





ARCHIVES
OF THE
STATE OF NEW JERSEY

FIRST SERIES.

Vol. VIII.

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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DOCUMENTS

RELATING TO THE

COLONIAL HISTORY

OF THE

STATE OF NEW JERSEY,

EDITED BY

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VOLUME VIII.

COMPLETING THE ADMINISTRATION OF GOVERNOR
JONATHAN BELCHER.

1751-1757.

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NEW JERSEY
Colonial Documents.

Vol. VIII.—Part I.



NEW JERSEY
COLONIAL DOCUMENTS.

Memorial responsive to the representations made by those concerned in the disturbances in New Jersey.

[From Papers of Robert Hunter Morris in N. J. Hist. Lib., Vol. I, No. 84.]

NEW JERSEY.

[1751]

FROM *September* 1745 that Province has been under the greatest Disorders, and the Infection spreading and gathering Strength, in a Country, where, as the Lords of Trade have reported, "The People are, in a particular Manner, *by Principle, averse to kingly Government*, and have, *always*, taken *every* Opportunity "of *trampling upon the Authority of the Crown.*"

THE *State* of that Province is *thus* reported, by the Lords of Trade; "His Majesty's Province of *New Jersey* is, at present, in *open Rebellion*: and, *unless* some *speedy*, and *effectual* Measures are *soon* taken, "his Majesty's *Government, Laws, and Authority*, "not only in this, but in the neighbouring Provinces, "whose Inhabitants, for the most part, are but too "well inclined to receive the Infection, will, in all "Probability, be *absolutely destroyed.*"

AND, again, a second Time; "This Province is in a "State of *entire Disobedience* to all Authority of "Government and Law, attended with Circumstances "which *manifest* a Disposition to *revolt* from their *Dependance* on the Crown of *Great Britain.*"

THE *Pretences*, for the Rebellion on foot there, are, That the Right to the Soil of that Province is in the *native Indians*, and Persons claiming under them, and *not* in the Crown or its Grantees; that the Grants of the same, made by the Crown, are *fraudulent* and *void*, and that no Title is good, but that from the *Indians*; thus unhinging all Property there, denying the Rights and Prerogatives of the Crown, and setting up the *Indians* Right, in Opposition thereto.

THIS was a Doctrine broached, near fourscore Years ago, and at that time fully exploded, but now again revived, for the worst of Purposes; It is, in its own Nature, big with *every* Mischief to the King, and to the Subject: It overthrows all Government, Justice, and Property; and is more particularly dangerous, at *this Time*, when the natural *Enemy* so diligently watches for, and improves, every Incident, how minute soever, to inflame the Minds and poison the Affections of the *Indians* against the *British* Nation.

UNDER this *Pretence*, the Mob, great Part of whom have *no Title or Property at all*, either under the Crown, or the *Indians*, but are meer *Freebooters*, by Force and Violence, and in great Numbers, of *several Hundreds* of Persons, *in Arms*, enter upon, plunder and dispossess, whom they please, appoint *Captains* and *military Officers*, form themselves into *Companies* and *Committees*, levy and raise *Taxes*, burn, plunder, and destroy any Person's Property; and, as fast as any of them are sued, or taken up, for the same, break open the Gaols (which they have done a great Number of Times) take out the Prisoners in Triumph (even such as stand charged with *high Treason*) wound and abuse the King's Officers, and set all Government entirely at Defiance.

THIS could not have been done, but that the *Assemblies* there, have *favoured* these Rioters, for, after repeated Applications to them, time after time, to strengthen the Hands of his Majesty's Government,

and after laying before them the fullest Proofs of these continued Outrages, and the strongest Representations of the apparent, dangerous Consequences of the same, they have constantly refused *any* Assistance, and resolved, that they could not (in that wealthy Province) raise Money, even to guard the Goals, that some of the Rebels might be secured and brought to Justice, and Peace and Property be thereby restored.

IN *December* 1748 the Members of his Majesty's Council in *New Jersey* and also the Council of Proprietors there, thought it their indispensable Duty, to represent these Matters, by an humble Address, and a Petition, to his Majesty; and the Matter was referred to the Lords of Trade, who carefully examined into the same, and had prepared a full Report and Representation of the Affair.

THE Rioters, and those who acted for them here, well *knew* that the same was under such Examination, by his Majesty's Command, and therefore, contrived a *Scheme* to *prevent*, or *delay*, that Enquiry, and any Remedy in Consequence thereof.

FOR that Purpose, the *New Jersey Assembly*, on *19th October*, 1749, framed, and drew up a *Petition*, directed to his Majesty; the *first Use* they made thereof was, to *print* that Petition, at full length, and *publish* it, in their *Votes*, of that same Day, in order to keep up the Spirits of the Mob, by shewing that *they* patronised their Proceedings; and, when *that* end had been answered there, then, more than *two Months* after the Petition had been printed, it was sent for *England*, to be presented *at a proper Time*; it arrived here in *January* 1749; but was not *then* presented, for the Lords of Trade's Report had not *then* been fully settled; at length, in *April* 1750, when the Report was fully prepared, and transcribed for signing, *then*, the Assembly's Petition was lodged in the Council-Office, and was, soon after, referred to the Lords of Trade.

THE Lords of Trade thereupon stopt their Report, and immediately took the Assembly's Petition into consideration, and called upon the Assembly's Agent *to make out* any one Matter alledged in that Petition; but he desired to be *excused* from entering into any Discussion of the Merits, alledging that the Assembly's Instructions to him, were, *not to enter into Proofs*, but only to present their Petition.

ON 1st June 1750, the Lords of Trade made a very ample, and particular *Representation* to the Lords of the Committee of Council, of the State of the said Province, wherein the *Rise* and *Progress* of these Riots and Disorders, the *Pretence* for the same, and his Majesty's undoubted Right to the Soil, are most exactly set forth; and wherein, they summed up the whole Matter, and stated the Consequences, in the Manner *herein beforementioned*; and proposed *several Measures* to be taken for his Majesty's Service.

AND that Representation now waits the Consideration of his Majesty's most honourable Privy-Council.

THE Rioters, *then*, found themselves under a *Necessity* of using some *other* Means to prevent, or delay, the Justice, so long due to their Offences;

AND, in hopes thereof, in *October* 1750, *three long Petitions* from *New Jersey*, (without any *Date* to them) were lodged in the Council Office, of a *most extraordinary* Nature.

THE *first* of those Petitions is said to come from *Newark*, and Parts Adjacent, and (in Order to shew the *Numbers* of the Rioters) has above *four hundred* Names *put* to it; The *second* Petition is from *seven* Persons, *as a Committee* of those *same* Rioters, repeating much the *like* Matters; And the *third* Petition is from *one single Person*, on a Case which has no Sort of Relation to the present Disturbances.

IT may be *necessary* to mention, that those Petitions come through the Hands of the *Assembly's Agent*, who had *before* presented the former Petition from the

Assembly: That, although these Petitions were presented in *October*, and referred to the Committee, the Beginning of *December* last, yet, no Application has been made, to this Hour, to have the same taken into Consideration, or to have any preparatory Order made, nor has any Step been taken on the same; That, amongst the *Names* of the Petitioners, put thereto, there appear the Names of the *Chief Captain*, and of all the *Heads* and *Leaders* of the *Rebellion*, and of many Persons who stand legally charged with *High Treason for levying War against his Majesty*; such are many of the *Persons*, who presume thus to Petition his Majesty.

BESIDES which, the Names appear to have been wrote on blank, loose Sheets of Paper, now wafered together, and it may manifestly appear, on Inspection of the *original* Petition (now on the Council Table) that whole Columns of Names thereto, are all wrote, by one and the self-same Hand.

IN their Petition they *acknowledge* their *Guilt*; but, in Excuse, *pretend* some *Grievances*, (which *always* is the *Pretence*, made use of, in every Rebellion, and which *Grievances*, of their own Shewing, come out to be no other, than that his Majesty's oppressed Subjects fly to the *Laws* and *common ordinary Justice* of the Country, for relief, against these Invaders); their Petition is full of the greatest Untruths, and Indecencies (*for which Reasons* they never applied to have it brought on;) they own they did *not accept* of one *Pardon*, which the Governor gave them; and they *pray*, in one and the same Instant, that his Majesty, will give them *another Pardon*, for their Treasons, and will *redress* their (general) *Grievances*; by which, they mean, that his Majesty would stop the ordinary Course and Administration of Justice, and permit those Rebels to introduce their own Power for deciding of all Property by their Club Law.

AS to their Pretence of *Grievances*, it may be proper to quote the *declared Opinion* of the *whole Legislature* in *New Jersey*, as contained in an *Act* (mentioned in the *Lords of Trade's Representation*), which the *Assembly* past, "*for avoiding Actions of Slander, and for Stay of Proceeding in other civil Actions, against the late Rioters, viz.*

"WHEREAS, within three Years last past, *many and great Riots and Disorders* have been committed, within this Colony, by *Multitudes* of People, on Pretence that they laboured under *Grievances and Oppressions*, and whereas the *several Branches* of the Legislature, at their present Session met, and assembled together, *heartily disposed to enquire into the said Grievances and Oppressions, and to give Relief therein*, as far as in them lay, upon mature *Deliberation*, do not find but *the Matters complained of are remediable in his Majesty's Courts of Justice*, of Law and Equity, which are open to all, and to which *the Complainers might have Recourse.*"

BUT those Petitioners are still *so hardy*, that in the same Petition, whereby they would pray the King's *Pardon*, they have the uncommon Boldness to assert, and maintain their *Right* to the Soil under the *Indians*, in *Opposition to his Majesty's Right*.

IT might reasonably be imagined, from some *other Expressions* in their Petitions, that the Rioters, when praying for a *Pardon*, would, at least *then*, desist from their former Practices, but no such Matter is by them done, or intended; but, very far otherwise, for upon the 1st of *December*, 1750, (which *must*, of Necessity, be *three Months*, at least, *after* they had sent Home their Petition for a *Pardon*) the *Rioters Collector* demanded Payment, from one *Tun's Spire*, of a Sum of Eleven Pounds three Shillings, which *the Committee of the Rioters* had assessed upon him; and upon *Spire's* refusing Payment, their *Collector* told him, that *the Committee of the Rioters*, had agreed, and *determined*,

that *whoever* did not pay *their Assessments*, should be *turned out of their possessions, and lose their Lands*, and which, *he* must expect, if *he* did not pay *his Rate*.

BUT, not to enter, more minutely, into the Matter of those Petitions, whenever those Petitioners, or their Agent, sent over on Purpose, shall think fit to make any Application on their said Petitions (but which they have not yet done) there is no doubt but his Majesty's Privy-Council, will *then* do what shall be proper, with Respect to the same.

BUT, in the mean Time, for the Sake of extinguishing the present *Rebellion in New Jersey*, saving the Province, and preserving his Majesty's Authority there, and the Laws and Justice, Peace and Government thereof, and for the Sake of preserving his Majesty's loyal Subjects, and their Lives and Properties, which, at present, are at the Mercy of those lawless Rebels,

IT is humbly prayed, that those Petitions, brought in, merely to obstruct and delay, and never prosecuted, but deserted, by those Petitioners, may *not* have the intended Effect, to prevent the Applying such *speedy* and *effectual* Measures, as may be judged expedient, in a Case of such very high Importance to his Majesty's Sovereignty in *America*.

*Letter from Governor Belcher to Benjamin Franklin
about an electrical apparatus.*

[From Belcher Papers in Massachusetts Hist Soc. Library.]

ELIZA: TOWN Dec 18: 1751

Sir

I duly rec^d your kind Letter of 28 Nov with the Direction about the Electrical Operation & the box with the Electrical Apparatus came to my hands the

16 Curr' & I am sorry to Inform you that when I came to open it the Glass Globe was broke all to pieces I suppose by the rough Convey^a of it (in a Waggon) from Burlington hither. This is a great misfortune to me in the delay of what I desired to be done.¹ I have tryed to get another at New York without Success—can you Sir, put me into any method to repair it.

* * * *

Your assured Friend & Serv^t

MR FRANKLIN

J BELCHER

Letter from Governor Belcher to Lord Halifax, in relation to his objections to the appointment of L. M. Ashfield to be one of the Council.

[From Belcher Papers in Massachusetts Hist. Soc. Library.]

ELIZABETH TOWN Dec. 18, 1751

My Lord

* * * *

I have lately wrote to the Lords of Trade &c. (at which Board your Lordship presides) respecting the King's Mandamus for M^r L. M. Ashfield being one of the Council here that I hope your Lordship will be perfectly satisfyd with the reasons I have given for not Admitt^e that young Gentⁿ while he has been so flagrantly fly^e in the face of His Majesty & of His Gov^r.

And yet I have no doubt but that his Uncle M^r R. H. Morris will endeavour to colour & palliate his Nep^{ws}

¹ Electricity had been recommended by Dr. Franklin as a cure for the Governor's paralytic disorder, which was manifested chiefly in tremulousness. He consulted Dr. Cadwallader by letter on the 7th October as to its being advisable, in which letter he informs him that on the succeeding 8th January he would be seventy years old, and giving him some account of his habits, states that he drank "besides water and small beer about half a bottle of old Madeira a day."

bold & impudent misconduct but his Arts & colour^{es} I hope will cast no mist before your Lordships eyes & that I may intirely depend upon your Lordships justice & Candour for Approveing all I have done in that matter.

J. BELCHER

*Letter from Governor Belcher to Colonel Brattle
—about the non-success of his electrical cure—Mr.
Pemberton's not going to England, etc.*

[From Belcher Papers in Mass. Hist. Soc. Library.]

ELIZ: TOWN (N J) Jan 18 1752

My good Fr^d

I had in due Course Answered y^{rs} of 2^d of Sept but that I was will^g first of all to make some trial in the new philosophical Experim^t of Electricity w^{ch} I have lately done once & again & at present without any success however I intend to persevere in this matter as I find no inconvenience from it and what you say upon it as to braceing the Nerves makes me the more fond [of] it.¹

You have doubtless long since heard that the design of Mr Pembertons going to great Britain in fav^r of our Embryo College prov'd abortive and this happend from the strong opposition his people at York made against his going nor wou'd any thing persuade them to part with him & this at present seems to be a great frown of Providence upon our little Seminary for by Letters M^r Presid^t Burr has lately reced from Scotland Our Fr^{ds} there are daily expecting some such Person from us to make Application for the benevolence of the

¹ Under date of January 20th, Gov. Belcher informs Dr. Franklin of his intention to persevere with his electrical remedy, but as he could have the use of an instrument belonging to Mr. Burr, he returned his apparatus with many thanks.

Kirk of Scotland till our Trustees meet I cant say what may be the next step in this Affair.

If the peace holds with France I doubt not but your Eastern Neighbours will Continue theirs with you but shou'd it be Otherwayes you must expect they will be playing their old game.

I am fully in opinion with you that had the Act of Parliam^t intirely Damnd all paper Currency in His Majestys American Dominions it had in the end been a more Salutary Act to all His Majestys good Subjects tho' as it is it has put that matter in a much better Situation than ever it has been since a paper Currency became fashionable. * * * *

I am Sir

Your Frd & Most Humble serv^t

J. BELCHER.

*Letter from Governor Belcher to Colonel John Alford
—about the prospects of the College.*

[From Belcher Papers in Mass. Hist. Soc. Library.]

Jan 21 1752

MR ALFORD

My worthy Friend (Extract)

* * * * I thank God & thank you for the generous & Noble Example you have set at the head of a subscription in favour of our poor College¹ w^{ch} crawls along but very slowly if we can by the favour of Heaven get wherewith to build a proper House & to support the President & two Tutors I am well satisfied this Seminary wou'd be a great Blessing to these parts of America & in time would be more probable to furnish Missionaries to the Heathen Nations than any other of our Colleges. * *

Your Friend & serv^t

J. BELCHER

¹ A donation of £100. (See Stearns' First Church in Newark, pp. 186-188), Note.—
ED.

Letter from Governor Belcher to Mr. Walley—deficiency in the Treasury, the new College, etc.

[From Belcher Papers in Library of N. J. Hist. Soc.]

Mr Walley

ELIZ TOWN Jan 21 1752

[Extract.]

“Altho’ I stand well wth the Assembly & with the people of this Province yet the publick Affairs here are much perplext from a wide difference subsisting between the Council & Assembly about a Tax Bill & one for the Support of Govern^t by w^{ch} means no money has been supplied to the Treasury for about 2 years & a half past & I wish I was able to guess when those two Branches of the Legislature may coincide upon what I have mentioned.

As to Our poor Infant College the well Concerted design of M^r Pembertons going to Great Britain thro’ an unaccountable & unreasonable opposition his people made to it has prov’d abortive & this I look upon a Considerable frown of Providence & the more so since M^r Pres^t Burr has lately Let^{rs} from thence giv^g us great reason to expect the Charity & bounty of the Kirk of Scotland in Case some suitable person was there to appear in our fav^r!

And what will be the next step in the matter I can’t say till our Trustees have had a meet’g.

* * * * *

I am very sorry for the great difficulties & distresses your Trade is reduced to the Acco^t whereof I have from many of my friends but may it not be some ease for your General Court to make an Emission of paper Currency conformable to the Act of Parliam^t: indeed considering the wild vagaries the Colonies had

run into of Stamping paper for money it was doubtless high time for the Legislature of Great Britain to lay some restriction."

J BELCHER

Message from Governor Belcher to the Legislature of New Jersey.

[From Belcher Papers in Library of N. J. Hist. Soc.]

Gentle^m of the Council & of the General Assembly

You are well knowing that it is now going on of three years since any Supply of money has been made to the Treasury of the Province and which you must be sensible is a great dishonour to His Majesty's Govern^mt as well as a great hardship on all those that have demands upon the Province and the longer things Continue in such a situation it must necessarily bring on a greater weight of Tax upon the good people of the Province.

My Duty therefore to the King together wth a Tender regard for those Committed to our Care and my Concern that the Officers with all the other Creditors of the Province may have Justice done them require your more frequently meeting than I cou'd otherwise wish.

Gentle^m of the General Assembly

To prevent for the future the danger & difficulties w^{ch} must be the Consequence of what I have said I hope you will diligently apply yourselves to the passing of a Bill for the Support of Government and for the payment of the publick debts and another Bill for the laying a Tax for raising money to Answer those good purposes.

Gentl^m of the Council & of the general Assembly

I hope you are now come together with a publick spirited resolution to become p^rfect strangers to any Animosities or differences among yourselves in the Articles I have laid before y^o but that you will proceed in all your debates and Considerations with a single Aim at the Welfare and prosperity of the Province w^{ch} will render y^o worthy of the honour of being call'd the real Father of y^r Country.



P. AMBOY Jan 28 1752

Letter from Robert Hunter Morris to the Lords of Trade—relating to the Constitution of the Council of New Jersey.

[From P. R. O. B. T., New Jersey, Vol. 6, G. 99.]

Letter from Robert H. Morris Esq^r Chief Justice of New Jersey to the Lords of Trade dated London Jan^{ry} 30th 1752 relating to the State of the Council in that Province and the persons recommended by him.

London Jan^y 30th 1752

My Lords

With this I take the liberty to send Your Lordships the Printed Votes of the Assembly of New Jersey in their last Sessions. extracts of the Journalls of the Council in their Legislative capacity, some Clauses of

a Bill calld the Support Bill, proposed by the Assembly and some amendments made thereto by the Council.

I find in the votes of the Assembly of October 23^d, a Memoriall from about four hundred and thirty of the inhabitants of the western Division; Setting forth, That by unalienable Privileges granted by the Proprietors to their forefathers, By the terms made at the surrender of the Proprietary Government, and By the Kings Instructions, they were entitled to have an equall number of Councillors for each of the Divisions of the said Province; That of late but four out of twelve had been appointed for the western Division, That the places of two of those becoming vacant were filld by two Gentlemen of the Eastern division, and Desiring the Assembly to Interpose.—Upon this Mem! Your Lordships will give me leave to observe, That the number of signers (tho' great Pains were taken to have as many as possible) are not a twentyth part of the men in that Division.—That as to the unalienable Privileges I am extremely at a Loss to know what they Mean, never having heard of any such during the Course of My acquaintance with the Affairs of that Province. Indeed, the Proprietors of both the Provinces of East and west Jersey, thinking they had all the Powers of government in themselves, undertook by Instruments in writing to form Political Constitutions for their Respective Provinces; but those forms were so defective in themselves, and not being at all Calculated for the government of a people, so turbulent and factious as those of New Jersey have ever been, did not answer the end proposed, for many disputes arose Concerning the Right of Government, which were Carryd to a great highth, and made that Country a scene of confusion & Rioting for many years before the surrender, in so much, that the Crown was about to interpose and seize the Government into its own hands, as the Proprietors were not only incapable of Carrying it on, but had divided & subdivided

it in such a manner as gave room for endless contentions; and it was to prevent such Interposition that they made a surrender of all their Powers of Government to the Crown, reserving to themselves and those claiming under them, only the soil and what properly appertained to it.—Immediately upon the surrender, the two Provinces of East and west Jersey, were united into one Governm^t, of which they became the two divisions, but the Line of Property—between em was then unsettled, tho a deed for that purpose had been long before Executed by the Prop^{rs}; Yet as an Act of the Legislature was necessary to adjust that matter, It was Judged proper that the members of the Councill and Assembly, should be drawn equally from both the divisions, that no Injustice might be done to either in the settlement of that Line, and this it was that induced the crown to direct, that the members of the Assembly should be equal for each division, and that an equall number of men should be recommended for Councillors, and while that reason subsisted, the equality was kept up in the Council, as well as in the Assembly; But in the year 1719 an Act was passd for running and Ascertainig the Line of Partition between the Eastern and Western divisions of New Jersey, which is extremely full, not only for settling that line, but every dispute that can arrise concerning it, or between the two divisions; and as that act has Received the Royall Approbation, nothing now remains to be done in that Province, that Can make an equal division of the Legislature necessary; and from that time, the governors have recomended Councillors, without much regard to the places of their residence, and as no inconveniency has ever arisin, or indeed can arise from this practice, so no Complaint has ever been made, till this now under Consideration, and it is plain that this took its rise from the disappointment of the Gov^r and the two men he had recomended.—But further,—His Majestys Instruction is that the Gov^r

shall return the names of twelve persons that he esteems best qualified for Councillors, whereof six are to be of the Eastern, and six of the western Division; but tho' this Instruction may be obligatory on a Gov^r, yet it can by no means be esteem'd binding on his Majesty, or be Construed to tie him down to appoint those only so return'd, or an equal number in each division, when the reason for that equality has been so long at an end.—But, should it be thought the Royall intention to have an equall Number of Councillors for each Division, that Intention I humbly concieve is not broke in upon by the Late Appointments, as suggested in the Mem^l there being at this time no less than seven Councillors of New Jersey, qualified to be members for the western Division, Viz. John Reading, John Rodman, Richard Saltar, Thomas Leonard, James Alexander, And^w Johnston, and myself, the four first have not only estates in that Division, but Actually Reside there; M^r Alexander and myself have large freeholds in that division, as well as the other, and at present reside in Neither, which makes no Difference, as every man is in Law an Inhabitant where his freehold is; and And^w Johnston tho' he resides in East Jersey, yet is he a Considerable freeholder and one of the Gen^l Proprietors of the western Division.

