with the assistance of the council and assembly, to find out the best means to facilitate and encourage the conversion of Negroes and Indians, to the christian religion.

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

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

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

94. And whereas the preservation of the northern frontiers of our province of New-York, against the at-

tempts of any enemy by land, is of great importance to the security of our northern plantations on the continent of America, and more especially of our said province of New-Jersey, which lies so near adjoining to our province of New-York, and the charge of erecting and repairing the fortifications, and of maintaining the soldiers necessary for the defence of the same, is too great to be borne by the single province of New York, without contributions from others concerned therein, for which reason, we have upon several occasions, required such contributions to be made, and accordingly settled a quota to regulate the proportions thereof; you are therefore to take further care, to dispose the general assembly of our said province of New Jersey, to the raising of such other supplies, as are or may be necessary for the defence of our province of New-York, according to the signification of our will and pleasure therein, which has already been made to the inhabitants of New-Jersey, or which shall at any time hereafter be made to you our governor, or to the commander in chief of our said province for the time being.

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

96. And for the greater security of our province of

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

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

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

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

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

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

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

103. And whereas the lords spiritual and temporal in parliament, upon consideration of the great abuses practised in the plantation trade, did by an humble address represent to his late majesty, the great importance it is of, both to this our kingdom and to our plantations in America, that the many good laws which have been made for the government of the said plantations, and particularly the act passed in the seventh and eighth years of his said majesty's reign, *An act for preventing frauds, and regulating abuses in the plantation trade*, be strictly observed. You are therefore to take notice that whereas notwithstanding the many good laws made from time to time, for preventing frauds in the plantation trade, it is nevertheless manifest, that very great abuses have been and continue still to be practised to the prejudice of the same, which abuses must needs arise, either from the insolvency of the persons who are accepted for the security or from the remissness or connivance of such as have been, or are governors in the several plantations, who ought to take care, that those persons who give bond should be duly

¹ As printed in Grants and Concessions, from an attested copy in the Office of the Lords Commissioners for Trade and Plantations at Whitehall, made in 1747, the sections after No. 53 are without numbers.—Ed.

prosecuted, in case of non performance; we take the good of our plantations and the improvement of the trade thereof, by a strict and punctual observance of the several laws in force concerning the same, to be of so great importance to the benefit of this our kingdom, and to the advancing of the duties of our customs here, that if we shall be hereafter informed, that at any time there shall be any failure in the due observance of those laws, within our foresaid province of Nova-Cæsaria, or New-Jersey, by any wilful fault or neglect on your part, we shall look upon it as a breach of trust reposed in you by us, which we shall punish with the loss of your place in that government, and such further marks of our displeasure, as we shall judge reasonable to be inflicted upon you, for your offence against us, in a matter of this consequence, that we now so particularly charge you with.

Lord Cornbury to the Lords of Trade.

[From N. Y. Col. Doc'ts., Vol. IV., p 1021.]

To the R^t Hon^{ble} the Lords Commissioners for
Trade and Plantations.

My Lords.

Though I dispatcht the Benjamin on the 14 Instant yet the South-westerly Winds have detained her here still: Therefore I take this opportunity to inform your Lordships that this afternoon I received information from East Jersey, that Coll Andrew Hamilton has very lately held a Meeting or Assembly in East Jersey which he calls the Governour of East and West New Jersey assembled in Councill.¹ In this Councill, so

¹ Probably a meeting of the Council of Proprietors.—Ed.

termed he has thought fit to receive several petitions and to make several orders upon them. He has ordered a tract of land to be assigned to Lewis Morris Esq: in consideration of his Services when in England. And he has ordered that the Quit Rents due by the said Morris to the proprietors for several tracts of land be allowed him. This is as far as my information goes, which I thought myself obliged to inform your Lordships of. I am told in a day or two, I shall have a full account of the whole matter with the names of the persons present. If this ship is not sailed before that time, I shall acquaint you with what further information I receive, I am

My Lords; Your Lordships most
faithfull humble Servant

CORNBURY

New York
Dec^r the 21, 1702.

*Queen Anne to Lord Cornbury and the Council of
New Jersey, relating to the Governor's Salary.*

[From P. R. O. B. T. New Jersey, No, 12, p. 130.]

To Our Right Trusty and Well-beloved Edward Lord Cornbury Our Captain General and Governour in Cheif of Our Province of Nova Caesaria or New Jersey in America and to Our Councill of Our said Province. Or to the Commander in Cheif and Councill of our said Province for the time being.

ANNE R.