By the Journalls of the Council I find Gov^r Belcher has Refused to Admit M^r Ashfield of the Council for that province, for some expressions he is said to have used concerning the *Kings Laws*; upon which I beg leave to say, that when I had the Honour to recommend M^r Ashfield to your Lordships for that station, I esteem'd him a man firmly Attach'd to his Majestys person and government, of good life and Character, and over that would steadily support the Authority of the Crown, against that turbulent and factious spirit so prevalent in that Province; and I am still in hopes upon a full enquiry, he will Appear to be the Man I have represented him; As to the Matter laid to

his Charge he positively denys it, and I take the Liberty to lay before your Lordships several Affidavits relating to that affair, and Humbly submit the whole to Your Lordships Consideration, with only observing, that it may be of dangerous consequence to Countenance, a Gov^r in a disobedience to his Majestys express and positive Commands, Let his reasons for it be what they will; for, if a Gov^r has a right to Judge of the fitness, or unfitness of the Royall orders, and to execute 'em or not as he thinks proper, the people there Cannot have the benefit of his Majestys Justice, further than a Gov^r pleases, which will be depriving them of what they Justly esteem their Greatest Security.—Had M^r Ashfield been convicted of what he was only Accused, it might have been a good reason for suspending him after Admission, but the bare Accusation of a rash expression, used (if at all) when provoked, and probably when in drink, without any Previous enquiry, seems to be hardly sufficient to Justify a disobedience to his Majestys Positive Command. His Excellency is Pleased to be very Angry with the Councill, for desiring him on this Occasion to shew what powers he had, that gave him a right to dispense with the Royall orders. But as the Council are a Branch of the Legislature, as well as a Court of Errors, and have a right to the Assistance of those persons that the King appoints, they must in Consequence have a right to know why such persons are hinderd from giving that assistance, And notwithstanding his Excellencys warmth in this Affair, I imagin the Council had a right to go much greater lengths than they did, as it is a doubt how far their acts are good, either in their Legislative or Judicial Capacity, while any of their Members are hinderd from Assisting.

Your Lordships will observe in the Journalls of the Council as a part of the Legislature, (which are publick and to which every body has a right to have

recourse) there is enterd at large a paper sent them by the Governor, which appears to be the Resolutions of a Committee of his Majestys Council, upon a Report from your Lordships Board relating to the Affairs of New Jersey, This paper I find has been sent not only to the Governor, but to the Assembly, and has got into the Hands of the Rioters, who esteem it no less than a determination of the Kings Ministers in their favour. And it has so elated the Assembly, that in the bill proposed by them for the support of the Government, they put severall clauses in favour of the Rioters, and not only deny'd the Councils right to Amend that Bill, but tore the Amendments from it, and Applyd to the Governor to pass the Bill without the Councils consent; which is going greater lengths, than even a Jersey Assembly ever Attempted to go before.

I thought it my Duty to lay these Matters before Your Lordships, and Have the Honour to be

My Lords Your Most Obed^t

And Most Humble Serv^t

ROB^t H: MORRIS.

Memorial from Richard Partridge, Agent for New Jersey, to the Lords of Trade—relative to the state of the Council in that Province.

[From P. R. O. B. T. New Jersey, Vol. 6, G. 94.]

To the Lords Comm^{rs} for Trade and Plantations

The Memorial of Rich^d Partridge Agent for the Province of New Jersey

Humbly Sheweth

That the Soil & Governm^t of the said Province were granted by K: Charles the Second to his Brother James Duke of York & by him to John L^d Berkeley & S^r Geo.

Carteret & by them to under Proprietors who entered into concessions and agreements with the first Settlers and for certain considerations granted them divers Unalienable Privileges by virtue of which our forefathers were induced at a great hazard & expence to cultivate & Improve this then Wilderness Country That the Province becoming very early by an Agreement between the Proprietors two distinct Governments by the names East & West New Jersey each wth a separate Governor, Council and Assembly and with different priviledges Independent on each other as such were separately cultivated & improved under different Governm^{ts} & Interests & continued in this situation many years

That in the Year 1702 by an Agreement among the Proprietors of each Division the Powers of Governm^t were Surrendered up to the Crown but the Privileges the Proprietors had in virtue of the right of the Crown conveyed to the first settlers remained, And were confirmed to them and their Posterity, And the said Provinces became united under one Government

That in pursuance of the terms of the said Surrender And Conformable to the said granted Privileges the King in his Instructions to all the Governors ever since has (as we are Informed) strictly commanded that the number of the Gentlemen of the Council in each Division should be equal the reason & necessity of which is plain that as it is an Instruction to the Governors to take the Advice of Council in the Nomination of the several Officers of the Governm^t & which are to be appointed not only in the different Divisions but in different parts of those Divisions that the Gentlemen of the Council should be acquainted with the Persons in the several parts of the Province that they are to be consulted about It being Impossible that those appointed in the Eastern Division should be properly Acquainted with persons fit for Officers in the

Western Division which is in Several parts more than a hundred miles distant and the recommending unsuitable persons to Offices of Trust in the Government cannot but be looked upon a great oppression & Injury to the people besides the Gentlemen of the Councils' residing in different parts of the Province will enable them to inform the Governor of the circumstance of that part where they reside, Of the Nature of Complaints against Officers in all parts of the Province, And of other matters that may come before him in Council, And as the Council is entrusted with a great Share of the rights & Priviledges of the People & the Interests of the Two Divisions are in some cases different from each other the Inhabitants of either Divisions must consequently be unequally represented at that hon'ble board whenever the Numbers from each Are unequal

That for several years past but four Gentlemen out of Twelve have been Appointed in the Western Division And the places of two of these lately becoming Vacant are now filled as we are Informed with Two Gentlemen in the Eastern Division which there is reason to Apprehend was done from the recommendation of Private Gentlemen of the said Division without any previous Application to the Governor or knowledge of his, tho' the Governor being on the Spot & well acquainted with the People and having as we are Informed the Kings Strict commands for that purpose was not wanting in his duty to the King & Province in recommending Suitable Persons agreeable to his Instructions So that of twelve Gentlemen of the Council there is now but two appointed in the Western Division Nine of the said Gentlemen living and having their Estates principally in the Eastern Division & one contrary to all precedent & the Kings Strict commands residing at New York—As these are well known Matters of Fact in themselves obviously injurious & unequal and Contrary to the Rights and Priviledges

granted to Our fore-fathers & their Posterity so we are well assured from the whole Tenour of Our most gracious Sovereigns just & equal Administration distinguished by every mark of goodness to us his faithful Subjects they would soon be redress'd if duly represented to the Kings Ministers for which reason we Pray the Honourable House will take the Important premises into Consideration & pursue such Measures for our relief therein As shall be thought most consistent with our Duty to the King & the Interest of the Province

Message of Governor Belcher to the Council and Assembly—on the passage of a Bill for the support of the Government.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

P. AMBOY, Feb 12 1752

Gentlemen of the Council & of the General Assembly.

I observe with much Satisfaction not only the Alacrity & dispatch but the good Agreement and Harmony wth w^{ch} you have gone thoro' the business of this short Session of so much Importance to the honour & Interest of His Majesty's Government as well as to the Establishment of Justice and of peace and good order in the Province.

I therefore in the first place thank you Gentⁿ of the general Assembly from whom the Bill for Support of Governm^t and for laying a Tax to pay the Charge thereof must naturally spring.

And in the next place I thank you Gentⁿ of the Council whose Concurrence with the Assembly is necessary before it can come to me to pass into a Law.

Gentⁿ I cou'd have wished this Bill had been further extended for you must be sensible whenever there is an empty Treasury my Duty to the King in a just regard to His Government and people oblige me to be calling you together more frequently than I cou'd wish as it necessarily multiplies Charge upon the People and may sometimes incommode your domestick affairs however I wish what you have now done may be the forerunner of lasting Tranquility to this Government & people. And as you are now returning to your places of abode I hope you will in your several Stations put the Salutary Laws of the Province into good Execution against all sorts of Immorality & flagrant disorders so shall you not only become a "Terroure to Evil doers" and a praise & encouragement to those that "do well" but you will also in such a way draw down Blessings from Heaven on this people & on yourselves and Families to each of w^{ch} I wish y^o in safety and with much Prosperity in all y^r private affairs.

J. BELCHER

Letter from Governor Belcher to his nephew, Mr. Foye—about the transactions of the legislature just closed.

[From Papers of Gov. Belcher in Library of N. J. Hist. Soc.]

ELIZ TOWN Feb. 14 1752

MR FOYE

Sir (Extract)

I yesterday returned from a 14 d^s Session of the general Assembly at Amboy w^{ch} has been the most Comfortable and peaceable of any since my coming into the Governm^t the Council & Assembly passing

in each House (¶ a great Majority) a Bill for the Support of Government and in the same Bill Levying a Tax to raise money for the discharge thereof to the 21 of Nov^r next—this I say is a great satisfaction to me who have been living near 3 years by running in debt & paying the Lawful Interest of 7 ¶ Ct for some large Sums but if God shoud spare my life to Nov^r next I hope to make my Bread and Cheese more than Even in these parts.

J. BELCHER.

His Majesty's order in Council for the improved Government of the Colonies.

At the Court at S^t James's the 11th Day of March
1752.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY L^d President E^l of Jersey M^r L^d Chamberlain L^d Privy Seal E^l Cholmondeley M^r Ch^r of the Exchequer L^d Chamberlain E^l Buckinghamsh L^d Ch Justice Willes Duke of Athol E^l Harcourt. S^r John Rushont Duke of Newcastle L^d Berkeley of Stratton S^r John Ligonier E^l of Holderness L^d Cornwallis S^r George Lee.

His Majesty having taken into His Consideration, the flourishing State, and condition of the Manufactures, Trade, and commerce of these Kingdoms, and also the State and Condition of his Colonies & Planta-

tions in America and Elsewhere, With Respect as Well to their Trade & Commerce as to their Civil Policy & Government. And Whereas it doth Appear to His Majesty, that the Said Colonies & Plantations have of late Years been greatly Improved, the Wealth of His Subjects much increased, and the Navigation of these Kingdoms extended, by the Mutual Intercourse between Them and the Said Colonies & Plantations, and by the Trade & Commerce Arising therefrom; and His Majesty being sensible of how great Importance it is to His Crown, and Government, and how much it Will contribute to the Satisfaction, Convenience and Advantage of His Subjects. That all due care be taken, and proper & necessary Regulations made for the further Improvement, and Extension of the Manufactures and Commerce of these kingdoms, and for the Encouragement, Protection & Security of the said Colonies and Plantations, His Majesty is therefore Graciously pleased, with the Advice of His Privy Council, to order, and it is hereby Ordered, that the Lords Commissioners for Trade & Plantations do, with all Diligence, care, and Concern Apply Themselves, to a faithfull and Vigorous Execution, and discharge, of all the Trusts & Powers vested in Them, by Their Commission Under the Great Seal, and Whereas nothing can more effectually tend to the Peace, Welfare, and good Government of the Said Colonies and Plantations, Than the Appointment of Able, Discreet, and prudent Persons, to be Governors, Lieutenant Governors & other Officers, and Magistrates: It is therefore hereby further ordered, that the said Lords Commissioners for Trade & Plantations do, from time to time, as vacancies shall happen by Death or Removals, present unto His Majesty in Council, for His Approbation, the Name or Names of Such Person or Persons, as the said Comm^{rs} from the best of their Judgment & Information, shall think duly qualified to

be Governors or Deputy Governors, or to be of His Majesty's Council or His Council at Law, or secretaries in the respective Plantations; and Likewise to present to His Majesty for his Approbation, the Names of all other Officers, which have been, or may be found necessary for the administration of Justice, and the Execution of Government there, excepting only such as are or may be appointed for the Direction and Regulation of His Majesty's Customs and Revenues, and Such as are or may be under the Directions and Authority of the Lords Comm^{rs} of the Admiralty; and when any Person or Persons shall have been approved by His Majesty in Council; for any of the abovementioned Offices, the said Lords Commissioners Shall (unless His Majesty shall otherwise direct) prepare and make out proper Draughts of Such Commissions, Warrants or Instructions, as may be thought necessary to be given to Such Officers, in order to be laid before His Majesty in Council for His Royal Approbation and when any Person or Persons shall be presented to His Majesty for any of the other Offices of an inferior nature not judged necessary to be laid before His Majesty in Council, and yet shall have otherwise received His Majesty's Approbation The Said Lords Commissioners shall in those Cases (unless His Majesty Shall otherwise Direct) prepare and make out proper Draughts of Commissions & Warrants necessary to be given to Such Officers, in order to be laid before His Majesty for His Royal Approbation Accordingly; and it is hereby further ordered, that the Said Lords Comm^{rs} for Trade and Plantations, do Execute and perform all other Things necessary or proper for answering the Intentions of their said Commission; and Whereas the Governors of all His Majesty's Colonies & Plantations in America more immediately under His Majesty's Government, are in particular Cases, as well as in general directed by His Majesty's Instructions to transmit unto His Majesty, by One of His Principal Secretaries

of State, and to the Commissioners for Trade & Plantations, Accounts from time to time, of all their Proceedings, and of the condition of Affairs within their respective Governments; And Whereas it will tend to the Benefit of the Said Colonies, the Ease and Convenience of His Majesty's Subjects, and the greater Regularity and Dispatch of Business, if the Correspondence be Confined to, and pass through but One Channel; It is therefore further ordered, that the said Lords Commissioners do prepare the Draught of an Additional Instruction to be sent to the Governors of all His Majesty's said Colonies and Plantations respectively Signifying His Majesty's Pleasure, that in all Cases, wherein by His Majesty's Instructions they are Directed to transmit any Particular, or general Accounts of their Proceedings, or of Matters relative to their Governments, They do, for the future, transmit the Same to the Lords Comm^{rs} for Trade & Plantations, Only, in order that they may be laid before His Majesty, Provided nevertheless, that whenever any Occurrences Shall happen, Within their respective Governments, of such a nature and Importance, as may require His Majesty's more immediate Directions by One of His Principal Secretaries of State, and also upon all Occasions, and in all Affairs, Whereon they may receive His Majesty's Orders, by One of His Principal Secretaries of State, the said Governors Shall in all Such Cases, transmit to the Secretary of State only, an Account of all such Occurrency's, and of their Proceedings relative to such Orders And it is hereby further ordered, that a Copy of this order be transmitted to the said Lords Commissioners for Trade & Plantations, to be Entered upon the Books of the Plantation Office, and that the Said Commissioners do likewise transmit Copies thereof to the Governors of His Majesty's Colonies and Plantations respectively to the End that all Persons Concerned may Govern Themselves Accordingly

W. SHARPE.

*Additional instructions to the Colonial Governors—
relative to the revision and transmission of their
laws.*

[From P. R. O. B. T. Plantations General, No. 39, Ent. Book K, p. 291.]

Additional Instructions to Our Trusty and
Wellbeloved¹ ———

Given at Our Court at S^t James's the 12th day
of March 1752¹ in the twenty fifth Year of
Our Reign.

Whereas many of the Laws heretofore passed in Our Colonies and Plantations in America respectively, have from time to time, been either entirely or in part repealed, and others of them are expired, altered, amended or explained by means whereof Persons not well acquainted with the said Laws may be led into Mistakes and great Prejudice and Inconvenience may arise, to Our Service. And whereas nothing can more effectually tend to promote Order and good Government, secure the Properties and Possessions of Our Subjects, and prevent Litigious Controversies and Disputes than a Clear and well digested Body of Laws, it is therefore our *Will and Pleasure*, and you are hereby required, and directed jointly with Our Council and the Assembly of Our Island of Jamaica, under your Government, forthwith to consider and revise, all and every the Laws, Statutes and Ordinances which are in force within Our said Island, excepting only such as

¹ A like instruction, *mutatis mutandis*, was sent to Henry Grenville, Governor of Barbadoes, William Matthew, of Leeward Islands, John Tinker, of Bahamas, William Popple, of Bermuda, William Glen, of South Carolina, Gabriel Johnston, of North Carolina, Jonathan Belcher, of New Jersey, George Clinton, of New York, Wm. Shirley, of Massachusetts Bay, Benning Wentworth, of New Hampshire, Edward Trelawny, of Jamaica.

² Order of Council approving of those instructions, April 14, 1752.—Ed.

relate to private Property, or are otherwise of a private nature, and in lieu thereof to frame and pass a complete and well digested Body of new Laws, taking especial care, that in the passing of each Law, due Regard be had to the Method and Regulations prescribed by our Instructions to you, and that no Law of any kind whatever, making a part of such new Body of Laws, be passed without a Clause be inserted therein, suspending and deferring the Execution thereof, untill Our Royal Will and Pleasure may be known thereupon. And it is our further Will and Pleasure, that when the said new Body of Laws shall have been so framed and passed as aforesaid, you do forthwith transmit each Law seperately under the Seal of Our said Island, together with very particular Observations thereupon, to Our Commissioners for Trade and Plantations, in order to be laid before Us in Our Privy Council for Our Approbation or Disallowance.

Report of the Lords of Trade to the Lords of the Privy Council, relating to the improper Publication made in New Jersey of an Order of their Lordships, and to some Proceedings of the Assembly of that Province.

[From P. R. O. B. T. New Jersey, Vol. 15, p. 365.]

To the Right Hon^{ble}: the Lords of His Majesty's
most Hon^{ble}: Privy Council.

March 12th 1752

My Lords.

Robert Hunter Morris Esquire, One of His Majesty's Council & Chief Justice of the Province of New Jersey in America, hath lately laid before Us, amongst other

Papers relative to the State of Affairs in that Province, an extract of the Journals of the said Council transmitted to him by M^r Alexander, a Member thereof, by which it appears that on the 3^d of October last, the Speaker laid before the House a Paper, from the Governor which was read, and being enter'd at length upon the said Journal, appears to be a Copy of an Order of the Lords of the Committee of His Majesty's Council for Plantation Affairs, made in consequence of Our Report to their Lordships upon the State of Affairs in that Province, dated the 1st of June 1750. M^r Morris likewise laid before Us an Extract of a Letter from the said Alexander to him, dated at New York, the 27. of October 1751, in which, speaking of the Journals of the Council, he acquaints him, "That "the report of the Lords of the Committee enter'd "October 3^d came from M^r Partridge, Agent to the "Province, to the Assembly, and instead of being "against them, they look'd upon it as a Conquest, or "that the matter was hung up for ever, and in the "mean time were determin'd to crush those who had "complain'd of them"

We thought it Our Duty upon this Information to call M^r Partridge before Us, who has acknowledged that thinking it his Duty to inform his Constituents of whatever pass'd here relative to the Affairs of the Province, and conceiving that the aforementioned Order of the Lords of the Committee of Council was final, and of a publick Nature, he did obtain a Copy of it, and transmitted it to the Province: And We find by an authentick Copy of the Journal of the Council of said Province, lately transmitted to Us by M^r Belcher His Majesty's Governor, that on the 3^d of October 1751. the Speaker laid before the House in a Legislative Capacity, from the said Governor a Copy of the said Order, which is enter'd at large upon the said Journal.

We must further beg Leave humbly to inform your

Lordships that it appears from the Votes of the Assembly of the said Province transmitted to Us by the said Governor that on the 15th of Octo: 1751 the said Assembly pass'd a Bill for the support of the Government for one year, and sent it up to the Council, who, on the 21st, return'd it with some Amendments; That the Assembly not only rejected these Amendments, but separated them from the Bill, and came to a Resolution to send it up to the Governor, returning the Amendments to the Council with a Message, setting forth "that as they were of no use to them, they knew
"of no other method than returning them, keeping
"the Bill in order to be presented to the Governor by
"the hands of the Speaker, which they did in conformity to that august House of Commons of England and the ancient Practices of the Assemblies of
"New Jersey; that their first sending the Bill to the
"Council proceeded from that spirit of complacency
"and hearty desire of doing every thing in their Power
"to propagate a good Harmony among the Branches
"of the Legislature, & that, considering the present
"unhappy Circumstances of the Colony, they were
"willing to suspend some of their Priviledges, when
"that Conduct seem'd most satisfactory to the Council," but the Bill returning with such a Train of Alterations to the Substance thereof sufficiently convinced them that the yielding their Privileges, was not the way to establish Harmony, therefore they return'd the said proposed Amendm^{ts} to the Council, to whom they seem'd most properly to belong and retain'd the said Bill in order to present the same by the hands of their Speaker, to the Governour, to be by him laid before the Council.

It appears however from the said Votes that the Governor refused to receive the said Bill so sent up to him by the Assembly, and that the Assembly thereupon sent it to the Council, that they might consider

whether they ought to recede from or adhere to their Amendments, and upon the Council adhering to their Amendments and desiring a Conference, the Assembly unanimously resolved that the Council had no right to amend a money Bill, and therefore they refused a Conference.

We must here observe to your Lordships that this Claim of the Assembly to exclude the Council from making any Amendments to money bills was constantly urged by them during the Administration of the late Governor, but as His Majesty has never allow'd of such a Privilege in the Assemblies of other Provinces, this Board upon all such occasions earnestly recommended to the said Governor to continue a vigorous Opposition to such unwarrantable Pretensions.

As some of the Facts abovemention'd relate to the improper publication of an Order of your Lordships, and the Proceedings in the Province of New Jersey appear to Us greatly to affect the future peace of the said Province, the State of which has been lately under the Consideration of your Lordships, We thought it Our Duty to lay these matters fully before your Lordships.

We are &c.

DUNK HALIFAX FRAN: FANE
J: PITT JA: OSWALD.
C. TOWNSHEND.

*Letter from Governor Belcher to Mr. William Morris
—about the establishment of a Library at Trenton.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN Mar 20 1752

MR MORRIS

Sir

(Extract)

* * * I have not yet read over what you inclosed for the Gov^r to do for the better Establishm^t of o^r Trenton Library, but you may depend I shall always be willing to do every thing proper on my part for promoting & strengthen^e any scheme that may have a tendency to propagat^e & advance Religion and Learning w^{ch} will be of so great advantage to the present and future generations.

I am Sir your ready Frd.

J BELCHER

*Letter from the Earl of Holderness to the Lords of
Trade—enclosing Order of Council of March 11,
1752.*

[From P. R. O. B. T. New Jersey, Vol. 15.]

WHITEHALL 30th March 1752

THE LORDS OF TRADE

My Lords

An humble Representation, having been laid before The King, setting forth, the present flourishing State, of His Majesty's Colonies in America, as well with regard, to Number of Inhabitants, as to the Increase of Trade, in those Parts of His Majesty's Dominions,

& that it is highly necessary, that the greatest Care & Attention should be had, to the Good Government of, & regular Administration of Justice, in the said American Colonies, His Majesty was graciously pleased, to refer the said Representation, to a Committee of The King's Most Honourable Privy Council, directing them, to consider of the properest Means for obtaining this desirable End, & the said Committee, having made thereon, their humble Report to the King, His Majesty was pleased, to direct an Order of Council, a Copy of which is herewith inclosed, & to which, Your Lordships will please to conform Yourselves hereafter.

And whereas Your Lordships are hereby directed, to prepare a Draught of an Additional Instruction, to be sent to the Governors of all His Majesty's said Colonies & Plantations, directing them, to correspond for the Future, with Your Lordships *only*; excepting in such Cases, as may require His Majesty's more immediate Directions; I have His Majesty's Command, to signify to Your Lordships, that it is The King's Pleasure, You should transmit to One of His Majesty's Principal Secretaries of State, in order to their being laid before The King, all such Letters, as shall, for the future be addressed to you, from any Governor, or other Person, or Persons, acting as such, in any of His Majesty's Colonies, or Plantations in America, which may in any wise, relate to His, or Their Conduct towards the Governor, or other Chief Officers, of any Foreign Prince, Power, or Potentate, whatsoever; As also such Letters as may relate to the Transactions of any Foreign Governor, or other Officer, towards them, or any of His Majesty's Subjects under Their Direction, & Regulation; And also, that Your Lordships should, in like Manner, transmit unto One of His Majesty's Principal Secretaries of State, a Draught of such Answers, as you shall prepare, to be given to any such Letter or Letters, or shall fall within the

abovementioned Description, in Order to it's being laid before His Majesty, for His Royal Approbation; And your Lordships are hereby directed, not to transmit to any of His Majesty's Governors, or other Person, or Persons acting as such, any Orders or Directions, relating to His or Their Conduct, so far as it may affect, or be any wise construed to affect, any Foreign Prince, Power, or Potentate, whatsoever untill the same shall have received The King's Approbation, signified to Your Lordships by One of His Majesty's Principal Secretaries of State. As to all other Matters of Correspondence, which shall from hence forward pass, between Your Lordships, & the respective Governors, in America, you will please, to proceed in the usual Manner.

And whereas Your Lordships are further directed, by the said Order of Council, from Time to Time, as Vacancies shall happen by Deaths, or Removals, to present unto His Majesty, for His Approbation, the Name or Names of such Person or Persons, as Your Lordships, from the best of Your Judgment and Information shall think duly qualified to be Governors, or Deputy Governors, or to be of His Majesty's Council, or of His Council at Law, or Secretaries in the respective Plantations; And likewise to present to His Majesty for His Approbation, the Names of all other Officers, which have been, or may be found necessary for the Administration of Justice, & the Execution of Government there, excepting *only* such, as are, or may be, appointed for the Direction, & Regulation of His Majesty's Customs, & Revenues, & such as are, or may be, under the Directions & Authority of the Lords Commissioners of the Admiralty. I have The King's Directions, to inform Your Lordships of His Royal Intention, as to the Manner of Your Proceeding herein, viz^t, That in all such Cases, where the Names of proper Persons for any of the Offices abovementioned

tioned, have usually been laid before His Majesty in Council, Your Lordships are to follow the same Method for the future, & in all other cases provided for by this Order of Council, Your Lordships are to transmit to One of His Majesty's Principal Secretaries of State, to be by Him laid before The King, for His Majesty's Approbation, the Names of such Persons, as you shall judge the most capable, of executing any such Office or Trust as specified in the abovementioned Order of Council.

I am My Lords

Your Lordships' Most obedient humble Servant

HOLDERNESSE.

(Enclosed in the foregoing.)

Copy of the Earl of Holdernesse's Circular Letter to His Maty's Gov^{rs}

WHITEHALL 30th March 1752.

Sir

I have His Majesty's Commands, to transmit to you, the Copy of an Order in Council, calculated for the future Regulation and Government of His Majesty's American Colonies, and I likewise send you inclosed, the Copy of a Letter, which The King has directed me to write, to The Lords Commissioners for Trade & Plantations, explaining the Method, in which it is His Majesty's Royal Pleasure, Their Lordships should put in Execution the said Order of Council, & You will accordingly receive an Additional Instruction, from the said Lords Commissioners for Trade & Plantations, directing You for the future, to address Your Letters to Their Lordships *only*, except in such Cases, as may require His Majestys more immediate Directions; And it is the King's Pleasure, that you should for the future, conform yourself to the said Order of Council.

But whereas it may happen, that Circumstances of a very high & important Nature may arise which may require the utmost Secrecy, it is The King's Pleasure, that if any such should occur, within the District of your Government, you should forthwith, with the utmost Diligence & Exactitude, transmit an Account thereof to one of His Majesty's Principal Secretaries of State *only*; And You are in such Case, to follow all Orders and Directions, which His Majesty shall think proper, to direct one of His Principal Secretaries of State, to transmit to You in consequence thereof.

I am Sir Your most
obedient humble Servant
HOLDERNESSE

*Letter from Governor Belcher to Richard Partridge
—Mr. Ashfield acquitted.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN April 8 1752

Bro: Partridge (Extract.)

Young Ashfield has lately been try'd upon the Indictm^t & clear'd by a nicety in Law altho' I believe every Body tho't him guilty of the Fact I intend soon to send you a Copy of his Case with further Affidavits of his Abusing the Gov^r w^{ch} things being represented at the Board of Trade and impartially judg'd of I think must fully justify my Conduct in the Affair depending.

I am told that there are Comiss^{rs} coming from England to make inquiry into the Affairs of the Province. I wish they may soon Arrive and that I may have some fresh Advices from you. * * * *

I remain with kind respects
Sir your lov^s Brother & frd.

J BELCHER

Letter from Governor Belcher to Andrew Johnston, one of the Council, and Samuel Nevill, Judge of the Supreme Court—relating to the imprisonment of Simon Wyckoff.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN April 11 1752

Gentⁿ

I understand one *Cornelius*¹ Wyckoff is Committed to Gaol in P. Amboy for High Treason and *John*² Waller the Gaol Keeper who is now with me says he has too much reason to believe the s^d Wyckoff's Friends will attempt to deliver him out of Gaol by force I have therefore made out upon the Sheriff the inclosed Special Warrant that he may take the better care to have the Gaol well secured that he may still be safely kept in Custody and as you are Gentⁿ of Superiour Order in this His Majestys Government I desire & expect from you that in your several Stations you do all in your power to encourage & protect the Sheriff in his Office that no insult or Outrage be committed on His Majestys Authority.

I am with due Respect

Gentⁿ Your Fr^d & Serv^t

J BELCHER

To the Hon^{bl}e And^w Johnston Esq One of His Majesty's Council Samuel Nevill Esq—One of the Judges of the Supreme Court, Province of New Jersey.

¹ Simon in margin.

² William in Letter, John in margin.

*Letter from Governor Belcher to Samuel Nevill—
about the riot at Perth Amboy.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN April 14 1752

JUDGE NEVILL

Sir

I have just now recd yours of this day's date with the Affidavits and the particular Acc^t of the breaking open of Amboy gaol and taking out from thence Simon Wickoff who stood there Committed for High Treason and of the Rioters carrying him clear off w^{ch} is an Action of the highest & most Outrageous Insult upon the Kings Authority and demands the greatest resentment of all Persons in power in this Province that every possible step shou'd be taken for recovering the s^d Wickoff for the returning him into Gaol.

I must observe that I think the Sheriff after M^r Johnstons and your sending for him has been too indolent & negligent in this matter for I don't find that he in any measure follow'd Col^l Johnston & your Advice in order to repel such a violent proceeding.

To be sure his under Officer Waller was guilty of the most unwarrantable breach of Duty in suffering the s^d Wickoff to be absent from the Gaol for three days together & really deserves the severest punishment the Law can inflict upon him.

I think the method you propose for the more sure recovery of Wickoff is the most rational & feazible & therefore wou'd have the matter talkt of as little as may be.

In the mean time I have ordered M^r Secry Read to Summon all the Members of the Council to meet me here without delay to advise with them what steps

may be most prudent for Supporting the Kings Government of this Province & for bringing all the persons concerned in this late Outrage to Condign Punishment.

I am with kind respects

Hon^{bl^e} Sir Your Fr^d & Serv^t

J BELCHER.

*Letter from Governor Belcher to Mr. Secretary Read
—about riot at Perth Amboy.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN April 14 1752

MR. SECRETARY READ.

Sir

Mr Sheriff Deare is now with me and gives me the Account of the Rioters coming yesterday to Amboy Goal & in an Outrageous manner rescuing Samuel Wickoff who stood there committed for High Treason & of their carrying him clear off.

Upon this Extraordinary insult on the Kings Authority of this Province I think it absolutely necessary to convene the Kings Council & it is therefore my order that you send forth a Notification to each Member with all possible dispatch that they meet me here at such a day as you judge the most remote of them can comply with the time you may set.¹

Notwithstanding there is an Order of Council for their quarterly Meeting yet this is an Affair of too high a nature to be delayed one day.

I am Hono^{bl^e} Sir Your Fr^d & Serv^t

J. BELCHER

¹ Meeting was called for April 24th, but only three members attended; nothing was done.—Ed.

*Letter from Judge Samuel Nevill to Governor Belcher
—informing him of the result of the trial of
Lewis Morris Ashfield.*

[From P. R. O. B. T., New Jersey, Vol. 7, H. 17.]

Judge Nevill's Letter relating to the Tryal of
M^r Lewis Morris Ashfield

PERTH AMBOY, April 17: 1752

May it please Your Excellency

According to Your Request, I herewith send you, the most particular Account I am capable of Collecting from my Notes and Memory of the Tryal of M^r Lewis Ashfield at the Supreme Court of Judicature held in March last at Perth Amboy, upon an Indictment for a Misdemeanour, in speaking the following words to one John Hite, a Constable, to wit, *God damn you, with your Kings Laws.*

John Hite deposed, That upon a Sunday some time in the Month of August last, about One or Two O'Clock, as he was coming home from Meeting at Cranberry, he heard some body swearing profanely That he went up to them, and desir'd them not to Swear: That M^r Ashfield was in Company; but did not hear M^r Ashfield Swear, and that he seemed to be sober: That he reprimanded————them for Swearing, and told them to have Regard to the King's Laws: and Ashfield reply'd, *Damn you WITH YOUR Kings Laws* That he went up to them with Design to discharge his Duty, in reprimanding those that Swore: and that he did not lay Hands on Ashfield before he struck him.

Abraham Cottinam, (who then acted as Kings Attorney) deposed, That the Words, as given to him at

first to draw the Indictment by, were, *God damn you, AND THE Kings Laws* too That he afterwards asked Hite, whether he was sure those were the Words; That Hite, after some Hesitation, said, That he, (meaning Ashfield) did not say so; but that he said, *God damn you WITH YOUR King's Laws* and this he said before the Grand Jury

Hite then being ask'd by the Court, What the Words were. which Ashfield spoke, replied he was sure they were *Damn you, WITH YOUR Kings Laws.*

Humphry Mount deposed, That he was certain, that Ashfield said, *Damn you, AND THE King's Laws.*

Jonathan Hankins deposed, That Ashfield said, *God damn you, AND YOUR King's Laws too.*

The Defendant then produced several Evidences, who deposed that they were present during the dispute, as Lookers-on, and no way engaged in the Affray. That they heard no such words spoken: & if they had been spoken, they shou'd have certainly taken Notice of them.

Daniel Connor deposed in particular, That Hite grew warm, and said, he wou'd carry them (meaning Ashfield, Vanhorn, and Salter) to Amboy Gaol: That they Offered him Bail: & Hite said, he would take no Bail: And that Hite then laid Hands first upon Ashfield; & Ashfield struck him with his Whip: That Hite then call'd for Assistance; and then Mount and Hankins engaged in the Affray: That in the Skirmish, Hite's Wife coming up and received a Stroke upon her Arm with a Whip from Ashfield Accidentally: And that upon her telling M^r Ashfield of it, he said, he was sorry for it; and gave the Woman a five and Thirty Shilling Bill.

The last Particular was own'd by Hite; who said, M^r Ashfield had made them full Satisfaction, and that he always took him to be a very Civil Gentleman, notwithstanding the Dispute which then happened between them.

Hite was ask'd, Whether he had not declared, That he was spirited up by some Persons to accuse M^r Ashfield in the manner he had done.

Upon which Hite reply'd, *He had never said so.*

Thomas Duncan then deposed, That John Hite had declared to him, That he shou'd never have accused, or said anything against M^r Ashfield, if he had not been prompted to it by Andrew Gordon and John Thompson.

Upon the Whole the Court cou'd not in Justice help observing to the Jury, That out of a great Number of People then present, not one Evidence appeared in Behalf of the King, to support the words charged in the Indictment, except Hite, Mount, and Hankins, who were all in the Heat of Blood, and warmly engag'd in the Quarrel; and each contradicted the other as to the Words said to be spoken by M^r Ashfield; which gave Rise to the Point of Law that Your Excellency heard arose upon the Tryal, which Your Excellency will find in 2 *Hawk.* Chap. 46. Fol. 436 Sect. 36 Tit. Evidence.

The Jury after a short Stay, acquitted Ashfield of the Indictment.

*Samuel Nevill*¹

A True Copy of a Letter, from Samuel Nevill Esqr, One of the Judges of the Supreme Court of the Province of New Jersey, so far as relates to the Tryal of M^r Lewis Morris Ashfield, upon the Indictment brought against him in the said Court.

J. B.

¹ For biographical notice of Judge Nevill see Vol. VI, p. 323.—EE.

*Papers relating to a riot at Perth Amboy, April 13,
1752.*

[From P. R. O. B. T. New Jersey, Vol. 7, H. 6]

Extract of the Minutes of Council y^e 24th of
April 1752, and Copies of several Papers re-
lating to a notorious Riot committed y^e 13th
of that Month in the City of Perth Amboy,
by some Villians that broke open y^e Goal
there, & deliver'd one who was committed
as a Prisoner for High Treason.

Rec^d with Gov^r Belcher's Letter dated y^e 1st of
May 1752.

At a Council held at Elizabeth Town on fryday
the 24th day of April 1752.

PRESENT

His Excellency the Governor M^r Hude M^r
Kemble M^r Ogden

His Excellency Spoke to the Council as follows.

Gentlemen of the Council

I am Sorry for the Occasion of my Calling you to-
gether at this time, Which is to lay before you a
Notorious Outrage Committed upon His Majestys
Authority in this Province, by a Number of Lawless
Villains, in breaking open his Majesties Goal in the
County of Middlesex, and Rescuing from thence One
Simon Wycoff, who Stood there Committed for high
Treason.

The 11th Instant John Waller, keeper of the said
Goal, was with me, and told me he had Reason to be-
lieve that there would be a forceable attempt made to

deliver the said Wycoff out of Goal: Upon which I immediately made out a Warrant to William Deare Esq: Sheriff of the said County, to use all possible means according to Law to prevent any such Outrage and to keep the said Wycoff in Safe Custody.

And at the same time I wrote a Letter to the honourable Andrew Johnston Esq One of his Majestys Council, And Samuel Nevill Esq One of the Judges of the Supream Court Of his Majestys Province of New Jersey Particularly advising them of the Matter, and Inclosed to them the Warrant I made out to the Sheriff: The Answer to which Letter I also now lay before you with some affidavits Relating to this Affair; And I am not a little Surprized that no Steps were taken to oppose Such a Violence to be Committed on his Majesties honour and Government.

In this Extraordinary affair I now ask your advice, What may be most proper to be done for the Support of his Majesties Government, for y^e better keeping of the peace of this Province; and whether it might not be necessary to Call the Assembly together to have their Advice and Assistance in this matter, and Whether any thing Can be done in the mean time to Express our utter abhorrence and detestation of Such wicked tumults and disorders, and for Suppressing the Same.

The several papers I now lay before you, I have Ordered the Secretary to enter upon the Records of the Governor and Council.

J. BELCHER

ELIZABETH TOWN April 24. 1752.

The papers Referred to in his Exc^{ys} Speech are as follows.

** Loco **
** Sigilli ** } By his Excellency Jonathan Belcher
Esq. Captain General, and Governor in
Chief in and over his Majestys Province of

Nova Cesarea or New Jersey, and Territories thereon Depending in America, Chancellor and Vice Admiral of the Same.

To William Deare Esq^r high Sheriff of the County of Middlesex.

Judge Read was with me a few days ago and told me he has ordered one Simon Wykoff (Called a Captain among the late Rioters) to be Committed to Amboy Goal for high Treason; and this Day John Waller, who keeps the said Goal, has been with me and Says that he has good Reason to believe that there will be a forceable attempt made to deliver the said Wykoff out of Goal.

These are therefore to require you in his Majesties name to use all possible means according to Law to prevent any Such outrageous proceeding, and to Continue the said Wykoff in safe Custody.

Given under my hand and Seal at arms at Elizabeth Town April 11th, 1752.

J. BELCHER

Gentlemen

I understand one Simon Wykoff is Committed to Goal at P. Amboy for high Treason, and John Waller the Goal keeper (who is now with me) Says he has too much reason to believe the Said Wykoff's friends will attempt to deliver him out of Goal by force; I have therefore made out upon the Sheriff the Inclosed Special Warrant, that he may take the better Care to have the Goal well Secured, that the said Wykoff may Still be Safely kept in Custody; and as you are Gentlemen of Superiour Order in this his Majesties Government, I desire and expect from you that in your Several Stations you do all in your power to Encourage

and protect the Sheriff in his office that no Insult or outrage be Committed on his Majestys authority.

I am with due Respect Gentlemen

Your friend and Serv^t

ELIZABETH TOWN April 11. 1752

J BELCHER

To the honourable Andrew Johnston Esq^r one of his Majesties Council Samuel Nevil Esq^r one of the Judges of the Supream Court Of his Majestys Province of New Jersey

PERTH AMBOY April 14. 1752

May it please your Excellency

I Received a packet from your Excellency by M^r Waller on Sunday morning last near one o'Clock with an Inclosed Letter directed to M^r Andrew Johnston and myself; as also your Warrant or order to the Sheriff of Middlesex, I waited on M^r Johnston the Same morning, and pursuant to your direction we Sent for the Sheriff and gave him your Warrant, and at the Same time directed him to be carefull of his prisoner and to secure his Goal, in the best manner he could, letting him know at the same time that he was already Cloathed by vertue of his office with all the power we could give him, to wit, that of Raising the *Posse Comitatus*

On Monday Morning we received Some flying and Contradictory Reports that Some people were gathering together in the Country to take Wykoff out of Goal, and M^r Johnston and myself met and Continued together till the day was far Spent, but heard nothing further. however about three o'Clock in the afternoon a Number of people, about twenty or upwards, with Clubs in their hands, broke open the Goal, and Rescued Wykoff in the manner the Inclosed Affidavits will Inform your Excellency. Had M^r Johnston and myself been present I conceive we could have been but

of little Service: for my real opinion is, that the power of the Government in New Jersey is at present very weak as to Subduing Insurrections of this Nature, no provision being made by the Legislature to Support that power, though frequent application have been made by your Excell^y as well as by the late Governor, to the Assembly for that purpose. This together with a Seeming Reluctancy in the people to the obedience of Authority in the present Case, hath Rendered any Attempts to Suppress and prevent Such like Riots and disorders in a great measure Impracticable.

I wait for your Excellencys advice and direction which method will be most prudent to Issue an Escape Warrant and hue-&-Cry after the Traitor Wykoff, or delay it for a few days, untill the affair grows Cool. Some are of opinion that in the latter Case, he will boldly appear in a short time and be easily taken; But that if the Country be alarmed he will withdraw and not be taken at all, or with Great difficulty. Which of the Schemes is most adviseable, I submit to your Excellencys wise Consideration, and Refer you for further particulars to the Sheriff, who now waits upon your Excellency for your orders, Instructions and Commands in this unhappy and Critical affair.

M^r. Waller, when he waited upon your Excellency, did not inform You that he had permitted this Traitor Wykoff to go home privately and unknown to the Sheriff; and that he, Waller, furnished him with a horse for that purpose; and that the said Wykoff was gone from fryday the 3^d to Monday the 6th of this Instant April; Which time I doubt not Wykoff employ- ed in Raising and Spiriting up his friends to Rescue him from the Goal. And Waller did not inform the Sheriff of those fears and apprehensions of Wykoffs being Rescued, which he Related to your Excellency. Of this Affair the Sheriff will likewise further inform your Excellency.

I impatiently wait for your Excellencys further advice and directions, and shall be always ready to do every thing in my power for the Security of his Sacred Majesties person & Governm^t (whom God long preserve from all Treasons and Traiterous Conspiracies) and for preserving the peace of the King's Government here in New Jersey. I am, Sir, with all due Respect,

Your Excellency's most obedient humble Servant

SAMUEL NEVILL

To his Excellency Jonathan Belcher Esq.

New Jersey ss.

JAMES NEWELL of the City of Perth Amboy Taylor of full age maketh Oath, that on Monday the 13th of April 1752 he this Deponent was told that the Rioters were Breaking open the Goal in the said City of Perth Amboy, upon which he went to the said Goal where he saw a Number of people, about twenty, armed with Clubs about the said Goal; That the outer door was then open, and he heard a great knocking within the Goal as if it was breaking open Locks; That soon after he saw one Simon Wykoff brought out amidst a number of people and mounted on horseback, and Carried off in Triumph by the Rioters, who huzza'd as they went away. And this Deponent further Saith that he Saw one Benjamin Corle among the Said Rioters with a Club in his hand. And further this Deponent Saith not.

JAMES NEWELL

Sworn this 13th day of April 1752. Before us

AND^w JOHNSTON

SAMUEL NEVILL

Copy.

New Jersey ss.

THOMAS FOX of the City of Perth Amboy Gentl. maketh oath, that on monday the 13th of April 1752 he this Deponent was in Company with William Deare

Esq high Sheriff of the County of Middlesex, when Some persons came and told the said Sheriff that a Number of people were Coming to break open the Goal; upon which the Sheriff desired this Deponent to go with him to the Said Gaol, to bear witness of what pass'd; That they went up accordingly, and presently came up a Number of people with Club in their hands on horseback; that one of them gave the word of Command to dismount, whereupon the Sheriff put himself between them and the prison door, and demanded what they came there for; that one of them, a Lusty Man, and a Dutchman as this Deponent believes, Said they were come for Simon Wykoff and would have him out; that the Sheriff forewarned them from breaking open the Kings prison; That they then Cryed out in a Tumultuous manner that they Loved King George better than he or any body there, and would have Justice: or words to that effect; they then Demanded the keys of the Sheriff, and said if he would not deliver them they would break open the Goal, and that they did not want to hurt him or any one else. but they would have him out; that the Sheriff refused to Deliver the keys; That some persons from behind Called out, Who hath the keys Damn them, whip them till they deliver them: or words to that Effect; That they then Said he must give the keys and it would be better for him; that this Deponent told them that it was as much as Office or his Life was worth. and that it was a shame to abuse an officer in the Execution of his office; they Replied they did not Care, they would have Justice; That this deponent told them that if they would have patience they would have Justice: they Replied they had Stayed long enough, and now all was quiet, they had began again with them; that they then Cryed out again in a Tumultuous manner why do you delay, break it open; that they then proceeded to break open the Goal with Iron Instruments,

and broke the outer Door, when a Number of the Rioters Crouded in; and Soon after this Deponent Saw the Said Rioters bring the aforesaid Simon Wykoff out of the Goal, and that they mounted him on horse back, and Carried him off in a Triumphant manner with Loud Huzzas. And further this Deponent Saith not.

THO^s. FOX.

Sworn this 13th day of April 1752 Before us

AND^y JOHNSTON
SAMUEL NEVILL

New Jersey ss.

WILLIAM DEARE Esq high Sheriff of the County of Middlesex maketh Oath that about 3 o'Clock on mon-day the 13th of April 1752 in the afternoon, he this Deponent Seeing a great number of people coming into Town on horse back, and being informed that they were Coming to take one Simon Wykoff out of the Goal of the County of Middlesex, who had been Committed to the said Goal by Judge Read upon an Indictment found against him for high Treason, he this Deponent went up to the Said Goal, and Soon after a Number of persons on horseback came up, about Twenty, as this Deponent believes, most of them armed with Clubs, that he this Deponent asked them what their business was; that some of them Replied they Came for Simon Wykoff, and demanded the keys of the Goal, of this Deponent; That this Deponent Refused to deliver the keys, upon which some of them said that he this Deponent had better deliver the keys than have the Doors broke open for they would not pay for the Locks if they broke them; that this Depon^t forewarned them from breaking open the kings Goal at their Peril, that one of the said Company, who this Deponent believes to be one Hegeman, a Son of Adrian Hegeman, and a Blacksmith now or lately living in the County of Somerset and province of New

Jersey, went up to the outward door of the Said Goal, which was fastned with a padlock on the outside, and with a hammer & Chizell broke open the Said Door, upon which a Number of the Rioters Rushed into the Said Goal, and broke open the Entry door, and afterwards broke open a Door which led into a Room where the aforesaid Simon Wykoff was Confined; that the Said Simon Wykoff was Rescued out of this Deponents Custody in the manner afore mentioned, and was mounted upon a horse and Carried off in Triumph with Loud huzza's by the Said Rioters. And this Deponent further Saith that he Saw one Benjamin Corle on horseback amongst the said Rioters with a Club in his hand, and that he Saw another person there whom he believes likewise to be a Son of the aforesaid Adrian Hegeman. And further this Deponent Saith not.

W^m DEARE.