RIGHT TRUSTY AND WELLBELOVED We greet you well;
Whereas We have appointed you Our Governour in

Chief of Our Province of New-Jersey in America: And there being no Provision made (as We yet understand) for the support of yourself or of the Governor or Lieutenant Governor of the said Province for the time being, We do hereby signify to You Our Royal Will and Pleasure, that at the first Meeting of the Assembly after the Receipt hereof, you do acquaint them with Our Expectation that in regard of Our receiving Our good Subjects of that Province under Our immediate Protection and Government they do forthwith settle a Constant and fixt Allowance on You Our Governour and our Governour and Lieutenant Governour for the time being, suitable to their respective Characters and Dignity, and that the same be done without Limitation of time.

In consideration whereof We are hereby pleased to direct that neither you Our Governour, nor any Governour, Lieutenant Governour Commander in Cheif, or President of the Councill of Our said Province for the time being, do give your or their Consent to the passing any Law or Act for any Gift or Present to be made to you or them by the Assembly, and that neither you nor they do receive any Gift or Present from the Assembly, or others, on any Account, or in any manner whatsoever, upon pain of Our Highest Displeasure And of being recalled from that our Government:

And we do further direct and require that this Declaration of Our Royal Will and Pleasure be communicated to the Assembly at their first Meeting after your Receipt hereof and Entred in the Registers of Our Council & Assembly, that all persons whom it may concern may govern themselves accordingly. So We bid you farewell. GIVEN at Our Court at S^t James's the 20th day of April 1703 in the 2^d year of Our Reign.

By her Maj^{ty}s Command

NOTTINGHAM.

Lords of Trade to Lord Cornbury and other Governors of Plantations.

[From P. R. O. B. T. Plantations General, C. No. 32, page 244.]

Circular Letter to the Governors of all her Majesty's Plantations in America relating to Courts of Justice.

WHEREAS frequent Complaints have been made to Us of great Delays & undue proceedings in the Courts of justice in Several of her Majesty's Plantations whereby many of her Majesty's Subjects have very much Suffered And it being of the greatest Importance to her Majesty's Service, and to the Welfare of the Plantations, that justice be every where Speedily and duly Administred, and that all disorders, Delays and other undue Practices in the Administration thereof be effectually prevented; We have thought necessary to recommend to You as We do to the Several Governors of other her Majesty's Plantations in respect of their Government that in the Courts of Her Majesty's
of under your Government where you are Authorized to preside, You take care that Justice be impartially administred, and that as well there as in all other Courts established within her Majesty's said of all Judges & other persons therein concerned do likewise perform their Several Duties without any Delay or Partiality.

And whereas we are informed that there is great want of an especial Court for determining of Small Causes We do think it for her Majesty's Service that you recommend to the Assembly of the said of the passing a Law for the Constituting such Court or Courts, which may be for the Ease of her Majesty's Subjects.

We further require you to take care that an exact Account be transmitted to Us by every Conveyance of the Causes which have been dispatched, and those which remain depending, and in General an Abstract of all proceedings in the several Courts of Justice, within your said Government So We bid you heartily farewell

Your very loving Friends

W ^m Blathwayt	Weymouth
John Pollexfen	Dartmouth
Mat: Prior	Rob: Cecill
	Ph: Meadows

Whitehall }
April 20th 1703 }

Memorandum. This was writ, mutatis, mutandis to the Governours of Barbadoes Leeward Islands Jamaica Bermuda Virginia Maryland New York New Jersey Massachusetts Bay New Hampshire.

From the Council of East Jersey to Lord Cornbury, announcing the death of Governor Andrew Hamilton.

[From East Jersey Under the Proprietary Governments, 2d Ed., page 228.]

May it please your Excellencie.

To y^e great grieve of us & of y^e better part of this province it Pleas'd Almighty GOD to take to himself Our Late Worthy Governor Co^{ll} Andrew Hamilton who departed this life On y^e 26th of this Instant; A person whose good Character is not unknown to your Excellencie. Wee being of y^e Council of this province do (as in duty bound) humbly Represent the same to your Excellencie. Hoping y^t your Excellencies favourable assistance & support for y^e preservation of the public peace will not be wanting to us, untill your

Excellencies Commission do arrive which wee do heartily desire may be Spediely; Your Excellencies prudent administration in your Government of New York giving us assurance of happiness under your Excellencies Conduct

We are May it please your Excellencies
most obedient Servants

East New Jersey Perth Amboy

29th April 1703

L MORRIS.

JOHN BISHOP

W^m PINHORNE

SAM^r DOWNES

SAM^r HALE

For his Excellencie Edward Lord Viscount Cornbury
Governour of His Maj^{ties} province of New York
and Dependancies.