Sworn this 13th day of April 1752 before us

AND^w JOHNSTON
SAMUEL NEVILL

His Excellency desired the advice of Council thereon. The Council were of opinion that as the Disturbances of this Province have for some time past been under the Consideration of his Majesty and his Ministers, and it is Expected that advices will soon arrive from home Relating to the Same, this Board were of opinion that the deferring their advice till their quarterly meeting on the 10th of May next may be most expedient; hoping in the mean time his Excell^y will Receive directions from his Majesty in those affairs.

*Letter from Governor Belcher to the Lords of Trade
—relating to the riot at Perth Amboy.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

May 1 1752

(Extract.)

* * * Your Lordships will see that altho' I early summond a Council on this matter [the riot at Perth Amboy] there Appeared only 3 of the Members & they wou'd give no Opinion in the Affair for want of a fuller Number of the Council w^{ch} I shall expect to see the 11th of this ins^t after which I shall not fail to acquaint y^r Lordships what further measures may be taken for Suppressing this Outrageous insult upon the King's hon^r & Governm^t.

I almost forgot to say to your L^dships that after a few d^s Simon Wickoff Volun: returned to his Confinem^t but this sure can be no Aleviation of the Atrocious Crime of w^{ch} he & his Accomplices had been guilty.

J BELCHER

*Letter from Governor Belcher to Richard Partridge
about riot at Perth Amboy.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

May 1 1752

M^R RICHARD PARTRIDGE

Bro: Partridge (Extract.)

* * * It is with much Concern that I am obliged to observe to you that a Riot was Committed the 13th of last month by a Number of about 20 Lawless Villains who broke open the Kings Goal at P. Amboy & deliver'd from thence one Simon Wikoff who was

there Committed for High Treason the Papers relating thereto I send with the inclosed to the Lords of Trade whose L^t I leave open for y^r perusal & then you will seal & deliver it altho' the Man is since return'd to Goal yet I am afraid this will give an unhappy turn to the Affairs of this Province You will see I have done what was necessary & proper in the matter & when the Council meets me I shall be able to say what steps will be further taken in this Vile Affair.

I am Your lov^e Bro.

J BELCHER

Order of the Lords of the Committee of Council for Plantation Affairs, referring to the consideration of the Lords of Trade a report made by His Majesty's Attorney and Solicitor-General relating to many outrageous and riotous proceedings carried on for some years last past by several inhabitants of the Province of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 7, H, No. 7.]

L.S.

AT THE COUNCIL CHAMBER WHITEHALL
the 7th day of May 1752

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

Whereas there was this day laid before the Lords of the Committee of Council, a Report made by His Majesty's Attorney and Solicitor General, upon Considering a Report of the Lords Commissioners for Trade and Plantations, as also several other Papers relating to the many great Outragious and Riotous proceedings that have been carried on for some Years past by

several of the Inhabitants in the Province of New Jersey; And likewise upon Considering three Petitions of the Possessors of Land in Essex, Middlesex, and Somerset, being the Persons concerned in the said Riotous proceedings Setting forth amongst other things as the cause and Foundation of such their Proceedings, their having been threatned to be turned out of the Possession of the Lands which had been Purchased by their Ancestors and themselves from the Indian Sachems, the Original Possessors of all the Lands there, several Ejectments having been brought against them for that Purpose—The Lords of the Committee this day took the said Report of His Majestys Attorney and Solicitor General into their Consideration together with a Draught of a Commission Prepared by them and annexed to their said Report For making an Enquiry into the Causes of the Rise Progress and Continuance of the said Commotions, with Blanks left therein for the Names of such Persons as His Majesty should be pleased to Nominate Commissioners for that Purpose—And the Lords of the Committee are hereby Pleas'd to refer the said Report and Draught of Commission (Copys whereof are hereunto annexed) to the Lords Commissioners for Trade and Plantations who are to Consider thereof, and of the manner, in which they conceive the said Commission may be most Properly carried into Execution, And Report the same to this Committee, together with their Opinion thereupon.

W: SHARPE.

To the Right Honourable the Lords of a Committee of His Majestys Most Honourable Privy Council

May it please Your Lordships

In pursuance of Your Lordships Order of the 30th of July last Setting forth that Your Lordships had taken

into Consideration a Report made by the Lords Commissioners for Trade and Plantations upon the State and Condition of His Majestys Province of New Jersey in America; whereby it appears that many and great outrageous & riotous proceedings have been carried on for some Years past by several of the Inhabitants in that Province That the Goals have been broke open by large Bodys of People and prisoners freed and set at liberty; and that the Power of the Government has not been sufficient to put a Stop thereto, in regard the Assembly did not concurr with the proposals repeatedly made to them by the Governor and Council for strengthening their hands and bringing the Offenders to Justice—That the Reasons assigned for the Cause & Foundation of these violent proceedings (as appear by three Petitions of the Possessors of Land in Essex Middlesex & Somerset referred by His Majesty to Your Lordships) are the Apprehensions they are under of being turned out of the Possession of their Lands which they alledge to have been purchased by their Ancestors and themselves from the Indian Sachems the Original Possessors of all the Lands there several Ejectments having been brought against them for that purpose Upon Consideration whereof Your Lordships were of Opinion that it will not only be necessary but expedient on this Occasion to cause a strict enquiry to be made into the true and real Cause & Foundation of these Disturbances. And to that end, were thereby pleased to Order That we do consider of proper methods to be taken for enquiring into the Grievances of the Kings Subjects in that Province relating to their Possessions and to look into the precedents and Commissions that have at any time been issued on like Occasions, And that We do prepare a proper Draught of a Commission to be issued for that purpose leaving Blanks therein for the Names of such Persons as His Majesty shall be pleased to nominate

Commissioners and lay the said Draught before Your Lordships with all convenient Speed

We have taken the Matter thereby referred and all the Papers therewith transmitted to Us into Consideration.

As to the Precedents & Commissions that have issued upon the like Occasions We have not been able to find any for enquiring into Titles and Possessions either here or in the foreign Dominions of this Crown *not warranted by Act of Parliament*—The only One we have found that bears any resemblance to the present Case, is what was Granted by King Charles the 2^d in the Year 1676 To enquire into the Causes of a Rebellion in Virginia But as that does not relate to matters of private Property between the Subjects, It does not appear to Us a Precedent for an inquiry of this kind which is only proper for the Connsance of the Ordinary Courts of Justice

We have therefore prepared the Draught of a Commission in general Terms for an Enquiry into the Causes of the rise Progress and Continuance of the Commotions in New Jersey which is annexed to this Report

But Your Lordships having been Pleased to Order Us to Consider of proper Methods to be taken for enquiring into the Grievances of the Kings Subjects in New Jersey in relation to their Possessions

We beg leave to inform Your Lordships that from the Report of the Lords Commissioners of Trade and Plantations of the 1st of June 1750 And the three Petitions of the Possessors of Land in Essex Middlesex and Somerset in the said Order mentioned It appears to Us that the only Grievance alledged, is an Apprehension that Injustice will be done upon the Tryal of Ejectments brought or Threatened to be brought against Persons who have long been in Possession of Lands now claimed by others upon the foundation of

Old Titles: and the Possessors profess only to desire that the Matter may come fairly before His Majesty in Council for an impartial Determination And as by general Verdicts the Merits may be prevented from coming before Your Lordships upon an Appeale We humbly Submit to Your Lordships whether it might not be proper to send an Instruction to the Governor to recommend to the Judges upon any Tryals of Ejectments for Lands in Essex Middlesex or Somerset to have all the Evidence found in the Nature of a special Verdict by which Means the whole may come fully and fairly after the Court has given their Judgment before His Majesty in Council upon an Appeal, who will take every Circumstance of Title Possession and Improvement into Consideration A Solem determination once had here will be a Rule for all Similar Cases And the Nature of the Question being once understood may Point out the Way to some general Remedy by Legislative Authority in Case any shou'd be wanted Or if the Possessor has no Title; nor such a Possession as any Act of Limitations in New Jersey can protect; but has by the acquiescence of the Legal Proprietor been permitted to settle the Plantation as if the Land was his own: That may perhaps be a Ground to apply to the Court of Equity in New Jersey for an Injunction to quiet him in the Possession in which Case likewise all the Evidence & Circumstances must come before His Majesty in Council upon an Appeal

But We are apprehensive that without Authority to try or Determine, Commissioners will not be able even to State the various Questions which seem to be agitated at present in New Jersey concerning Titles to Lands; much less to quiet them.

And if it should be thought Expedient to try the Questions which are alledged to have been the Cause of the late troubles there in a Summary way for a limited time; We are of Opinion that such Commission

ought to have the Sanction of an Act of Assembly there or an act of Parlaiment here—All which is humbly Submitted to Your Lordships Consideration.

D: RYDER

12th August 1751

W: MURRAY

George the Second by the Grace of God of
Great Britain France & Ireland King De-
fender of the Faith &c^a To Our Trusty and
Welbeloved

Greeting Whereas it has appeared to Us by the Report of Our Commissioners of Trade and Plantations upon the State and Condition of Our Province of New Jersey in America that Great Divisions and Distractions have arisen in Our said Province and many outrageous riotous and Treasonable Proceedings have been carried on for some Years past by several of the Inhabitants of the said Province that the Goals have been broke open by large bodys of People and Prisoners set at liberty and the Publick Justice of the Province Interrupted and Stopt to the great Injury of Our peaceable and loyal Subjects the disturbance of Our Government and diminution of Our Royal Authority in those parts We being willing to be informed of all and singular the premises to the end that We may apply speedy and fit Remedys and restore Peace and Order in Our said Province And having great Confidence in Your Wisdom Diligence and loyalty do by these presents appoint You

Our Commissioners to enquire into and Report unto Us a true full and Impartial State of the Case in relation to the Matters and Things which may have given occasion to the beginning and continuing of these Disorders and whether Our Subjects of the said Province have lain or do lye under any and what Grievances, which may in any measure

have given rise thereto together with the Opinion of You or any

of You thereupon to the End that We may take such Order and give such Directions therein as may redress all grievances and put an effectuall End to all Disturbances and secure the future well Government of Our said Province And We do hereby give You or any

of You for the better Execution of Our Royal Will and Pleasure herein full Power not only to receive such Informations & Advertisem^{ts} as shall be brought unto You by or from any of Our Subjects touching the Premises but also to enquire by the Examination of witnesses on Oath (which We do hereby give You or any of You full power to Administer) or by such other Ways and Means as You or any

or more of you shall think fit into the Premises.

And we do further give You or any

or more of You full power to send for such Persons Books Papers and Records as may be useful to You or any

of You for the better carrying on the Service hereby intended Willing and requiring Our Governor of Our said Plantation his Deputy Governor and all and every other Our Officers and Subjects within the said Plantation to be in all things Helpfull and assisting to You and every of You in the Execution of this Our Commission And lastly that in the Execution and Performance of the Powers & Authoritys to You hereby given, You and every of You do carefully observe and conform Yourselves unto such Instructions as shall be given and sent unto You in writing under Our Sign Manuel and for so doing this shall be Your Warrant.

*Letter from Governor Belcher to the Lords of Trade
about proceedings of Council.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN May 19. 1752

Lords of Trade

May it please your Lordships

I did myself the honour of writing your Lordships the 1 Currant. Agreeable to what I then mentioned His Majestys Council met the 11 ins^t & I now Cover to your Lordships what they did on that Occasion by which your Lordships will see they were against taking any Steps relating to the late Riot till the Arrival of His Majestys Orders on this head which are earnestly & daily expected by this Legislature & this whole Province.

I have so often represented to the Assembly of this Province the unhappy Confusions and disorders that have here Subsisted for 10 or 12 years past & have so warmly prest them to Join with the Gov^r & Council in some suitable Measures for Suppressing & rooting out the Vile Spirit of Rioting and to no purpose y^t when I shall meet them again I hardly know what to add & these things I have as often faithfully Represented to your Lordships nor do I think any thing will stop the Course of such Seditious and Riotous proceedings but the Arrival of such Wise Orders as His Majesty shall think fit to give in an Affair of such Importance for Supporting the Kings honour and Authority as well as the peace and Welfare of His Subjects in this Province & I heartily wish such Orders may soon come to hand. I am with great Respect

My Lord Your Lordships

Most Obedient Humble Servant

J BELCHER

Letter from Governor Belcher to Richard Partridge.

[From Belcher Papers in Library of N. J. Hist. Soc.]

May 20, 1752

MR RICHARD PARTRIDGE

Bro. Partridge

* * * * *

I observe you had been at the Board of Trade to set forth the Irregularity and disproportion of the numbers of Councillors fixt in the two districts of this Province w^{ch} indeed is a violation upon the Original Compact between the Crown & the Proprietors of East & West New Jersey & which was specially stipulated at the Surrender of the Government of this Province to the Crown by the said Propriet^{rs}

I take a particular notice of what you say about your sending over Copy of the Order of the Privy Council & I think the Step you took by way of Mollification to be quite prudent after a Man^s saying to such great People what he reasonably cou'd for his Justification if it will not be accepted there's no Contending & I really think what you did was very Innocent & what in Duty you ow'd to your Constituents.

But I am sorry to tell you that Immediately after the Order already mentioned was re'd to the Assembly it was shown to several Members of the Council by a principal Member of the House of Assembly by one who pretends to be y^r fr^d but whom I can assure you from near 5 years Experience has it not in his nature to be a Sincere friend to any body nor do I trust him in any Affairs relating to my Administration nor shou'd you in any you cou'd well avoid because I am Satisfy^d he wou'd at any time betray you to J. A¹ and

¹ James Alexander. For biographical notice of this distinguished gentleman, see Vol. IV, p. 399.—Ed.

the rest of the Council under his Influence and to go on with this man I owe him no sort of Obligation altho' he is under many to me I therefore wonder how he cou'd possibly take the Word of *Gratitude* into his mouth I say *be cautious be cautious* about him for the future.

To whom you wrote the private Letter about your Conversation with Charles Townsend Esq I know not but I think you ought to be very Carefull to whom you write as to my Self I sacredly promise you that whatever you please to Commit to my Secrecy it shall remain as lockt up in your own breast for I shall always rejoice to do you all the good Offices I can & according to the best of my Understanding avoid doing any thing that may have a Tendency to your prejudice or disservice.

Least I show'd forget I again caution you again of hav'g any thing to do with the Rioters in any way or manner whatsoever unless you are minded to destroy yourself & me with respect to this Province. They are I assure you a sett of Impudent, Lawless Rascals and there seems remaining among them the same Seditious Spirit as heretofore and to show it when ever they judge it a proper Opportunity nor do I think they will ever be supprest but by some Severe Orders from the Crown & they carried well into Execution.

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Your lov^g Bro:

J. BELCHER

Circular Letter to the Governors of His Majesty's Plantations in America, recommending them strictly to adhere to their Instructions, and not to pass any laws inconsistent therewith, etc.

[From P. R. O. B. T. Plantations, General, No. 39, Ent. Book K, p. 318.]

To [Jonathan Belcher] Esq^r His Majesty's Governor of [New Jersey]

WHITEHALL June 3rd 1752

Sir

Having taken into our Consideration the General Instructions given by His Majesty to his Governors of the several Colonies and Plantations in America, We observed with concern that the Experience of late Years furnishes too frequent Instances in which many of those Instructions have been dispensed with and neglected upon slight and unwarrantable Pretences. As the Instructions are calculated in general for the support of His Majesty's Prerogative and the Protection of His Subjects in their just Rights, for the establishing and preserving good Government in his Colonies and promoting the Welfare, Quiet and Prosperity of them, a due and uniform Observance of those Instructions must greatly contribute to so desirable ends: We therefore think it Our Duty to recommend it to you and to all the Governors of His Majesty's Colonies and Plantations strictly to adhere to your Instructions and not to deviate from them in any point but upon evident necessity justified by the particular circumstances of the case, and whenever that happens you are forthwith to transmit to Us, in the fullest and most explicit manner your Reasons for such Deviations But at the same time We must acquaint you, it is expected that you do apply for previous Directions

from hence in all Cases when the occasion will admit of such a Delay.

The passing of Laws in a Method inconsistent with His Majesty's Instructions, (which has been too often practised) is manifestly of great Detriment to the publick Service, and the occasion of many Difficulties, in as much as those Laws though they contain the most salutary provisions, cannot receive the Royal Approbation but by His Majesty's dispensing with his Instructions, We must therefore in a particular manner insist that in the passing of all Laws you have a proper regard to the Regulations contained in your Instructions.

And whereas some particular Parts of the Instructions given by his Majesty to his Governors may, from the Alteration of Circumstances, have become obsolete useless, or improper, We desire that you will without delay consider and revise, with the strictest attention the Instructions given to you, as well the general ones as those which relate to the Acts of Trade and Navigation, and transmit to Us your Opinion of such parts of them as shall appear to you useless, improper or liable to Objection together with your Reasons for such Opinion, that We may take those Reasons into Consideration and propose to His Majesty such Alterations as shall upon mature Deliberation appear to be proper and expedient.

So We bid you heartily farewell and are,

Your very loving Friends

and Humble Servants

DUNK HALIFAX

J. GRENVILLE

DUPPLIN

FRAN: FANE.

*Letter from Governor Belcher to the Lords of Trade
—transmitting the accounts of various officers.*

[From P. R. O. B. T., New Jersey, Vol. 7, H. 10.]

MAY IT PLEASE YOUR LORDSHIPS

With this, goes Duplicate of my last of 3^d Currant, since which, I have nothing material to Communicate to Your Lordships, respecting the Affairs of this Province, any more than that, I have after a long time, receiv'd from the several Treasurers of this Province, their Accounts of the Receipts and Payments of money———Viz^t.

From Andrew Johnston Esq *Treasurer* of the *Eastern* district, his Account from October 1734 to October 1751

And from Samuel Smith Esq *Treasurer* of the *Western* district, his Account from 1733, to 1751.

As I have formerly Advised Your Lordships, these Accounts cannot be Attested, by His Majesty Surveyor General, as the Customs of this Province, he living at Three hundred Miles distance, and has never been in this Province, since my Arrival, but Your Lordships will find, the Accounts Sworn to by the Treasurer of each district, and are made out, in the best manner,

They can be procured here, and yet I am Sensible they are very imperfect which I don't wonder at, since I find the Records, of all the Publick Offices here, are kept in a very loose indifferent way, nor can it indeed be well otherways, while the Publick Officers, are so meanly Supported. for the two Treasurers together, have not an Allowance, of fifty Guineys a year * * *

I remain with Great Respect

my Lords Your Lordships Most

Obedient & Most Humble Servant

J BELCHER

ELIZABETH TOWN (N J) June 9: 1752

Western Division Treasurer's Accou'ts from
1733, to 1751.

1733 D^r the Treasurer of the Western Division
(John Allen Esq^r)

To Balance due to the Publick upon Account of the Support in 1733 As appears by the Settlement made by the Committee of Council & Assembly	£170.18. 8½	
To ballance of the Interest Money remaining in my hands in 1733 as by the report of the Committee		1398. 3. 9
To moneys Received for Support of Gov ^t from the Several Counties for the years 1733, 1734, 1735 as follows Viz		
From the Collector of Burlington County	£369.15.11	
the Collector of Gloucester	257. 5.—	
the Collector of Salem	432. 6.—	
from Ditto Arrears due in 1732	5. 2.—	
from the Collector of Cape May for s ^d years a balance	97.19. 6	
from the Collector of Hunterdon for s ^d years and arrear of 1732	222.13. 6	
		—————£1385. 1.11
To Interest Money rec ^d from the Several Counties being the remainder of the first £40,000 as follows from the County of Burlington	£39.13.7	
Gloucester	28. 5.6	
Salem	68.18.8	
Cape May	7. 9.8	
		————— 144. 7. 5

To Interest Money receiv'd from the Said		
Counties On Acc ^t of the £20,000 Viz		
from the County of Bur-		
lington	560.10.—	
Gloucester	386. 7. 6	
Salem	654. 9. 6	
Cape May	133. 0. 6	
	<hr/>	1734. 7. 6
To the Interest Money rec ^d from the s ^d		
Counties on Acc ^t of the last £40,000		
from the County of Burling-		
ton	218.10.—	
Gloucester	150.17. 8	
Salem	255. 4. 6	
Cape May	53. 8.—	
	<hr/>	678.—.—
		<hr/>
		£5510.19. 5½

PER CONTRA, C^r

By Moneys paid the Governor and the	
Several Affairs of the Governm ^t from	
1733 to 1738 pursuant to the Acts of	
Assembly for that purpose As per	
Account of Particulars laid before the	
Assembly	4808.15. 6

1740

To the ballance found by the Committee	
of the Council and Assembly appoint-	
ed to Inspect the Treasurers Accounts	
the 14 th of March 1738 at a General	
sessions held at Perth Amboy	1217. 0. 1
To Interest Money received Since from	
the Several Counties of the Western	
Division Viz ^t Cape May in the Year	
1739	£24.16.—
On Acc ^t of the £20,000	
Salem	82. 6.—

Gloucester	£72.12. 6	
Burlington	105.13. 9	
Hunterdon	61.10.—	
	<hr/>	£346.18. 3
Cape May	43. 8.—	
Salem	170. 3.—	
On Acc ^t of the £40,000		
Gloucester	150.10.—	
Burlington	218.10.—	
Hunterdon	128.—.—	
	<hr/>	720.11—
To Money's Rec ^d of Clem ^t Hall one of the Commissioners of the Loan Office for the Co ^y of Salem		126. 4. 7
		<hr/>
		£2410.13.10
By Moneys paid the Governor and the Several Officers of the Governm ^t pur- suant to the Acts of Assembly for that purpose		1983. 5. 4
	1742	
	DR.	
To the ballance of the Interest Money in my hands as by the report of the Com ^s in 1740		£483. 8. 4½
To Interest Money rec ^d Since from the Several Counties of the Western Di- vision viz		
Hunterdon	£190. 3.4	
Burlington	193.15.2½	
£20,000 Gloucester	193.13.4	
Salem	246.18.—	
Cape May	73.13.6	
	<hr/>	898. 3.4½
To ditto recievd		
Hunterdon	384. 0.0	
Burlington	655.10.—	

Gloucester	£475.14.2
Salem	536.13.6
Cape May	160. 4.—
	<hr/>
	£2312. 1. 8

£3693.13. 5½

To one thousand pounds Rec^d of Rich^d Smith and Caleb Raper Esqrs towards paying for the Victual^s and Transporting the Horses raised in this Colony £1000.—.

CR.

By Moneys paid the Governor and the several Officers of the Government pursuant to the Acts of Assembly for that purpose 2358. 5. 8

1740 Augst Sep^r & Octob^r By Sundry payments for Victualing & Transporting the Horses &c as per Receipts 1000. 0. 0

1744

DR.

The said Treasurer in the Year 1742 having been charged with the Interest money payable from the Western Counties for the £20,000 in the year 1740 1741 & 1742 & also the Interest money due from the s^d Counties for the £40,000 in the same years Amount^s to £2583.7.9 and also with part of the 4000 remaining in his hands appointed to be cancelled and destroyed in Bills dated 1724 if to be found &c which the Committees reported to be the Sum of 253.8.6 & Likewise reported to be in s^d Treasurers hands the sum of £1973.15. 8¼

The s^d Treasurer further Charges himself with the Interest money payable from the several Countes of the Westⁿ Division af^d for the years 1743 & 1744.

Hunterdon on the £40,000 & £20,000	£407. 8. 7 $\frac{1}{4}$
Burlington on the s ^d Sums	602. 1. 3
Gloucester	414. 1. 9 $\frac{1}{2}$
Salem	703. 6. 8
Cape May	146. 5. —
	<hr/>
	4246.19. 7 $\frac{1}{4}$

CR.

By Moneys Paid the Governor and the Several Officers and Charges of Government according to the Acts of Assembly for that purpose . . . 2971. 1. 3

1746

DR.

To moneys Received of Isaac Decow Esq one of the Signers of the Bills of Credit made Current by An Act of the General Assembly Entitled an Act for making Current £10,000 in Bills of Credit to enable the Hon'ble John Hamilton Esq &c . . . £5000.00.0

CR.

By Sundry disbursements for Arming & Cloathing part of the Horses on the Expedition to Canada which with a ballance of £1714.9.6. then remaining in the s^d Treasurers hands made up the Said Sum in full . . . 5000.00.0

1747

DR.

To the ballance of the Interest money reported to be in my hands by the Committee of the Council and Assembly

at Burlington in the year 1744 including the exchanging of 2090 and Holding of 3 Courts in 1744 viz at Salem Hunterdon & Gloucester	£1392.13.3
To interest moneys recieved of the Com-misr's of the Loan Office for the County of Hunterdon for the years 1745. 1746 & 1747	439.00.6
To Interest moneys recieved of the Com-missioners of the Loan Office for the County of Burlington as above	750. 4.7
To Interest moneys rec ^d of the Com-missio'rs of the Loan Office for the County of Gloster as above	519.06.3
To Interest moneys rec ^d of the Commis-sioners of Salem as above	883.16.7
To interest moneys recieved of the Com-missioners of Cape May as above	182. 6.6
To Sundry Arrearages not then Brought in	32.14.9
	<hr/>
	£4201. 2.5

CR.

By the Governors Salaries and those of the Several Officers and other Charges of Government paid pursuant to the Acts of Assembly for that purpose	2529. 9.3
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1748

DR.

To ballance of the Interest moneys reported to be in my hands at the last Settlement in 1747	2176.19.8
To moneys Received of the Western Com-mission ^{rs} for Victualling the Horses &c reported at last Settlement to be deficient in their hands	7. 1.5
To moneys Rec ^d of the Western Comrs	

for Arm ^s & Cloathing the Horses &c being the Sum report ^d to be in their hands	£132.18.0
To the ballance of moneys raised for Arm- ing and Cloathing the Forces &c re- ported to be in my hands at the last Settlement	171.19.6
To Interest moneys on the £20,000 and 40,000 Recieved in the year 1748 of the Several Counties Viz ^t	
Hunterdon	£90.00.6
Burlington	169.16.3
Gloucester	94.16.0
Salem	198.12.0
Cape May	39.19.6
	<hr/>
	593. 4.3
	<hr/>
	£3082. 2.10

CR.

By the Governors and the other Officers Salaries and other Charges of Gov- ernm ^t paid According to the Act of Assembly for that purpose	2966. 6.11
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1750

DR.

To ballance of the Interest money reported to be in my hands at the last Settle- ment in 1747	2176.19.8
To moneys received of the Western Com- missioners for Victualling the Horses &c reported at last Settlement to be deficient in their hands	7. 1.5
To moneys rec ^d of the Western Commis- sioners for Arming & Cloathing &c being the Sum reported to be in their hands	132.18.0
To the ballance of moneys raised for Arm- ing & Cloathing the Horses reported	

to be in my hands at the last Settlement	£171.19.6	
To Interest moneys on the 20,000 and £40,000 recieved in the year 1748 of the several Counties Viz ^t		
Hunterdon	90.00.6	
Burlington	169.16.3	
Gloucester	94.16.0	
Salem	198.12.0	
Cape May	39.19.6	
	<hr/>	593.14.3
To more Interest Moneys rec ^d from the Several Counties (to wit)		
Hunterdon	129.19.0	
Burlington	218.10.6	
Gloucester	155.17.3½	
Salem	144.10.3	
Cape May	28. 5.6	
	<hr/>	677. 2.6
	<hr/>	£3759. 5.4½

CR.

By the Governors Salaries and the several Officers of the Government and other Charges paid pursuant to the Act of Assembly for that purpose £3733. 6.2

Memorandum that the Account of 1748 contained in the last page is included in this. It being then given in to the Assembly, but not Settled.

1751

DR.

Province of New Jersey to Samuel Smith
Treasurer of the Western Division.

To Cash paid John Brick in full of his Certificate	£18. 2.0
To Joshua Bispham Ditto	12. 6.0

To Aaron Leaming in full of his Certificate	£18.12.0
To Ditto Another	13.10.0
To Jacob Spicer in part of his Certif ^e	7. 4.0
To David Hall for two Pennsylvania Law Books By order of Assembly	3.13.6
To my own Warran N 93	16. 0.0
To Ebenezer Hopkins his Certif ^e	12.12.0
To Dan' Smiths Certif	15.16.0
To Ditto another	12.00.0
To Rich ^d Smiths Certif ^e	15. 6.0
To ditto another	11. 8.0
To the Governors Warrant N 120	250.00.0
	<hr/>
	406.19.6

CR.

1750 By Interest money from the County of Salem for 1750	£111. 2.0
By ditto Cape May	22. 4.0
	<hr/>
	£133. 6.0

1751

By Cash received of W ^m Clayton Esq one half the forfeiture of a Pedlar	1.10.0
By Interest money for 1751 from	
Salem	15. 1.6
Cape May	14. 8.0
Hunterdon	35.10.0
Gloucester	43. 6.3
Burlington	64. 2.6
	<hr/>
	232. 8.3
	<hr/>
	367. 4.3

BURLINGTON Decemb^r 16 1751

Pursuant to the Governors Letter of the 10th of Aug^t last requiring me to transmit into the Secretary's Office at Burlington with all possible despatch the

Account of the Reciepts and payments made by me as Treasurer or by the Treasurer of the Western Division of New Jersey for the time being from the year 1726 to that time I have collected the foregoing Acc^{ts} from the year 1733 which is as far back as is in my Power to procure with certainty All of them (except my own) are from the Acc^{ts} D^d in to the Assem^y by John Allen Esq but as the Settlem^{ts} from time to time made by the Council & Assembly are not entered upon them they are not so particular & exact as might otherwise have been expected

I have recieved also of the Exchange Money of John Allen Esq Son of the late Treasurer Eight Bags and Bundles said to Contain in New Bills and in old ragged and torn Bills the Sum of Three thousand and four pounds and Sixteen Shillings.

SAM^L SMITH

Be it remembered that on the 16th day of December 1751 Samuel Smith Esq^r Treasurer of the Western Division of the Province of New Jersey personally Appeared before me Charles Read Esq^r one of the Justices of His Majestys Supreme Court of Judicature for the said Province (Who being one of the People called Quakers) On His Solemn Affirmation which he took According to Law did Declare that The foregoing Provincial Acco^{ts} were Extracted from Accounts in possession of the Clerk of y^e Gen^l Assembly being from time to time delivered to them by the Treasurer of s^d Western Division & that the same so farr as Has been Transacted Since His own Appointment to the Office aforesaid is true

SAM^L SMITH

Affirmed y^e Day & Year above Before me

CHA READ

Eastern Division, Treasurer's Accounts, from
October 1734, to Octob^r 1751.

Province of New Jersey. (To Andrew Johnston
of the Eastern Division) from the time he
was appointed Treasurer

DR

To Sundry Payments from Oct^r 1734 to Mar: 1738 Viz^t:

His Excellency Governour Cosby, Sundry Warrants	£807. 5.0
His Hon ^r Coll ^o Hamilton President	500. 0.0
Chief Justice	600. 0.0
Second Judge	110. 0.0
Treasurer of the Eastern Division .	144.12.8
Attorney Generall	40. 0.0
Clerk of the Council	112.10.0
Clerk of the Circuits	90. 0.0
Door keeper of the Council	25. 0.0
Signers of the Bills of Credit . . .	80. 0.0

£2509. 7.8

To Sundry Defeciences in the Interest of
the £20,000 and the last £40,000, pay-
able In 1735, 1736, 1737, & 1738 .

291. 6.9

£2800.14.5

To Sundry Payments from March 1738 to May 1740. Viz^t:

His Excellency Governor Morris Sun- dry Warrants	£845. 6.0
Gentlemen of the Council	138.18.0
Gentlemen of the Assembly	457.16.0
Chief Justice	150. 0.0
The Agent	80. 0.0
Eastern Treasurer	70. 0.0
Second Judge	70. 0.0
Clerk of the Council	45. 0.0

Attorney Generall	£30. 0.0
Clerk of the Circuits	35. 0.0
Doorkeeper of the Council	17.10.0
Doorkeeper of the Assembly	17.11.0
Serjeant at Arms to the Council	16.10.0
Serjeant at Armes to the Assembly	15. 6.0
Hire of a Room for the Council	20. 0.0
Hire of a Room for the Assembly	30. 0.0

2038.17.0

To Sundry Payments from May 1740 to Nov^r 1742 Viz^t

His Excellency Governour Morris

Sundry Warrants £1060. 0.0

Gentlemen of the Council 57.18.0

Gentlemen of the Assembly 437. 2.0

Chief Justice 175. 0.0

Agent, Salary £200. 0. 0

Ditto, Acc^t Disburs^{ts} 88.14.10

288.14.10

Eastern Treasurer 80. 0.0

Second Judge 115. 0.0

Clerk of the Council 7.10.0

Attorney General 46. 0.0

Clerk of the Circuits 10. 0.0

Doorkeepers & Serjeants at Armes to
the Council & Assembly 55.14.0

Clerk of the Assembly 65.12.0

Printer 46.14.0

Acc^{ts} of Expenses 43.12.0

Hire of a Room &c for y^e

Council £3.15.0

Ditto for the Assembly 5. 0.0

8.15.0

An Error in a former Settlement 9. 0.0

Trustees for Victualling & Trans-
porting the Forces Raised for His
Majesty's Service on the Expedi-

tion to the West Indies, pursuant
to an Act of Assembly passed in
1740, £1000. 0.0

3506.11.10

To Sundry Payments from Nov^r: 1742 to Nov^r: 1744 Viz^t:

His Excellency Governour Morris

Sundry Warr^{ts} £1060. 0.0
Gentlemen of the Council 45.18.0
Gentlemen of the Assembly 385.10.0
Chief Justice 150. 0.0
Agents Salary £180. 0.0
Ditto Acc^{ts} 34.19.8

214.19.8

Second Judge 67.10.0
Eastern Treasurer 90. 0.0
Clerk of the Assembly 64.16.0
Doorkeeper of the Council 9. 6.0
Doorkeeper & Serjeant at Armes to
to the Assembly 18.12.0
Printer and bookbinder 50.16.0
Acc^{ts} of Expenses 34.13.6
Hire of a Room &c for the Council 6.15.0
Ditto for the Assembly 9. 0.0

2207.16.2

To Sundry Payments from Nov^r: 1744 to Feb^r: 1747 Viz^t:

Three months Salary from 23^d June
to 23^d Sep^r: 1738, part to President
Hamilton & Part to Gov^r: Morris J^r:

Warrant, which was Omitted £125.00.0
Chief Justice ~~W~~ Warrant 25.00.0
Second Judge 7.10.0
The Agent 20.00.0
Eastern Treasurer 10.00.0
Printer's Acc^{ts} 6.16.0

The Com ^{rs} appointed to Purchase Provisions for His Majestys Subjects at Cape Breton	£1000.00.0
The Com ^{rs} for Victualling the Forces Raised for His Majestys Service In the Expedition against Canady	1442.12.1½
Bounty money paid to three of y ^e Companys on s ^d Expedition,	1800. 0.0
Subsistance of s ^d three Companys from the Day of Inlisting to the Day of Muster	308.14.9
The Commissioners for a Second Supply of Provisions for the Forces	850. 0.0
The Com ^{rs} for a third Supply of Provisions	1000. 0.0
The Com ^{rs} Appointed for Arming & Cloathing the Forces	7750. 2.3
	<hr/>
	14345.15.1½

To Sundry Payments from Feb^{ry} 1747 to Oct^r 1751 Viz:

Exe ^{rs} of Coll ^o Hamilton late President a Warrant	£520. 0.0
His Excellency Gov ^r Belcher Sundry Warrants	1590. 0.0
Gentlemen of the Council	214.16.0
Chief Justice	363. 1.4
Gentlemen of the Assembly	1485. 0.0
Eastern Treasurer	195. 4.5
Money advanced for Subsistance of the Forces after the Day of Muster to the time of Imbarkation for Albany	476. 5.0
Second Judge Sundry Warrants	156.17.0
Agent Salary	£270. 8.0
Ditto Acc ^{ts} Disb ^{ts}	407. 7.5
	<hr/>
	677.15.5

Clerk of the Council	£123.18.4
Clerk of the Circuits	15. 0.0
Coll ^o Schuyler for Provisions &c at Albany Supply'd the Forces,	623.17.8
Clerk of the Assembly	222.16.0
Doorkeepers & Serjeants at Armes	76.19.4
Hire of Council Chambers &c	47. 7.9
Acc ^{ts} of Expenses	48.17.3
His Excellency Gov ^r : Belcher more Warrants	530. 0.0
Gentlemen of y ^e : Council	25.10.0
Eastern Treasurer	80. 0.0

7473. 5.6

Total Dr £32373. 0.0

Contra C^r:

By Sundry payments from Oct^r: 1734 to March 1738.

Viz:

A Tax Received from the Several
Eastern County Collectors, for y^e

Year 1734 £540.13.0

Ditto Received for the Year 1735 541.10.6

£1082. 3.6

Interest money Arising from the Loan
of Bills of Credit In the Eastern
Countys, by Virtue of an Act of
Assembly passed in the year 1723
for Striking £40,000, payable, 1735

£14.19.4½

Ditto by Virtue of an Act pased in the
year 1730 for making £20,000

508. 9.0

Ditto payable in the year 1736

495. 4.3

Ditto payable in the year 1737

462.18.9

Ditto payable in the year

1738 £462.18.9

Ditto by Virtue of an Act passed in the year 1733 for Making £40,000	954.18.0	
	<hr/>	1417.16 9
		<hr/>
		2899. 8.1 $\frac{1}{2}$
Part of the Deficiencies of Contra Re- ceived		209.12.0
		<hr/>
		£4191. 3.7 $\frac{1}{2}$
By Sundry Payments from March 1738 to May 1740 Viz: ^t		
Deficiencies in the Tax for y ^e Year 1734		£0.17.6
Cash on Acc ^{ts} of Sundry former Defi- ciencies in the Interest Money		262.15.8
Interest of the £20,000 & the last £40,000 paya ^e from the Eastern Countys In 1739		1417.17.0
		<hr/>
		1681.10.2
By Sundry Payments from May 1740 to Nov ^r 1742. Viz: ^t		
Part of a Ball ^e In the late Treasurers hands		£466. 8.6
Part of Deficiencies In former Interest Interest payable from the Several Countys In the year 1740		216.11.2
		1417.17.0
Ditto payable In 1741		1417.17.0
Ditto payable . 1742		1417.17.0
Cash from the Signers of the Bills of Credit Pursuant to an Act passed in 1740		1000. 0.0
		<hr/>
		5936.10.8
By Sundry Payments from Nov ^r 1742 to Nov ^r 1744 Viz: ^t		
Ball ^e in the late Treasurers hands		£309. 6.4 $\frac{1}{2}$

Interest Money payable from the Eastern Countys in the year 1743	£1350. 3.4½
Ditto Payable 1744	1282. 9.9
	<hr/>
	2941.19.6¼

By Sundry Payments from Nov^r 1744 to Feb^r 1747. Viz^t

Interest Money payable from the Sev- eral Eastern Countys in the year 1745	£1214.16.1½
Ditto payable in the year 1746	1147. 2.6
Ditto payable 1747	944. 1.7½
Cash Rec ^d from the Signers of the Bills of Credit Ordered to be Signed for Victualling the Forces Raised for His Majesty's Service on the Expedit ⁿ against Canady by an Act passed in 1746	2000. 0.0
Cash rec ^d from the Signers of the Bills Ordered for the Second Supply of Provisions	850. 0.0
Cash Rec ^d from the Signers of the Bills Ordered for the third Supply of Provisions	1000. 0.0
Repaid by the Victualling Com ^{rs} be- ing a Ball ^e in their Hands	191. 0.8¼
Cash Received from the Signers of Bills to be Ap- ply'd to Arming & Cloath- ing y ^e Forces Raised for His Majesty's Service	£5000. 0.0
Ditto from the Western Treasury by y ^e hands of the Com ^{rs}	3475. 0.0
	<hr/>
	8475. 0.0
Cash Repaid by the Eastern Com ^{rs} Appointed for Arming & Cloathing the	

Forces, being a ball ^e in their hands	£99. 2.3	
Sundry Remnants of Cloath- ing &c	121.18.0	
	<hr/>	£221. 0.3
		<hr/>
		16043. 1.2 $\frac{1}{4}$

By Sundry Payments from feb^y 1747 to Oct^r 1751 Viz^t:

Interest Money payable from the Sev- eral Eastern Countys In the year 1748		741. 0.9
Ditto payable In the the year 1749		537.11.9
Ditto payable 1750 .		412. 9.0
A former Deficiency in Somerset County		18. 3.0
Interest Money payable . . . 1751		277. 1.3
		<hr/>
		1986. 5.9

Total Cr £32780.10.11

Be it remembered that on the second day of June 1752 Andrew Johnson Esq^r Treasurer of the Eastern Division of New Jersey Appeared before me Rob^t Ogden Esq^r and being duly Sworn Declares to the Best of his Knowledge that the above Account is a true State of the Receipts and payments by him from Octo^r 1734 to Oct^r 1751 Excepting that some Part of the Interest money for which he has Given Credit is Still Outstanding.

AN^o JOHNSTON

BOROUGH OF ELIZABETH ss.

Sworn the Day & year above written before me

ROB^t OGDEN

Letter from Governor Belcher to Rev. Dr. George Whitefield, England—upon religious subjects.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN (N J) June 23 1752

Dear Mr Whitefield & Worthy Sir

Your Excellently good and religious Letter of the 13th of Oct. 1750 came to my hands the May following and which I had Answered long before now But that your Sudden Motions from place to place made me quite at a loss how to get a Letter in safety to you and I now Cover this to the Care of our good Friend Mr Bradford of Phil for its better Conveyance.

D^r Sir how much have you disappointed great Numb^{rs} of your longing Friends by not making a Stride a Cross the Ocean from Carolina hither of which we were big with Expectⁿ but we must Submit believing your great Master Steers & marks out your Paths so as shall best of all Contribute to the build^s up and Enlargement of His Kingdom of Grace here and thereby fitting Multitudes of Souls to be His Subjects in His Kingdom of Glory thro' the endless Ages of a Happy Eternity Amen.

I thank you tho' I am quite Ashamed that any thing of mine shou'd pass under the Correct Eye of the Excellent & pious Countess of Huntingdon who is so Bright an Ornam^t nay I may say a Constellation in the Church of Christ here & who will (I doubt not) hereafter Shine as the Stars for ever & Ev^r & now thro' your kind interposition I presume to Address Her Ladyship by the Inclos'd which I leave open for you to read & then Clap to the Seal and deliver it and this is an honour I shou'd not venture to do my Self but that I depend upon your Goodness to obtain Her Ladyships Pardon for the trouble of this Nature.

And before I go from this part of my Letter I wou'd say that I am told there is a Considerable intimacy between the last Dutchess Dowager of Somerset and Lady Huntingdon if so and you cou'd Conveniently mention it to Lady Huntingdon I wou'd venture to Congratulate the Dutchess of Somerset upon the Character She so deservedly bears among those who are truly the Salt of the Earth I mean that Dutchess of Somerset who was not long since Countess of Hertford.

And now, Sir, let me thank you once more for your kind & generous Concern for the Welfare of the Infant College in this Province w^{ch} I assure you creeps along with great difficulty—the Trustees chose M^r Pember-ton the last Fall to take a Voyage to great Britain in favour of the College but when the thing came before his Church and Congregation they wou'd by no means be prevail'd upon to let him go.

And this Spring M^r President Burr was pitcht upon for the same purpose but his fear of the small Pox and the difficulty of finding a person to take the Care of the College in his absence have render'd a Second Attempt in this matter abortive however we intend at the next Meeting of the Trustees to try if some other person can't be found for this Service which seems to me must be the dernier resort for Encourageing and Establishing this New Seminary nor will I despair but Conclude with the great Pharisical D^r if it be of God it cannot be overthrown I heartily ask your Prayers for its prosperity.

O Sir as often as I read your ingenious & pious Letters they rejoice my Heart and refresh my Bowels and I am particularly glad to find that you were at good Lady Huntingdon^s with three other Clergy men that love and preach Christ Jesus & that you can give me the pleasing Account of several Instances where the Sovereign Grace of God has taken place in the Hearts of Persons of High Degree how pleasing is the prospect when such are posting to the Celestial Canaan

with their faces thitherward when it pleases God to set up His Kingdom in the Hearts of such he will Accomplish a great Tribute of praise and honour to his glorious Name.

Procepta docent Exempla cogunt.

How sweet Sir must be your Meditation when your Soul rolls inward to Consider that you are Sincerely will^s to spend and be spent in the Cause of your Blessed Lord & Master and may you still go on in His Strength to win many Souls to Righteousness every one of which will be a bright Gem in the glorious Crown with w^{ch} the Great God Man will wreath your Temples in the great day of his appear^s Amen and Amen !

As to me your poor unworthy Sinfull Fr^d I abhor my Self in every view I can take and desire wth faith and prayer humbly to fly to the Blood of the great Atonem^t to purge and Cleanse me from the Stains and guilt of Sin & that I may be Cloathed with the Spotless Robe of the Righteousness of the Immaculate Lamb of God and at last be presented faultless before His Heavenly Father. I have more than Accomplish'd the measure of Human Life and daily find the decays of Nature thickning upon me let me then intreat & injoin you never to forget me when you more privately besiege the Throne of Grace that I may be Constantly hungering & thirsting after the Righteousness of Christ and may finally approve my Self one of those Wise Virgins that took Oil in their Vessels with their Lamps that so when the bridegroom came were ready & went in with him to the Marriage Supper of the Lamb & thus my Friend wrestle with God for me and still more indear you to

Reverend & Good Sir

Your greatly Oblig'd Friend & Serv^t

J. BELCHER

Mr Whitefield.

TO THE RIGHT HONOURABLE THE COUNTESS
DOWAGER OF HUNTINGDON

Grace Mercy and peace be Multipl'd from God the Father & from the Lord Jesus Christ thro' the Influences of the Holy Spirit.

Madam

While I take my Pen in hand and the freedom of Addressing your Ladyship to whom I am so much unknown it fills me with wonder & Surprize and yet when I consider the Account I have rec^d of your Humility and Condescending goodness to persons of Low degree I ask a thousand pardons and that you will let me depend upon your Ladyships goodness to forgive me indeed I shou'd not have presumd to have troubled your Ladyship with this Letter till I had thro' my Amiable Friend Mr Whitefield askd Your Ladyship^s leave and the Errand of it is Chiefly to rejoice with your Ladyship in the account I have from many of my Friends in the abundant Measure of Grace with which it pleases God to favour and honour you in the Conduct of your whole life and which renders you so bright an Example and Ornament of the Christian Religion & makes you so ready on all Occasions to espouse & Build up (as much as in you lies) the Kingdom and Interest of the Dear Redeemer This Madam distinguishes you in the best and uncommon light being a Personage of such high Birth and Rank in the World for we are told Not many Mighty not many Noble are Chosen to be the Subjects of the Kingdom of Grace here and Heirs of the Kingdom of Glory hereafter—happy, therefore, thrice happy for your Ladyship that you have I doubt not secur'd the one thing needfull even an Interest in the saving Mercy of God thro' Jesus Christ.

Alass most Excellent Lady of how little value are

the Riches and pleasures of this Transitory Life when set in Contrast to the durable Riches and the never ending Joys that flow at the right hand of God for ever more.