*Lords of Trade to Lord Cornbury, about the Quota of
New Jersey for the defence of New York.*

[From P. R. O. B. T. New Jersey, Vol. 12, p 132.]

To the Right Hon^{ble} the Lord Cornbury.

My Lord

Her Majesty having been pleased to direct us to renew the Orders which have been formerly given to Several Governours and Proprietors of Plantations relating to the Assistance to be by them contributed towards the charge of maintaining and erecting Forts necessary for the Security and Defence of the Province of New York, in the Repartition whereof the sum required to be furnished by the Provinces of East and West Jersey was for each of them Two hundred and Fifty Pounds Sterling, And the said Provinces being now united, and by her Majesty's Commission put

under your Government; But no advance having been hitherto made there towards a Compliance with the Directions which were given by his late Majesty to the Earl of Bellomont dated the 19th of January 1700-1; We do here inclose a Copy of his Majesty's said Letter and further signify to your Lordship her Majesty's pleasure that You use your Utmost Endeavours with the Council and Assembly of New Jersey to induce them to an effectual compliance with the Foresaid Directions, in raising and remitting to New York the Sum'e of Five hundred Pounds Sterling as formerly required towards the Charge necessary far the Security of that Province; And your Lordship is thereupon to give us an Account of Your Proceedings and Success in this Service. We are

My Lord

Your Lordships

Humble Servants

Rob^t Cecill

Ph: Meadows

W^m Blathwayt

J^{no} Pollexfen

Mat: Prior

Whitehall

May the 21: 1703.

Lord Cornbury to the Lords of Trade.

[From New York Col. Docts., Vol. IV., p 1044.]

To the Right Hon^{ble} the Lords Commissioners for
Trade and Plantations.

My Lords

On the 3^d of April last I received a Packet from your Lordships, with several Proclamations inclosed, directing a publick day of thanksgiving to be observed in England, upon occasion of the great and glorious success of Her Majesty's Armes, and your direction for

observing a day of publick Thanksgiving here in this province and New Jersey. In pursuance of your Lordship's commands, I issued a proclam^{tn} directing the 15 day of April to be observed throughout this province, which was strictly observed. I likewise wrote to some of the Gentlemen of New Jersey, who have acted as Justices of peace in the time of the proprietary Govern^t, to take care that a day of thanksgiving should be observed in that province; but I did not think it proper to issue a Proclamation there, because my Commissⁿ for that Govern^t is not yet come, and I was doubtful whether that people (who are prone enough to throw of all Govern^t) would obey such a Proclamation knowing that I have not yet received my Commission.¹ It would be very well, if it were come, for at this time they are under no manner of Govern^t which is a great mischief to this Province, as well as to that; for if any servant here is dissatisfied, or any Soldier has a mind to desert, it is but crossing Hudson's River and they are safe * * *

My Lords; Your Lordships most
faithful humble servant

CORNBURY.

New Yorke
May the 29th 1703.

¹ Lord Cornbury arrived in New York as Governor of that province on May 3d 1702. His Commissions and Instructions, as Governor of New Jersey, were prepared in August of that year, but did not receive Queen Anne's signature until (the Instructions) November 18th and (the Commission) Dec. 5th. They did not reach him until the 29th July, 1703, as stated on Page 506; and not until the 10th August did he start for New Jersey, and enter upon the administration of his duties as Governor of the Province.—Ed.

Colonel Robert Quarry to the Lords of Trade

[From New York Col. Docts., Vol. IV., p. 1055.]

(Extract.)

Right Hon^{ble}

* * * That the Jerseys have been for a long time in confusion, having no Government, which makes them all heartily wish my Lord Cornbury's Commission for that province were come, that so they might be settled on a sure foundation, which as yet they never have been. The contests of West Jersey have always been betwixt the Quakers and her Majesty's subjects that are no Quakers. The Quakers though the far less in number have always been supported in the Government against the others over whom they have for many years insisted and tyrannized.

The contest in East Jersey is of a different nature, whether the County shall be a Scotch Settlement or an English Settlement. The Scotch have had for many years the advantage of a Scotch Governor, Colonel Hamilton. But it is the expectation of all that His Excellency My Lord Cornbury will reconcile all these differences—unite all interests, settle 'em on a sure foundation—make 'em all easy and happy; they have all a very great opinion and honour for his Lordshipp, which is a good stepp to that great worke * *

Right Hon^{ble} Your Lordshipp

Most obedient servant

ROB^r QUARY.

N. Y. June 16, 1703.

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