Allow me Honoured Madam to lay before you the Paragraph of a Letter I lately reced from a Serious Religious Friend it being I really believe some description of your Ladyships Case in the Religious World the Words are these “ But how much real joy & pleasure is to be Experienced in a Life of Communion with God here, which none relish or form any Idea of but the Soul Sanctifyd by the Divine Spirit & when he leads the Soul into intimate Converse with the Holy God & clears up the Evidence of its Adoption in the Number of the Childⁿ of God in such Interviews with Heaven how is the Soul elevated & rais'd above every thing here below and the Joys possessing the Soul at such a time is an earnest of that Happiness & Joye into w^{ch} the Believer enters at Death to be Completed in the General Resurrection.

This is a real truth, the Life of a Christian is a hidden Life, it is so from a vain World, & it is hid with Christ in God. How secure & happy then is the believer under all the Changes & Trials that can happen to him in this Life for the Covenant of Grace fixes him in this Attitude that Nothing can be otherways than for his best good according to the Divine promise and when we shall enter the Heavenly Mansions where the Immense Volumes of Providence shall be opened to his view he will then perceive the Beauty & Harmony of all the Divine Dispensations and the Necessity thereof in Order to prepare him for that Blessed State and in the enlarged prospect of that Happiness he is now placed in the full possession of he will join the Heavenly Host in Ascriptions of praise to God & Christ for ever and ever.

God in His great mercy grant that your Ladyship

may live to an extended Age free from pain and Sickness and when in Gods best time the hour of Death Approaches may it be to you only an easy Transition from this vain Transitory Life to the Substantial & never ending Joys of the Paradise of God above & thus I remain

Most Hon^d Lady

Your Ladyships Most Obedient

& Most Humble serv^t

J. BELCHER.

ELIZ: TOWN (N. J.) June 24: 1752

Lady Huntington.

*Letter from Governor Belcher to President Burr—
complimenting him on his marriage.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN June 30 1752

M^R PRESIDENT BURR

Sir

I have just now reced from you the pleasing notice of your entring into the Honourable State of Marriage with the ingenious & virtuous Miss Edwards a Daughter of my Worthy & much esteem^d Fr^d Mr. Edwards of Stockbridge in which I wish you all the Joys & Satisfaction which kindred Souls may reasonably hope for in such a Change of Life & may you Sir live long together in much Health & ease & as Heirs of the Grace of Life & in this My Wife heartily joins with me as also in our best Respects to good Mrs. Edwards y^r now Mother in Law.¹

¹ For particulars relating to this marriage see Stearns' First Church in Newark, p. 190, and letters from J. Shippen, Jun., to his father, in Proceedings N. J. Hist. Soc., Vol. V, p. 169.

Whenever it Suits your Conveniency we shall be glad to see you at our little Cottage in the mean time if the Season will allow we shall take the pleasure of visiting you at Newark—I am

Rev^d Sir Your very good Fr^d

J. BELCHER

Report to the Lords of the Committee of Council upon the draft of a Commision, for inquiring into the grievances in New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 15, P. 375.]

To the Right Hon^{ble} the Lords of the Committee of His Majesty's most Hon:^{ble} Privy Council.

WHITEHALL July 23^d, 1752

My Lords

Pursuant to your Lordships Order, dated the 7th of May last, We have taken into Our Consideration a Report made to your Lordships by His Majesty's Attorney and Solicitor General upon considering several Papers referr'd to them, relative to the great Riots & Disturbances in His Majesty's Province of New Jersey, and also the Draught of a Commission prepared by them, for making Enquiry into the Causes of the Rise, Progress & Continuance of these Commotions, upon which your Lordships desire Our Opinion, and of the manner in which We conceive the said Commission may be most properly carried into Execution: Whereupon We beg leave to acquaint your Lordships,

That We have in Our Report, dated the first of June 1750, fully stated to your Lordships not only the Rise & Progress of the Riots and Disturbances which have

been committed in that Province, but also the particular Grievances which are alledged, in the Papers transmitted to Us from the said Province, to have been the causes thereof, with the Nature of the Grievances themselves, and therefore We humbly apprehend that the Object and View of this Commission, which is merely to enquire into the said Grievances independent of any questions which have a relation to Property, is thereby fully answer'd and that our Report contains all the Information which can possibly be derived from it.

If however your Lordships should think it advisable that such a Commission should be issued, We must beg leave to refer your Lordships to a Precedent of the like kind in the Colony of Virginia, upon Occasion of a Rebellion which broke out there in the year 1676, when it was thought advisable that a Commission should be given to three Persons sent from England to enquire into the grievances which had given rise thereto; And altho' the Circumstances of that Case were not all similar to the present, yet the general view & object of the Commission was the same, and upon comparing the Commission for Virginia with the Commission now prepared by the Attorney and Sollicitor General, your Lordships will find the Regulations and Provisions of both to be nearly the same. As to the manner of carrying this Commission into Execution, We are of Opinion it must be by the Appointment of such Persons to be commissioners as shall be men of known Prudence, Temper & Abilities; that these Commissioners should be chosen out of some of the neighbouring Colonies or sent from hence, as your Lordships shall judge most proper, but We are inclined to think that Persons sent from hence would be the least liable to Suspicion of Interest, Prejudice or Partiality. As the Terms however of this Commission are very general, We would humbly propose that proper Instructions should be given to the

Commissioners, marking out to them the method in which they are to proceed in the discharge of their Trust, and the particular points to which it may be necessary they should direct their Enquiry.

As to the questions which have arisen concerning the Property of Lands, as no Judgment or Determination has ever been given in the Courts of Law there upon any one point, it was not possible for Us to state the same in our aforementioned Report with that precision which might enable your Lordships to form an Opinion thereupon, and We submit to your Lordships whether the Method proposed by the Attorney and Solicitor General of bringing the particular Claims to a final Determination in a judicial way, is not a very prudent and effectual one, & whether it is not advisable that Instructions should be sent to His Majesty's Governor of the said Province conformable thereto.

We are My Lords,

Your Lordships most Obedient and most humble
Servants,

DUNK HALIFAX.
CHARLES TOWNSHEND
ANDREW STONE.
JAMES OSWALD.

EX^d

Letter from Governor Clinton, of New York, to Robert Hunter Morris, in England—leave of absence denied.

[From original in papers of R. H. Morris in Library of N. J. Hist. Soc., Vol. I, No. 45.]

The Hon^{ble} Rob^t H: Morris Esq^r

GREENWICH, 26 July 1752

S^r:

To my great Surprise & disappointment, I received, by the Nebuchadnezar, a Letter from Lord Holder-nesse, signifying His Majesty's Commands (dated 30

April) for me to remain in my Government, and a hint that my Leave which expired 1st Instant, would not be renewed. This you may imagine was a very great Shock to me, as all my Goods were on board the Centaur, and my time of sailing fixed to next Thursday, in Short, it laid me under such a Dilemma, that I was in doubt what to do, and believe I should have ventured to have gone away nevertheless, had not Mr Alexander by his persuasions and arguments convinced me of the fatal Consequences of breaking the King's Orders, [tho I very much doubt His Majesty's knowing any thing of the matter.]¹

I am positively assured, that there must have been some clandestine dealings used, even to trick me out of my Leave, for from the 30th of April (the date of his Lordship's Letter) I had full two months before it expired; and what gives me more Surprize is the keeping the Order so secret, that not one of my Friends gave me the least intimation of it, tho' it had been whispered about here for this Month or Six Weeks past. The Livingstons and others here, have Letters from their Correspondents that the Lords Loodon, Kinowl, Hume, Tankerville, as well as Sr Thomas Robinson & Sr Peter Warren are all laying in to supersede me. So that the very best and the only prospect I have of getting home is to quit my Government and Company, and very probably to a Person, disagreeable to me and my Friends here.

It is not unlikely that the Ship, which brings over my Successor, may be ordered only to touch here to land him, and proceed on to the West Indies; [or some other service] What then can I do? divested of my Government, liable to the insults of a daring Faction, and deprived of any means to get home, unless in a

¹ The words within brackets were added in a duplicate letter bearing the same date.—Ed.

Merchantman much to the Discredit of His Majesty's Governor, my Family and the Rank I bear in the Navy.

Only please S^r, to reflect how much I am embarrassed, and use your utmost endeavours jointly with all my Friends to extricate me, which I make not the least doubt you will do all in your power to accomplish. I have wrote to M^r Catherwood fully on this Subject, with whom you will be so good as to consult, what ways and means I may be relieved by.

Your Favour from Bath of 12th May I received and am Sorry for the occasion. I would have wrote this myself but am much indisposed.

I am with great Truth S^r

Your very humble Servant

G. CLINTON.

[The duplicate of this letter, with some additional matter, was received by Mr. Morris, in London, Oct. 21, 1752, and bears this endorsement in his own handwriting: "Octo. 25. Dined with Pownall of Sedge^{ck}. at Gov^r Shirleys—in the course of y^e conversasion Pownall said there was an Affid^t come to the Board, that M^r Clinton had taken Money for an office & that M^r Holland had forty pounds for managing the Matter."—ED.]

Letter from Governor Belcher to Mr. Shippen, of Philadelphia—about sending an agent to England to solicit aid for the College.

[From Belcher Papers in Library of N. J. Hist. Soc.]

Aug. 3 1752

MR SHIPPEN

Sir

I am sensible you are heartily engagd to promote the Welfare of our Infant College the Establishment and growth whereof will but crawl along for many

years to come unless some suitable person can be found to go Home and Solicit the Aid & benefactions of our Friends in England and Scotland and to this end I have wrote Mr. Hazard¹ that I think the Rev^d Mr Tennent a very suitable person and I desire you to give him my kind Respects and let him know I believe it the general Request of the Trustees that he wou'd undertake a voy^a in favo^r of the Colledge.

You will remember that the 16: of next mo. is to be the Commencem' at Newark * * * I hope you, Mr. Tennent & M^r Hazard will not fail to come for it is high time to fix the place for building of the Colledge and to put it forward without any further delay * * *

Sir your Friend & most Humble serv^t

J BELCHER

*Letter from Governor Belcher to Lord Hardwicke—
about orders from the King.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Aug 5 1752

LORD HARDWICKE

May it please your Lordship

I did my Self the Honour of writing Your Lordship at large the 3: of Dec^r last and which Mr Partridge advises me was duly delivered and which was a particular Answer to the honour of Your Lordships Letter of 31 of Aug^t preceding and in which Letter Your Lordship was pleas'd to write me of His Majestys late Order in Council part whereof was for the Issuing of "a Commission to Inquire into any Grievances of the

¹ Similar letter to Mr. Hazard, of Philadelphia.—Ed.

people of this Province relating to their Possessions" this Commission and any other Order His Majesty had to give in this Affair I have been impatiently Expecting from March last to this time but I have not rec^d a word relating to it either from the Secretary of State or from the Lords Commissione^{rs} for Trade and Plantations for which I am very sorry as the whole Legislature and the people of the Province seem very desirous of the Kings Orders & till they arrive I think it would be only prostituting the Kings honour and Authority to make new Attempts with the Assembly as to the long subsisting affair of the Rioters &c. & His Majestys Council are of the same way of thinking as will be seen by their Minutes which I duly Transmitted in May last to the Secretary of State and to the Lords Commissioners for Trade & Plantations. And till the Kings Orders Arrive I have no new footing to go upon with the Assembly or to Act with greater firmness & vigour as Your Lordship is pleased to mention.

I doubt not but Your Lordship will have been acquainted that in a Session I held with the Assembly in Feb^r last the Council and they agreed in a Bill & to w^{ch} I Consented for raising money to pay all the Debts of the Province to Nov^r next and if upon the Arrival of the King's Orders some good Law can be projected & passed for putt^g an end to Rioting this will soon become a happy and flourishing Province nor shall any thing in my power be left undone to Contribute to it. * * * *

Thus My Lord I have taken the freedom to lay before you the present State and Circumstances of this Province and of my care and fidelity to do every thing that lies with me for Supporting the Kings honour & Interest & I wou^d therefore humbly hope for the Continuance of Your Lordships Patronage and fav^r that Nothing may be done to my prejudice (and so to my

Familys) Altho' I am inform'd that the young Mr. Morris is trying all the ways in his power to hurt me per fas aut ne fas or as the Poet sayes Flectere si nequeo superos, Acheronta movebo

I remain &c
J BELCHER.

*Letter from Governor Belcher to Earl Granville—
asking for continued confidence.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN Aug 7, 1752

EARLE GRANVILLE

May it please Your Lordship

* * * I am now to ask pardon for the freedom I take of Addressing Your Lordship at this time but so it is My Lord (and so Your Lordship is Sensible) that those who are Governours of His Majestys Plantations have many to please and let their Conduct be never so Cautious and Unacceptonable some will be displeas'd and of Consequence be striking at them with all the Ill Offices in their power and this I understand is in some Measure the Case with me in this Province and that Mr Morris now in England and a Son of my late immediate Predecessor is using all his Arts & Chicanery to Misrepresent my Administration but I humbly hope Your Lordship nor any of the King's Ministers will give Ear to his Case and unjust Insinuations for I am My Lord & will be an honest Man Maugre the Malice & base Attempts of my petulant Enemies who have never yet had the Confidence openly and fairly to Attack me well knowing that I have done to the Utmost of my power from my first Arrival to this Governm^t to this time for Supporting His Majestys honour & Interest & at same time for promoting the Welfare &

prosperity of His People & which are things very Compatible and what His Majesty justly expects from all His good Serv^{ts}

I was My Lord Advised the last fall from Whitehall that there wou'd soon be coming hither some Special Orders from the King respecting the Riots & Confusions w^{ch} hath at times been Subsisting in this Province for a great Number of years past and which Orders I have been earnestly wishing for & so have the whole Legislature & the whole Province as hoping they may tend to an entire Suppression of the disorders & Tumults that have been too long & too frequent here and were this once Accomplish'd I believe New Jersey wou'd be as flourishing & as fine a Province for its bigness as any in His Majestys Dominions. I again therefore earnestly wish the above mention'd Orders may soon Arrive.

It was My Lord a privilege under Nero one of the Roman Tyrants that a Subject shou'd not be Condemnd unheard with how much greater Confidence then may an English Subject depend upon such a privilege under the reign of the Wise, just and Gracious Administration of His Britannic Majesty and enjoy the benefit of the Salutary Laws of His Kingdom if therefore My Lord any thing shou'd be objected to my Administration I think I may justly Expect to be serv'd with an Authentick Copy of it with full time to be allowed me to make Answer before there may be any Censure or Opinion made out against me and to this end let me humbly pray for Your Lordships favour & Countenance.

I always am with the highest Deference and Respect

My Lord Your Lordships

Most Gracious &c

J. BELCHER

*Letter from Governor Belcher to Lord Halifax—about
the affairs of the Province.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN Aug 6 1752

LORD HALIFAX

May it please Your Lordship

I think I did my Self the honour of writing Your Lordship in December last on the Affairs of this Province and which I understand was put into Your Lordships Hands—but Notwithstanding the hopes I at that time Conceived of rec^s His Majestys Especial Orders relating to the Affairs of this Province I have not to this day heard any thing of them either from the Secr'y of State or from Your Lordships Hona^{ble} Board altho' the whole Legislature and the people of the Province .in general have been earnestly wishing to receive them hoping they may have a Tendency to put an end to the Riots and disorders that have at one time & another (for nearly fifty years past) been subsisting in this Unhappy Province.

Some months agoe I forwarded to Your Lordship's office the Journals of the Meeting of the Assembly of this Province in Feb. last wherein the Council agreed on An Act to raise Money for Paym^t of all the Province debts to Nov^r next to which I consented & if upon the Arrival of the King^s expected Orders some Measures shou'd be enterd into by this Legislature for Suppressing the Tumults & disorders that have been too long & too frequent in this Government I believe New Jersey will soon become a flourishing and happy Proving I therefore once more beg of Your Lordship that such Orders may be Expedited.

I doubt not but Your Lordship has seen what I Transmitted to Your Honourable Board of one Simon Wickoff who stood Committed for High Treason at His Majesty^s Goal at Amboy being delivered therefrom in a Riotous manner upon which I Summon^d His Majesty^s Council in Order to have their Advice and Opinion what Steps wou'd be proper to take in such an Extraordinary Affair & whether to Call the Assembly together but Your Lordship has before this seen that they tho't it Advisable to do nothing in the matter till His Majesty Orders above mentioned shou'd Arrive and which on my part I shou'd gladly carry into Execution to the Utmost of my power for the best Support of His Majesty^s Authority and Interest in this Province and for promoting the Welfare & prosperity of the people and which things I have made the Cardinal points of my Administration. And while I mention this Your Lordship will please to allow me to say that let the King^s Gov^{rs} Abroad Conduct their Administration never so Cautiously yet there will be some who delight in Mischief that will be Capping and this I am told is in some Measure my Case I wou'd therefore humbly beg of Your Lordship not to make any partial Censure or Opinion upon my Administration from the Insinuations of such Whisperers who Phaps wou'd never be easy unless things wou'd be just according to their Mistaken Fancies and Imaginations. My Lord you are sensible that even under Nero one of the Roman Tyrants a Man was never to be Condemnd unheard surely then every One living under the Governm^t of His British Majesty who is a pattern for all Christendom of Wisdom, Justice and Clemency cannot be hurt in his Character or Interest by the baseness of his Enemies without being Serv'd with an Authentick Copy of any Complaint & time Sufficient given him to make Answer thereto and as Your

L^dship has the great honour of being Fam'd for Your Justice Probity and Impartiality let me humbly ask it of you as a favour that the purport of this Letter may have its due Weight with Your Lordship when any Attempt may be made with You to my prejudice and which will always oblige me to be & remain as I am with all possible Esteem & Respect

My Lords, Most obed^t.

J BELCHER

Message of Governor Belcher to the Council—relating to the admission of L. M. Ashfield to their body.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZABETH TOWN Aug. 11 1752

Gentⁿ of the Council

After what I said to you in Oct^r last & is on the Council Minits I am Surprised at the Motion made yesterday by M^r Alexander relating to the King's Mandamus for Admitting M^r Ashfield into the Council with which I once more tell you, you have no business or Concern nor will I hear anything from you about it this I say to save yourselves or me any further trouble and if you are minded to show that Young Genⁿ any Respect I wou'd Advise you to teach him his Duty in this matter to the King's Governour and when he practices it he shall have my Ans^r.

J BELCHER

*Letter from Governor Belcher to the Lords of Trade
—urging the transmission of orders from the King.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Aug^t 13 1752

To the Lords of Trade

May it please Your Lordships

I wrote you the 9. of June past since which I have not the hon^r of any of your Lordships.

I am now to Advise your Lordships that I met His Majesty's Council the 10. Ins^t and what was then and there Transacted your Lordships will find in the inclosed Minits of Council, whereby your Lordships will see that it is their Opinion that it wou'd be fruitless to call the Assembly to lay before them any thing Respecting the Riot or to Order a prosecution of any of the Rioters untill His Majesty shall be pleased to send His Especial Orders therein and this I think will Convince your Lordships of the necessity of Expediting such Orders.

I have the Pleasure of Informing your Lordships that the publick debts of the Province are all punctually paid up to this time that there is peace and Tranquillity among the People, in all things the Affair of the Rioters Excepted

I have the honour to be with great Respect

My Lords Your Lordships Most obedient
& Most Humble Servant.

J. BELCHER.

[In a letter of the same date to Richard Partridge he said: * * * "By late Letters I have had I have all possible reason to believe that Morris [Robert Hunter Morris] is making his Utmost efforts to have me removed you must therefore wait upon the Prime Min-

ister and all my Frd^s you think may be of Service to prevent his gratifying his Malice.”]

The Minitts of the Council of the Province of
New Jersey on the 10th & 11th of August 1752

At a Council held at Elizabeth Town on Mon-
day the Tenth of August 1752

PRESENT

His Excellency the Governour The Hono^{ble}
James Alexander, Andrew Johnston James
Hude—Peter Kemble Esq^{rs}

His Excellency made the following Speech to
the Council

Gentlemen of the Council

“This being one of our Stated Quarterly Meetings
“I shall be glad to hear any thing you have to offer
“for His Majestys Service as for the good of the Prov-
“ince and I wou’d now more particularly ask your Ad-
“vice and Opinion whether it may be necessary or
“Expedient soon to meet the Assembly to see whether
“the Governour Council and Assembly can fall into
“any Act or Acts for the Better Suppressing the
“Riots and disorders which has disturbed the peace
“of the Province for a great Number of years past
“(long before my Arrival).

“And also to have your advice whether it may be
“best to give Orders for an Especial and Speedy prose-
“cution of such as have been or may be Apprehended
“for Breaking open the Kings Goals of the Province
“in these things I say I shall be glad of your advice
“and am always ready Chearfully to join with you in

“such measure as may be judgd will most of all
 “Contribute to the Establishment of the peace and
 “Tranquility of the Province.”

J BELCHER

ELIZABETH TOWN August 10: 1752

The Council taking the same into Consideration are of Opinion that there is no reason to hope for any Success from any Application to the Assembly in Respect to the Riotts untill His Majesty shall be pleased to send His Especial Commands therein and therefore cannot His Excellency to call the Assembly on that Account only That as to the prosecutions they are of Opinion that His Majestys Attorney General shou'd proceed according to the known Laws of the Land and that they see no Room to give any particular direction therein.

A Petition from the Mayor Recorder Aldermen and Common Council of the free borough of Elizabeth in behalf of themselves and others the Inhabitants within the said Borough to have their Charters Altered & some further Priviligdes &c^a was read.

A Petition of Joseph Bonney and his Letter of the 20th of July was read.

The Council are of Opinion that Neither His Excellency or the Council can do any thing in Respect to the Petition of Joseph Bonney without aid of the Legislature that for anything that appears there may be relief for him in the Courts of Justice.

The Council taking into Consideration the Petition of the Mayor Recorder &c^a of the Free Borough of Elizabeth are of Opinion that the same be referred to M^r: Alexandr M^r: Hude M^r: Johnston M^r: Kemble M^r: Ogden or any three of them and that the Petitioners or some of them have Notice to deliver to the Committee a Draught of the Charter they Petition for.

His Excellency was pleased to Nominate John Roye and Ichabod Tompkins as Justices of the Peace in the County of Somerset to whom the Council agreed.

Orderd they be added to said Commission.

Also Nominated Stephen Crane and Timothy Whitehead to be Justices of the Peace for the County of Essex to which the Council agreed:

Ordered that they be added to the Commission for said Countys in Rank according to their Appointments.

His Excellency by advice of Council signed the following Warrants.

N ^o 200.	To himself for a Quarters Salary due this day	250. 0.0
201.	To himself for a Quarters House Rent due this day	15. 0.0
202.	To the Hon ^{ble} James Alexander Esq ^r forty one days attendance in Council between the 7. of October 1743 & the 18: November 1743	12. 6.0
203.	To the Hon ^{ble} James Alexander Esq ^r for one hundred and Seventy two days Attendance in Council between 29: of March 1749 to February 14: 1752	51.18.0
204.	To the Hon ^{ble} John Reading Esq ^r for forty three days Atendance in Council in September and October 1751	6. 8.0
205.	To Samuel Nevill Esq ^r Second Justice of the Supreme Court for Attending the Supreme Court at Burlington in May 1752 and for Holding the Court of Nisi Prius and Court of Oyer & Terminer in the County of Hunterdon on the Third Tuesday in May 1752	16. 0.0

206.	To Ditto for his Salary as Second Judge of the Supream Court from the 10: of May to the 10: of August 1752	6. 5.0
207.	To Charles Read Esq ^r for a Quarters Salary as Clerk of the Council for the Quarter ended this day	7.10.0
208.	To Ditto for a Quarters Salary as Third Justice of the Supream Court for the Quarter ended this day	6. 5.0
209.	To Joseph Warrell Esqr for a Quarters Salary as Attorney General for the Quarter ended this day	7.10.0
210.	To Andrew Johnston Esq ^r for a Quarters Salary as One of the Treasurers of the Province for the Quarter ended this day	10.00.0
211.	To Samuel Smith Esq ^r for Quarters Salary as one of the Treasurers of the Province for the Quarter ended this day	10.00.0
212.	Samuel Smith Esq ^r for Copying the Votes of the General Assembly and the Laws passed in the Sessions at Burlington in September and October 1751 Also for Pens, Ink & Paper	10.18.0
213.	To John Smith a Quarters Salary as Clerk of the Circuits for the Quarter ended this day	5.00.0
214.	To William Bradford in full of his Account allowd	141. 1.0
215.	To Ditto for One Hundred and Sixty Bound Books of the Laws of the Province as P Act of General Assembly	200.00.0

216. To Anthony Elton for a Quarters
 Salary as Door keeper to the
 Council for the Quarter ended
 this day 2.10.0

M^r Alexander acquainted His Excellency that Lewis Ashfield Esq^r was at the Door attending with his Majestys Mandamus to His Excellency for Swearing and admitting him One of His Majestys Council of this Province with a Certificate of his Acquital by due Course of Law of what he had been Chargd with and allegd as Reason for the Delay of his Qualification and prayd that he might be calld in.

His Excellency adjourned the Council to Meet to morrow morning at Ten O'Clock.

TUESDAY AUGUST 11: 1752

The Council Met Present His Excellency the Governor The Hon^{ble} James Hude, Andrew Johnston & Peter Kemble Esq^rs

His Excellency gave the following Answer to the Motion of James Alexander Esq^r of yesterday.

Gentlemen of the Council

“After what I said to you in October last & is on
 “the Council Minits I am Surprized at the Motion
 “made yesterday by M^r Alexander relating to the
 “Kings Mandamus for admitting M^r Ashfield into the
 “Council wth w^{ch} I once more tell you, You have no
 “Business or Concern nor will I hear anything from
 “you about it this I say to save Yourselves or me any
 “further trouble and if you are minded to show that
 “Young Gentleman any Respect I would advise you to
 “teach him his Duty in this matter To the Kings
 “Governour and when he practices it he shall have
 “my Answer.”

J BELCHER

ELIZABETH TOWN August 11: 1752

His Excellency laid before the Board for their Consideration a Charter proposed for the Incorporation of the Five Dutch reformed Churches in the Counties of Middlesex, Somersett and Hunterdon w^{ch} being Read It is Orderd that it be Referrd to their next Quarterly meeting and that in the mean time the Secretary do procure the Statute of Mortmain.

Compared wth Minitts of Council of the Province of New Jersey of w^{ch} this is a true Copy

August 12, 1752

CHA READ D Secr^y

Letter from Governor Belcher to Messrs. Belcher and Foye, Massachusetts, about the promotion of manufactures.

[From Papers of Gov. Belcher in Library of N. J. Hist. Soc.]

Aug 19. 1752.

Mess^{rs} Belcher & Foye

Gentⁿ

(Extract.)

* * * * *

I am fully in opinion with you and my other Friends in New England that there is no Wiser or better Measure to go into for retrieving the Miserable Circumstances of your Province than to promote Manufactures among Your selves and at same time to be practising Economy and all possible Frugality and I have often wondered that Gentlemen of Substance have not long before this Set up a Glass House for which you are much better Accomodated than any one can be in this Province where such a work has already turn'd out to great Profit.

But you put me upon a Hard Task to procure you any Tolerable Information as to the Carrying on of those Works here in which the Managers are very close and

Secret however I will take all the prudent Steps I can to make you an Answer in this matter and to get a Sample of the Clay you mention but as I am here at a great distance from those Works it will require time to Obtain what I desire for you. * *

I am Sirs Yours &c.

J BELCHER

Letter from Governor Belcher to Colonel Alford, of Boston—thanking him for a subscription to the College—manufacture of glass, etc.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZABETH Aug^t 24 1752

Col Alford Boston

My worth Friend

Sir

* * As head of the Trustees of our little College I do in their Names most heartily thank you for your kind & generous Subscription for the Encouragement & better Establisem^t of this Seminary put forward I believe for promoting the honour & interest of the Kingdom of the Blessed Jesus as well as for giving an Opportunity to the Inhabitants of this & the Neighbouring Provinces to Improve themselves in Religion & Human Literature. Pray make my Compliments to Mr [James] Allen with the rest of the Subscribing Benefactors and I pray God to Reward this their good Will and bounty plentifully into their own Bosoms.

* * * * *

I have begun to make Inquiry about the Glass Works in this Province w^{ch} are 130 miles from this Town & as I know no proper person near them capable of getting the Information you desire I have hardly a lean

hope of rendring you any Service in that matter in which the Undertakers are very close & Secret. I was well Acquainted with one *Caspar* a German who lived at Phil^a and was the first and principal Undertaker of the Glass Works in this Province and with whom I discours'd particularly about them (5 years ago) and he Complained to me that the Clay for the Furnace Bottoms was but poor and often gave way to their great damage and Complain'd also that they cou'd not make their Glass so Clear and strong for want of *Help* their Works being near two hundred miles from any Quantity of it.

This *Caspar* is lately dead and from a very poor man rais'd and left a Fortune of 20. or 30,000 £ Str. I have had from others Engag'd in the Works the same Complaint of want of proper Materials for the Mettle and for the Furnace and as I really think there can be no good & honest Intelligence gain'd from those Undertakers were I to Advise you, you shou'd send to London for a Head Operator & 2 or 3 Skilfull Assistants and at same time to bring with them a Quantity of *Sturbridge* Clay for your Bottoms if it can by any way or meanes be got aboard a Ship for its Exportation is prohibited upon a great Penalty and yet my Fr^{ds} Contriv'd to send me 3 or 4 Hh^{ds} about 30 years agoe for the Bottoms of my Copper Furnaces & w^{ch} bad defyanance to the Hottest fire but it was a very Chargeable thing to get.

I am told a Glass Undertak^r is going forw^d at N. York & that about a Month agoe they had 5 Skilfull Work men came to them from Holland or London.

Hono^{ble} Sir Y^r Assured Fr^d &c.

J. BELCHER

*Letter from Governor Belcher to the Lords of Trade—
relative to his not admitting Lewis Morris Ash-
field to a seat in the Council.*

[From P. R. O. B. T., New Jersey, Vol. 7, H. 13.]

ELIZABETH TOWN N J September 15 1752

May it please Your Lordships

Although I have once and again, wrote Your Lordships, respecting the King's Mandamus, for Swearing and Admitting M^r Lewis Morris Ashfield; to be one of His Majestys Council of this Province, and that an Indictment for a Misdemeanor, lay against him in One of the Kings Courts here, and which I judg'd a reasonable Obstacle, against his being Admitted, but from the said Indictment, he was Acquitted—in March last,—through a mear Criticism in the Law, although I suppose there was hardly a person present, but believed him truely and really guilty, of the Substance of that Indictment; and I think it proper, now to forward to your Lordships—

A letter from the Judge who tryd the matter As also the Kings Attorney General's Notes, of some Particulars that past at the Tryal.

These things I pray your Lordships to read, and Consider.

As also M^r William Morris's Affirmation, relating to the said Lewis Morris Ashfield's rude, and Indecent Treatment of His Majesty, in the Person of His Governour.

And the said Lewis Morris Ashfield's Recognizance, For his good Behaviour.

These things, May it please Your Lordships, being duly weighed, I cannot but Suppose, You will be fully in Opinion with me, that they are a Just and reasona-

ble Bar, against his setting in Council in this Province.

Your Lordships will also please to remember that he is a Resident in East Jersey, and yet stands in Nomination to fill up the Vacancy, of a Member wanting in West Jersey, and which Your Lordships will find, directly Contrary to His Majestys 6th Instruction to me; I therefore again hope upon the whole, Your Lordships will so far Support the Honour, of the King^s Government here, as not to let The King's Laws, and the King's Governour be so Vilely treated, by the Mad freaks of this young Man in which if he be Encourag'd it must Naturally tend to the Subversion of good Order, & Government.

I have the Honour to be, with great Respect

My Lords Your Lordship's

Most Obedient & Most Humble Serv^t

J BELCHER

*Notes of Mr. Warrell, the King's Attorney General
—upon the Trial of Mr. Lewis Morris Ashfield,
received September 15th, 1752.*

[From P. R. O. B. T., New Jersey, Vol. 7, H. 16.]

Notes received from the Attorney General respecting M^r Ashfield's Tryal & Acquittal

Tis true by a Nice Distinction in Law he was Acquitted of that part of the Indictment relating and speaking the Identical Words as strictly laid therein but as he was Convicted of that part that Related to a Notorious Breach of the Peace by an Assault & Battery on One of the Evidences a Sworn Constable in the performance of his Duty came to Reprimand him for his Irregular & Outragious Behaviour.

That it appeared thro' the whole Course of his Tryal that he was far from being a Man worthy of a Seat at His Majestys Council Board and this may appear by

His coming from his own House with his two Drunken Companions in the publick Road on the Lords day and at the time of Divine Service knowing that a Congregation of Anabaptists were then at their Meeting House at Religious Worship that his Outragious Behaviour was within the hearing of the said Congregation

His gross Vulgar & unseemly Language to the Constable at first he mistook to be a Justice of the Peace Such as you M^r Black Packet are you not a pretty Devil of a Justice &c^a and when he was informed he was but a Constable Calling him back to Abuse him and asking him in a Taunting Manner what was to pay for Swearing and what was the fine telling him One of his Companions had Swore an Oath & he wou'd pay for him and pulling out a Six Shilling Jersey Bill and urging the Constable to take it telling him he need not give back any Change for that he intended to Swear the remainder of the Bill out and so he did.

And it appeard by Ashfield^s own Witnesses that he & his two Companions were all much in Liquor but Ashfield the least of the three

J B

*Letter from Governor Belcher to the Lords of Trade
—in reference to the suggested revision of the
Laws.*

[From P. R. O. B. T. New Jersey, Vol. 7, H. 25.]

ELIZABETH TOWN (N J) October 16th 1752.

May it please Your Lordships

My last was of the 14: of September¹, to which, (and to many others, which I have for some time past wrote

¹ The Orig^l dated 15 Sept see H. 13. Duplic^t do 14 Sep^r see H. 20.

Your Lordships,) I shou'd be glad of an Answer from Your Lordships at Your leisure, in the meantime, I am to own the honour, of Your Lordships Letters, of April 28th, and June 3^d last past, and which came to my hands but yesterday, with two Additional Instructions, dated Whitehall 16th of April past.

One of them, in Consequence of His Majesty's Order in Council of 11th of March last, Signifying to me, that it is His Majesty's express Will & pleasure, that I shou'd for the future, Transmit to Your Lordships only, all things relating to the Province of New Jersey, (except as therein excepted).

The other, respecting a Revisal of the Laws of this Province wherein it is said, that it is His Majestys Will & Pleasure, that I shou'd jointly with the Council and Assembly, of His Majestys Province of New Jersey, forthwith Consider, & Revise the Laws of the said Province, in order to frame and pass a Compleat, and well digested Body of New Laws &c^a.

To the first of these, His Majestys Instructions, I shall My Lords, dutifully Conform my Self on all Occasions.

As to the other, as the Council & Assembly, are to act Jointly with me, I shall first of all, Communicate the Instruction to His Majesty's Council, at their Stated Meeting the 21st of next Month, and then take their Opinion, as to the time of Calling the Assembly together, to Communicate the said Instruction to them.

As also the Copy of an Act, Your Lordships have sent me, pass'd in Virginia in April 1746, for a Revisal of the Laws of that Colony, and Your Lordships may assuredly depend, I shall Advise in this difficult Affair, with His Majesty's Council, and do all, and everything in my power, (Consistent with reason and prudence) that the said Instruction may take Effect, in the better Support of His Majestys Authority, and Interest in this Province, and for the better Establishment of the Prosperity of His People.

But I must early Inform Your Lordships, that so it happens, that the Acts, & Laws of this Province, from the Surrendry of the Government from the Proprietors, To the Crown, have been lately Revised, and Reprinted, this present year, at a Considerable Expence, and bound up in two to three hundred Volumes, and this I am afraid will be thrown in the way, as a reason * * * why they may not Conform themselves to this Instruction.

I take a very particular Notice, of what Your Lordships say, in Your Letter of 3: of June, respecting his Majestys Instructions in General, to His Governours of His Plantations in America, and wou'd say as to my Self, that I question, whether any one of His Majestys Governours on the English Continent, reads and observes the Body of His Instructions, so often, and with so much Care and Circumspection as I do, and yet they cannot all of them at all times, be literally and exactly Conformd to, yet I shall when any Extraordinary Case happens, avoid deviating from them, without Applying to Your Lordships, for previous directions, how to proceed in such a difficulty, and when at any time, the Assembly go into a Method of passing any Law, Inconsistent with His Majestys Instructions, I shall lay before them, what You now write me on that head, and do all in my power, to divert them from such a Manner of Proceeding.

As to such parts of His Majesty's Instructions, as from the Alteration of Circumstances, or through length of time, are become Obsolete, Useless, or Improper, I shall in such reasonable time, as it may require, Revise & Consider all His Majesty's Instructions lying by me, and humbly report to Your Lordships, such of them, as I think may bear the Epithets You have mentioned, and at which time, I believe I shall readily gain the honour, of Your Lordships being in

Opinion with me, that Several of the Instructions now lying by me, are not so well adapted or Calculated, as they might be for this Province, in its present Situation and Circumstances.

I have the honour to be with great Esteem & Respect
 My Lords Your Lordships
 Most Obedient & Most Humble Servant
 J BELCHER

Letter from John Ayscough, Secretary to Governor Clinton, New York, to Robert Hunter Morris, London—about Provincial affairs.

[From Papers of R. H. Morris in Library of N. J. Hist. Soc., Vol. I, No. 47.]

FORT GEORGE [New York] 24th November 1752

The Hon^{ble} Robt. H. Morris Esq^r

S^r

His Excellency being taken very ill last Night with his old Disorder, and as the Ship is just upon sailing, orders me to acquaint you that he acknowledges the receipt of your kind Letter of 9th of October, by Bryant¹ last Munday, for which he returns his Thanks.

He much approves of your Advice of having a publick hearing by Council, if the Lords of Trade should send up a Representation upon Wraxall's Complaint,² which should they do, he thinks it would be the greatest Ungenerosity, especially before they had given

¹ Capt. William Bryant was quite a distinguished personage for several years, being one of the few regular traders between the old and new world. His tombstone is yet standing, although in a dilapidated state, in St. Peter's Churchyard, Perth Amboy, and records the fact of his having made fifty-five voyages between New York and London. See notice of his family in Contributions to the Early History of Perth Amboy, p. 145, and New York Papers of July 17th. 1772.—Ed.

² Of not having been admitted by Gov. Clinton to the office of Town Clerk, etc., of Albany. See N. J. Col. Docts., Vol. VI.—Ed.

him the least Notice of it, that he might have had it in his power to vindicate his Conduct, and not to have given their Judgements previous to having heard what he had to say on it. As to that Board being displeas'd with him, it gives him very little uneasiness, he being not in the least conscious of deserving it, and as to the Person they send out to succeed or supercede him, I believe it is equally indifferent to him, could he but get home, for in short this Climate is as disagreeable to his Constitution as the People of it are different from his way of thinking, for which reason he begs you would let slip no opportunity to procure his Leave of Absence as soon as possible, For if Lord Halifax is determin'd, that none but a Nobleman of Fortune, Integrity and Understanding shall be his Successor, he fears it will be long enough before his Lordship can procure such a Person to accept of so much inevitable Trouble and Anxiety as he will be certain to meet with here in the Administration if they receive no more Redress and Assistance from home than he has. By this opportunity his Excellency presses his Leave of Absence to Captam Clinton for the above reasons.

* * * His Excellency sends the Minutes of the last Session of the Assembly to M^r Catherwood where you will see we mett and parted without disagreeing & Upon their promising to provide for Indian Affairs next Session he has appointed and issued out a Commission for Commissioners of Indian Affairs.

I am S^r Your most obedient
and very humble Servant

JN^o AYSCOUGH

An Account of the Quantity of Pig and Bar Iron Imported into England from his Majesty's Colonies and Plantations from Christmas, 1749, to Christmas, 1752, distinguishing each Colony and each Year.

[From P. R. O. B. T. Plantations General, Vol. 15 [13], O, 123.]

	1750.						1751.						1752.						
	Barr			Pig			Barr			Pig			Barr			Pig			
	Tons	C	Q lb	Tons	C	Q lb	Tons	C	Q lb	Tons	C	Q lb	Tons	C	Q lb	Tons	C	Q lb	
Barbadoes.....	5	17	3				18	12	16										8
Carolina.....																			
Jamaica.....																			
New England.....				21	1	2	8												
New York.....				75	12	1	4	2				33	9	16	2	13			
Pennsylvania.....				318	9	3	11					199	15	2	22	64	16	2	5
S. Kitts.....												5	5	2	4				
Virginia & Maryland.....				2508	16	1	25	3	4	2	9	2950	5	3	15	16	10	2	21
Total.....	5	17	3	2924			20	23	16	2	25	3220	1	4	81	7	26	2982	11

N. B. The Accounts for the Year 1753 not being all return'd to the Inspector Generals Office, is the Reason this Account ends at Christ' 1752 and cannot be made up any further.

JOHN OXENFORD As J^r Gen^l

Custom H^o London 8th January 1754

An Account of the Quantity of Pigg and Barr Iron Imported into England from his Majesties Colonies & Plantations from Christ's 1749 to Christ's 1752 distinguishing each Colony and each Year.

	1750.						1751.						1752.					
	Barr.			Pig.			Barr.			Pig.			Barr.			Pig.		
	Tons	C	Q lb	Tons	C	Q lb	Tons	C	Q lb	Tons	C	Q lb	Tons	C	Q lb	Tons	C	Q lb
Barbadoes							18	12	16	17	14	12						8
Carolina										4	2	1				20		
Jamaica																		
New England				21	1	2	8			9	16	213						41
New York				75	12	1	4	2		33		322						5
Pensylvania				318	9	3	11			199	15	222	64	16	2	5	156	8
S. Kitts										5	2	4						2
Virginia & Maryland	5	17	3	2508	16	1	25	3	4	2	9	2950	5	3	15	16	10	2762
Total	5	17	3	2924			20	23	16	2	25	3220	1		4	81	7	2982

N. B. The Accounts for the Year 1753 not being all return'd to the Inspector Generals Office, is the Reason this Account ends at Christ's 1752, and cannot be made up any further.

Custom H^o London 8th January 1754.

JOHN OXENFORD As G Gen^l

Letter from Governor Clinton, of New York, to Robert Hunter Morris—enclosing a notice of Chief Justice De Lancy.

[From original, among papers of R. H. Morris in the Library of N. J. Hist. Manuscripts, Vol. I, No. 50.]

THE CHARACTER OF A DISBANDED COURTIER

He was born with an aspiring Mind, by much too high flavor, for his Quality & Estate. His Dexterity in doing Ill made him thought capable of performing admirably well, if ever he came to be employed and entrusted. He was preferred for Ability to high Degrees of Honour and Office, admitted into the Cabinet Council made acquainted with all the Secret Wheels (and could tell how many Cogs there were in each Wheel) upon which the great Engine of State was turn'd, and kept in Motion.

His Glory was so eminently conspicuous, that there were but few Persons below the Crown seemed above him: And nothing was wanting to render his Felicity as lasting as Nature intended his Life, but a Heart that knew how to be gratefull to his Benefactor. He thought all the Favours and Honours he enjoyed were less than the Reward of his Merit; That Thought puffed him with Pride; such a Sort of Pride as is commonly attended with an irrecoverable Fall, (which was his Fortune) And at his Fall, might very well have been proclaimed: Woe to you, the Inhabitants of the Earth, for the Devil is come down among you.

Open Revenge against his Sovereign being too dangerous to attempt he promptly resolves upon secret. He exposes all the Weaknesses and Infirmities of the Court (from which no Court is free) and when he can find no real Faults he feigns imaginary ones, and passes them off for current. By this new and false

Optick, he represents every Mole-hill of Mistake in the publick Administration, for a Mountain as tall as Teneriff, and as dangerous as the Top of Etna, Nay, he multiplies and magnifies the very Miscarriages which were the Effect of his own evil Council, He arouses the freest Nation in the Universe, with wild Rumours, and extravagant Apprehensions of Slavery: under the Government of a Prince, who, in Acts of Favour, Mercy and Clemency, has exceeded all his Predecessors. He fills the Heads of the People full with whimsical Fears of fantastick Devils (chimeras which only his Motive has raised) on Purpose to frighten them for Bedlam, or for Rebellion. He makes the Pretences of Liberty, the Stirrup to get up and Property the Steed he rides, in Pursuit of his monstrous Designs. With these Pretences, he cheats the Innocent and promising to open their Eyes, serves them as the apostate Angel did our Parents in Paradise, only blows into them the Dust of Disobedience, and robs them of the Jewels he pretends to bestow, (viz) Liberty and Property, which are both so much talked of, and both so little understood.

Being a Gentleman of little or no Religion himself, he seems, for all that, to espouse every Division and Subdivision of it; every Faction and Person, who are bold enough to stand stiff in Opposition against the well settled Government. What avails it, that he is, in his own Nature, a frugal Man? He keeps open House for Entertainment of all State Male-Contents, without Consideration either of Qualities or Qualifications, as he accompanies and carouses, and contracts Intimacy and Amsty with the lewdest Debauchees, that he thinks will forward his private Intrigues; He becomes all things to all men, in the very worst of Senses; perverting the Design of St Paul, that he may at least, delude some, to be as bad as himself.

Having lost his Honour with his Prince, and Repu-

tation with the best of Men, he cringes, creeps, and sneaks, to the lowest and basest of the People, to procure himself, among them, an empty vain-glorious, and undeserved Name, the Patriot of his Country.

And lastly, hoping to be made the Little Head of the Great Rabble, he persuades them to believe, that they are all betrayed: Encourages them to strike Home against the Enemies of the King and Kingdom (pointing to the faithfulest and most affectionate Servants to both) well knowing that the mighty Fabric can never be shaken, till its main Pillars and Supporters be, by cunning and sly stratagem, either destroyed or undermined.

By this, may appear the Weakness of that modern Piece of Policy, Oblige your Enimies, your Friends you are sure of already: And the transcendent Wisdom of Solomon's Advice, Let thy own Friend, and thy Father's Friend, never be forsaken.

NEW YORK 17 Jan^r 1753

My Dear Sir

I send you the above as a just Picture of C. J. De Lancey, to make what use of it you think proper and it Serves as Newes in these dead times when no Vessell can Stir for y^e great Quantity of Ice, y^t frequently Slayes pass over y^e River and much Sevearer than it was in y^e hard winter, y^t I believe the very . . . begins to be tyred with Slaying, We have had Some days . . . y^t y^e . . . wou'd not Slay. My desiring M^r Chambers to sett up for one of y^e Assembly (?) has so frightened him y^t he has only been able to eat or drink for this two days . . . affraid of y^e C. J. & Olivers I told him if Men of his Nature & part, was affraid to appear in their Countryes cause, it must Strike a damp in Numbers, he Said that things was managed most scandilously in y^e Assembly by Three or four, and y^t every one thing was Settled at Tavern, first & if any

of y^e Country Members offered to oppose their Schemes, in any shape they were abused & pointed at but so terrified that he dare not attempt it, which makes it a Common-Saying now amongst y^e people y^t if Oliver wou'd but Sett up his Four Coach Horses they would carry it Can any thing be more scandilous than is C. J. meddling with elections and even Stoops to Common Council Men & Bellowing out ag^t Government^t far as he durst Venture, and what he dont he sett on his Bull Dogs and he has not a more violent one than James Livingston, but I have complained [of] these things so much, but leave it to you it is to Succeed which if you dont curb in England you will find some difficulties in doing it here. The four old Members has promised to Stand by one another, but in case Vanhorn trips as he is in a very fair way, Chambers has promised to sett up, but I think when it comes to the fact he will be affraid. I have wrote to M^r Catherwood to slacken his Sollicitations to make him a Chancellor, if not done, I fancy you will be of my Mind, if he should be of y^e Council he will be as much affraid of y^e C. J. then as now, and as fear has made him braik his first promiss with me, I dont think he ought to be of y^e Council, besides, I see very plainly he is greatly govern'd by Joe Read & he by Hermandam and all his Wifes Relations are of y^e C. J. side (at present) for they durst not be otherwise, and untill that Commission is Superceeded the people will not venture to oppose him (19th) The weather is grown a little moderate so that y^e Vessels will venture out, Major Vanhorn is very ill & they talk of Setting up either Oliver or James Livingston, and Chambers will not venture to oppose them & Sayes he wou'd rather give £500 than set up. Such a timorous man can be good for nothing, but shall write again Soon by another opportunity and will now bid Adieu.

G. CLINTON.

To the Hon^{ble} Robert Hunter Morris Esq^t

*Letter from the Lords of Trade to Governor Belcher—
disapproving of his course towards Mr. Ashfield.*

[From P. R. O. B. T. New Jersey, Vol. 15, p. 382.]

To Jonathan Belcher Esq^r Governor of New
Jersey.

WHITEHALL Jan'yry 18 1753.

Sir

We have received your Letter of the 4th of September last, and the sev^l papers transmitted with it.

We can by no means approve your Conduct in refusing to admit M^r Lewis Morris Ashfield to his seat in His Majesty's Council: On the contrary We think you have proceeded very irregularly, in as much as it is your Duty to pay Obedience to the Royal Mandamus.

We do not think your Objections to M^r Ashfield well founded either on the Proceedings in the Court of Law upon the Indictment preferr'd against him, or on your Interpretation of the 6th Article of your Instructions, and therefore We desire and expect that you will immediately admit him to his Seat.

M^r Ashfield's behaviour appears to Us to have been indiscreet, but not such as may justify your refusal to admit him to that Station to which His Maj^{ty} has expressly appointed him. We hope he will for the future act a more prudent part, but if his future Conduct should render him unworthy to sit at the Council Board, you will always have it in your Power, with the Advice of your Council, to suspend him, transmitting your reasons at the same time in conformity to your Instructions.

So We bid you heartily farewell, and are

Your very loving friends & humble Servants

DUNK HALIFAX

CHARLES TOWNHEND

JAMES OSWALD.

*Letter from Governor Belcher to the Lords of Trade—
about Messages of the Legislature.*

[From P. R. O. B. T. New Jersey, Vol. 7, H. 26]

ELIZABETH TOWN (N J) Febru'ry 22: 1753

May it please Your Lordships

Agreeable to what I wrote You, the 16th of October last. I met His Majestys Council 21st of November following, and then Communicated to them the Kings Instruction, relating to a Revisal of the Laws of this Province, and asked their Advice upon it, & which Your Lordships will find in the inclosed Minutes of that Council, & that they seemed to be Cool and indifferent, as to the time of Meeting the Assembly, although His Majestys Command to me, Was forthwith to Consider and Revise &c^a, and I therefore thought it my Duty to see the Assembly, as soon as I cou'd, and they accordingly met me here, the 19th of December last, and by their Journals (which I now Cover to Your Lordships) you will find, I prest that matter upon them in the best manner I cou'd, and in which they came to no Conclusion, but by refering the Consideration thereof, to their next Session which will not be till the beginning of May next, (being a time most Commodious to their private Affairs) & when I shall say to them what I Judge may be further necessary in this matter.

Your Lordships will also see, that I earnestly prest upon them, some new and more Effectual Law, for the discountenancing of Riots, and to which Your Lordships will find they gave no reasonable or Satisfactory Answer, I must therefore Repeat again to Your Lordships, that I have no Expectation of any thing being done here, in further Check to Rioting and Mobbing, until the Order from the King shall

Arrive, of which Your Lordships wrote me 27th of March 1751.

Together with the Papers aforementioned, I also Cover to Your Lordships, the Minutes of Council from 14th to 22^d of December, which with them, will give your Lordships a very particular Account, of all that has past in the publick Affairs of This Province since my last.

I have My Lords according to mine of 16th of October, been looking over the two Bodies of Instructions, I rec^d from His Majesty at St James^s; but am not yet prepar'd to Report to Your Lordships, what of them may be usefull, or Improper, for the future, but shall still be perusing them, in order to the laying before Your Lordships the best Judgment I can make in this matter.

I have the Honour to be with great Esteem & Regard

My Lords Your Lordships

Most Obedient & Most Humble Servant

J BELCHER

*Letter from Governor Belcher to the Lords of Trade
—had admitted Mr. Ashfield to the Council, al-
though not in accordance with his sixth instruc-
tion, which he incloses.*

[From P. R. O. B. T. New Jersey, Vol. 7, H. 27.]

BURLINGTON (N J) May 28th 1753

TO THE LORDS OF TRADE

May it please Your Lordships

The 29th of the last month, I received the honour, of Your Lordships Letter of the 18th of January, relating to M^r Lewis Morris Ashfield, and since Your Lordships are pleased to think my reasons, for refusing to admit

him to be a Member of His Majestys Council here, not Sufficient, I have in Obedience to the Royal Mandamus, admitted him, although Your Lordships will allow me still to think, that by the several Affidavits I Transmitted to Your Lordships, he had shown great Contempt of the King, and of His Laws, and had treated His Governour not only Insolently but Impudently.

And I have now the Honour to Cover to Your Lordships, a Copy of His Majestys 6th Instruction, respecting my Nomination of persons, to be of His Majestys Council here, by which I think it must be plainly seen, that when Vacancies happen, I am Commanded to take care, the Council shou'd always Consist of *six persons, inhabitants of the Eastern Division*, and *six others, Inhabitants of the Western Division*, and in Duty to this Instruction, I always have, and shall for the future, when Vacancies happen, Nominate persons of each several Division.—accordingly; but M^r Ashfield who is an Inhabitant of East Jersey, stands now a Councillor for the Western Division.

I have the honour to be, with great Respect

My Lords Your Lordships

Most Obedient & Most Humble Servant

J BELCHER.

Copy of His Majestys 6th Instruction, Extracted from the Body of His Instructions to His Governour of His Majestys Province of New Jersey.

And that We may be always Informed of the Names and Characters of Persons fit to Supply the Vacancies that shall happen in Our said Council, You are to transmit unto Us by One of Our Principal Secretaries 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 Qualify'd for that Trust, and so from time to time when any of them shall Dye, depart out of our said Province, be sworn into Our said Council or become unfit, you are to Nominate unto Us so many others in their Stead, that the list of twelve Persons fit to Supply the said Vacancies, Viz: Six of the East and six of the West Division, as aforesaid may be always Compleat.

J. BELCHER

Opinion of the Lords of Trade on the Boundaries between New York and New Jersey.

[From N. Y. Col. Docts., Vol. VI, p. 773.]

Opinion of the Board upon the Question of
Boundaries between N Y & N J.

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

PRESENT—The Right Hon: Horatio Walpole
M^r Pitt M^r Grenville M^r Oswald

Thursday June 7th 1753

Their Lordships took into Consideration the Act passed in the Province of New Jersey in 1743 for running the Line of Partition between that Province & New York and came to the following opinion and resolutions thereupon viz^t

The Act in Question is An Act passed by the Governor, Council & Assembly of the Province of New Jersey.

The general object of it is to run the Line of Partition and Division between the Provinces of New Jersey and New York.

The Considerations which arose upon this Act are of two sorts, viz^t

Such as relate to the Principles upon which it is founded, & such as relate to the Transactions & Circumstances which accompany it.

If the Act & the Regulations prescribed by it are founded upon Principles of Justice, and are consistent with the established Forms of the Constitution in such cases, and can be rendred effectual to answer the proper and legal purposes of it, the Act ought to be confirmed.

But if on the contrary it should be found unjust, unwarrantable and ineffectual, it ought to be rejected.

As to the first, it is an Act of the Province of New Jersey interested in the determination of the Limits and in the consequential advantages to arise from it.

The Province of New Jersey in its distinct and separate capacity can neither make nor establish Boundaries; it can as little form Regulations for deciding Differences between itself and other Parties concerned in Interest.

The established limits of its Jurisdiction and Territory are such as the Grants under which it claims have assigned.

If these Grants are doubtfull and differences arise either upon the construction or upon the matter of them, We apprehend that there are but two methods of deciding them either by the concurrence of all parties concerned in Interest, or by the regular and legal forms of Judicial proceedings.

The legal method of proceeding We conceive must be derived from the immediate authority of the Crown itself, and be signified by a commission from His Majesty under the Great Seal.

The Commission of subordinate Officers and of derivative Powers are not competent nor adequate to such purposes.

To Judge otherwise would be to set up *exparte* Determinations of incompetent Jurisdictions in the place of Justice and legal Authority.

If the Act of New Jersey cannot conclude other parties it cannot be effectual to answer the Ends proposed.

That it would not be effectual to form an absolute decision in this case, the Legislature of that Province seems sensible, whilst it endeavours to place in the hands of the Crown the Decision of one point relative to this matter and of considerable importance to it, which power the Crown c^d not derive from them without their having the power to establish the thing itself without the assistance of the Crown.

As We think the present Act without the Concurrence of other parties concerned in interest unwarrantable and ineffectual, the next point to be considered is what Transactions and Proceedings have passed towards obtaining such concurrence.

The principal Parties interested are the two Provinces of New York and New Jersey and the Crown. The Provinces are interested with respect to their Government and Jurisdiction and His Majesty with respect [to] Sovereignty, Seigneurie and Property. With regard to the transactions on the part of the Province of New York, We shall only observe, that whatever Agreements have been made formerly between the two Provinces for settling their Boundaries, whatever Acts of Assembly have passed, and whatever Commissions have been issued by the respective Governors & Governments, the Proceedings under them have never been perfected, the Work remains unfinished and the Disputes between the two Provinces subsist with as much Contradiction as ever.

But what we principally rely upon is, that those Transactions were never properly warranted on the part of the Crown, that the Crown never participated in them, nor could be bound with respect to its Interests by Proceedings so authorized.

The Interests of the Crown may be considered in three lights, either as Interests of Sovereignty respecting mere government, of Seigneurie, which respect Escheats and Quit Rents; or of Property, as relative to the soil itself, which last takes place in such cases whether either the Crown has never made any Grants of the Soil, or where such Grants have by actual Escheats reverted to it. With regard to the former viz: those of Sovereignty it may be alledged, that they are not materially affected by the Question, as both Provinces are under the Immediate Government & Direction of the Crown, but they stand in a very different light with respect to the Interest of Quit Rents & Escheats, and we think with respect to them the situation of the two Provinces makes a material alteration; for though the Province of New Jersey is not under Regulations either of Propriety or Charter with respect to its government, yet it is a Propriety Province with respect to the Grant and Tenure of its Territory, and consequently as New York is not in that Predicament, the Determination of the Boundary in prejudice to that Province will affect the Interest of the Crown, with respect to the Tenure of such Lands as are concerned in this Question, it being evident that whatever Districts are supposed to be immediately held of the Crown in New York by being supposed to be included in the Limits of the Province of New Jersey, will immediately pass to the Proprietors of that Province and be held of them, by which means the Crown will be deprived of its Escheats and the Quit Rents will pass into other hands; And as to what has been said to obviate this difficulty, that the Crown having made absolute Grants of the whole Territory that can possibly come in Question under the Determination of the Boundary, and reserved only trifling and inconsiderable Quit Rents, it does not seem to us conclusive, since it admits as [an?] Interest in the Crown, the greatness or

smallness of which is merely accidental and does not affect the Essence of the Question. Though We cannot help observing that in the case of exorbitant Grants with inconsiderable Quit Rents and where consequently it may reasonably be supposed that the Crown has been deceived in such Grants by its Officers, the contingent Right of Property in virtue of its Seigneurie, seems rather to be enlarged than diminished.

This being the Case, it appears to us that Governor Hunter ought not to have issued his commission for running the line above mention'd without obtaining a previous direction of instruction from the Crown for that purpose, a Commission issued under such circumstances can be consider'd with respect to the interests of the Crown in no other light than as a mere nullity; That even with respect to the Province of New York we observe the Commission is questionable, as it does not follow the Directions of the Act of 1717, which declares that the Commission to be issued shall be granted under the Joint authority of the Governor and Council of that Province; But as it has been urged that the Crown has since confirmed and approved these Transactions either by previous declarations or by subsequent acquiescence, and consequently participated in them so far as to conclude itself. We shall in the next place consider the circumstances urged for that purpose. We do not think that any thing has been transacted in such a manner as to support such an Inference. It has been urged that the Crown by giving consent to an Act passed in New York in 1717 for paying and discharging several debts due from that Colony &c^a concluded and bound itself with respect to the subsequent Proceedings had under the Commission issued by Governor Hunter. The view and purport of that Act appear to us so entire & so distinctly formed for the purpose of raising money and establishing funds so various and so distinct from any

consideration of the Disputes subsisting in the two Provinces with respect to the Boundaries, that We cannot conceive a single clause in so long and so intricate an Act can be a sufficient Foundation to warrant the Proceedings of Governor Hunter subsequent to it without a special Authority from the Crown for that purpose, and there is the more reason to be of this opinion as the Crown by giving its assent to that Act can be construed to have assented only to the levying money for a future purpose, which purpose could not be effected by any Commission but from itself, and can therefore never be supposed to have thereby approved a commission from another Authority at that time actually issued & proceeded upon previous to that assent.

With respect to the Transactions between the Province of New York and Connecticut, alledged to be similar to and urged as a Precedent, and even as an approbation of the Matter now in Question, We think the two cases materially & essentially different from each other. The Act passed in New York in 1719 for running and ascertaining the Lines of Partition and Division between this Colony and the Colony of Connecticut recites, that in the year 1683 the Governor & Council of New York and the Governor and Commissioners of Connecticut did in Council conclude an Agreement concerning the Boundaries of the two Provinces; that in consequence of this Agreement Commissioners and Surveyors were appointed on the part of each Colony, who actually did agree, determine and ascertain the Lines of Partition, marked out a certain part of them and fixed the Point from whence the remaining parts should be run; That the several things agreed on and done by the said Commissioners were ratified by the respective Governors entred on Record in each Colony and in March 1700 approved and confirmed by King William's Order in Council & Letter

to His Governor of New York, from which Recital it appears to us, that these Transactions were not only carried on with the Participation but confirmed by the express Act and Authority of the Crown, and that Confirmation made the Foundation of the Act passed by New York for settling the Boundaries between the two Provinces

As to the Argument which has been urged in support of the Act, That the Transactions already pass'd for settling the Boundary have determined the most material parts of it, and that one point being fixed and the other left to the Crown to fix at its pleasure the remainder is of little consequence & of no Difficulty. We observe in the first place that the Crown has been no Party to these Transactions, that the Merits and Execution of them are contested even by those who were parties to them, that the Crown would by such a Method be drawn in to give it's Assent to Matters in which it has never participated, and to authorise future Determinations upon its Interests, under proceedings which it may have no opportunity to examine

As therefore it appears to us that the Proceedings in this affair were not warranted in the first Instance by proper Authority, and as the Interests of the Crown may be immediately affected by this Act carried on without any proper Participation on the Part of the Crown, We cannot think it advisable to recommend it to His Majesty for his Approbation.

Ordered that this foregoing Resolution and Opinion be communicated to the Agents for the respective Provinces, and that the Secretary do desire their Attendance at the Board on Wednesday the 4th of July

*Letter from Robert Charles, Agent of the Province of
New York, to Governor Clinton.*

[From N. Y. Col. MSS. in Secretary of State's Office, Albany, Vol. LXXVII, p. 106.]

LANSTERFIELDS London 13th June 1753

Sir

Upon the success I have had in opposing the Act of N. Jersey of which I have given a Particular Account in my Letters to M^r Speaker, to which I pray you to be referred I think it necessary to apply myself to you, as one able to judge well and soundly for the Publick, and to lay before you what may not so properly be communicated to many.

I have acquainted M^r Speaker with the Use made of a Certain Letter whereof your Brother will furnish you with a Copy. I think I can Easily guess at the Adviser & Penman of it the Injury resulting to the Publick from such advice may possibly at a proper time deserve publick Consideration.

The Injury that may be done to Individuals from y^e Endeavour to Expose the Minysinck Patent & other Grants to a ministerial Revision herewith likewise require Attention. The Book produced on this Occasion consisted of a Collection of Variety Papers, Draughts & Maps, authenticated on the Oath of James Alexander Esq^r. Part of this Oath was read, & the Clerk reading further than a Particular place pointed out to him, I think there is the Oath of R. Hunter Morris Esq^r, likewise in proof of this Collection Some Copies. of Patents were read, expressing no number of Acres granted & of others where the Bounds are left indefinite, & Maps were shown to illustrate these Grants, of the Validity of which I soon perceived Doubt came to be entertained but that was not the

Business of the Day tho' it might be the kind Intention of those who had thus staged them for publick Review. I intend to come at a Copy, if possible, of this whole affidavit tho. I doubt whether it will be granted; but as the Valuable Collection Contained in this Book is under the Seal of New York with a Certificate of the Governor prefixed, I apprehend some Entry must be made hereof in the Secretary's Office, or stand upon some Record in Your Government which would be well worth searching, for I apprehend that a thorough disquisition into this Affair upon the Spott would bring no Credit to the Compilers of this Collection

The clandestine Entry on the Records of your Government of the Return of the Jersey Survey 25 years after the Transaction in Opposition to the Proceedings in Council for annulling Same should likewise in my humble Opinion be enquired into & if it can be legally done that Entry ought to be Expunged.

The Act of New Jersey being now set aside it may be a Question whether on the Offer I have made in behalf of New York joyn in a Commission under the Great Seal for running the Partition Lines the Jersey Proprietaries will come into the Proposal, for possibly they may still insist on the Validity of what was done in 1719. tho' it has received no Confirmation from the Crown I on the other hand will joyn in no Commission unless all the Boundaries are left to be ascertained on the Foot of the Original Grants I have been surprized to find the Notion so generall in your Colony that the Latitude of 41 and 40, & not the Branch of the Delaware, supposed to lye in that Latitude, is the Northern Boundary of Jersey. The Petition of divers Persons to M^r President Schuyler in the year 1719 in opposition to the Jersey Proprietaries Considers it in this Light. Gov^r Hunter & Council, who joyned in a Memorial in answer to the objections made against the Confirmation of your Act of 1717, Consider it in like manner.

I could wish that you would review these Proceedings, and as in the Petition mentioned is made of divers Maps & Draughts it would be well that they Could be Come at and Examined : I have had none sent me that would bear publick View & have therefore been obliged in a great measure to grope out my own way.

From the Researches I have made, it is evident to me that about the time of these Grants Places & remarkable Land Limits were all laid down much more Northerly than later Observances have placed them, this hold true with respect to the Forks of the Delaware, and as that River in my Opinion was then but little Known beyond that great and remarkable Division lay in 41 & 40; I have indeed yet mett with no authentic old Maps that fully establish this Construction but a modern one taken from ancient one has come into my hands published by Direction and under the Inspection of M^r Paris Solicitor for M^r Penn in the Dispute between him and Lord Baltimore (now Solicitor for the Jersey Interest) with a View to M^r Penns Cause; this is said to be "a map of Virginia according "to Capt John Smiths Map published anno 1606 Also "of the adjacent Country called by the Dutch Nieu "Niderlant anno 1630 By John Lenex 1735." By which map the only remarkable Division of Delaware there called River May after that of Skuilkill below Philadelphia is there expressly laid down in the Very Latitude of 41 & 40 New York then Called New Amsterdam being laid down in 41 D. I think I shall be able to trace the Source from where this Map was taken & besides my Searches here I have [sent] into Holland to find out the Draughts and Maps which the Amsterdam Company had of this Country at the time it was surrendered to the Crown.

If this Exposition of the boundary can be maintained the Jerseys will be pared very considerably and to strengthen this Exposition I hope it may be made out

that beyond the Forks the River was never called Delaware but Fishkill on which head I send you a few concise thoughts which I drew up and put into the hands of some friends I am aware that an Objection still lies behind viz: that as the Grant by latitude a more northern Boundary on Delaware than on Hudsons River it must appear strange to make that on Delaware more southerly, as the Forks are said by modern Observation to lye nearly in 40 & 40 This has its Difficulty, but as the Latitude on Hudsons River admits of no dispute, it must be contended that the Branch of Delaware and not the Latitude by which that Branch is described is the true and only Northern Boundary and that the Date of Grant is limited by Delaware River.

It will give me great Pleasure to have your thoughts on this Subject as well as on the proper Method for executing the Commission that may be issued. Much will depend on the Choice of able men for that Purpose. The Jersey Proprietaries spare neither Cost or Pains to carry their Point & I hope your Governm. will shew themselves Equally resolute to maintain theirs.

With this Letter committed to Your Brothers Care, I hope you will find your son & him returned in good health. I take leave to depend upon your good Offices in my behalf & assuring you of the sincere and perfect Esteem which I truly entertain of you am most heartily Dear Sir

Your obliged & most obd^t. humble Servant

R. CHARLES

Argument that the Forks of the Delaware are the true limits of New Jersey on the north.

[From N. Y. Col. MSS. in Secretary State's office, Albany, Vol. LXXVII, p. 107.]

That the *Forks of Delaware* are the Ne-plus ultra of the Northern Boundary of New Jersey—And that the Latitude 41 Deg & 40 M. on Fishkill River is an erroneous Boundary, is evident.

1st Because King Charles's Grant to the Duke of York is confined to Delaware Bay & River where that Bay & River do not exist, this Grant cannot operate. Now all the Lands from the Forks of Delaware to the Latitude of 41 & 40 on Fishkill River (a Distance of about 70 Miles on a straight line) are manifestly not on the Delaware River. For this River is not formed till the Conjunction of the two Streams at the Fork, there Delaware River begins, which Exposition is supported even by our adversaries, for the Return of the Jersey Survey expressly says that *the Fishkill is the biggest & chiefest Stream that forms the River Delaware.*

2^{dly} Because the King's Grant to the Duke giving him no Lands lying on Fishkill River the Duke could grant none to the Proprietaries of Jersey

3^{dly} Because by the Duke's Grant to these Proprietaries the *Branch* itself and not the Latitude is the Northern Boundary the Latitude is only descriptive of the Branch which is said to lye in 41 & 40 & the Boundary is *as far as* this Branch but not up the Branch or to any part of it.

4^{thly} Because the Forks of the Delaware are a most remarkable natural Boundary which at the time of the

Grant might be well known & therefore referred to tho' there might be a mistake of the Latitude in which they were thought to lye.

5^{thly} Because these Forks by the ancient Geography of the Country (only Guide to the Grant are laid down in 41 Deg. & 50 minutes which clearly made out must putt an End to the Controversary.

Note—These Forks by modern Observation lye almost exactly a Degree to the Southward to Witt, in the Latitude of 40 & 40.

New York City lies nearly in the same Latitude of 40 & 40 tho' formerly laid down in 41 Deg.

By confining the Northern Boundary to these Forks instead of the Latitude in which they were thought to lye a more natural and consistent Boundary is Established, than that monstrous One contended for by the Jersey Proprietaries, which on the face of every Map must appear unnatural and absurd.

*Letter from the Lords of Trade to Governor Belcher
—desiring him to give all possible assistance to
the Missionaries for propagating the Gospel in
New Jersey.*

[From P. R. O. B. T., New Jersey, Vol. 13, p. 384.]

WHITEHALL June 25th 1753

To Jonathan Belcher Esq^r: Governor of New
Jersey

Sir

A Petition having been presented to Us, by the Agent for the Society in Scotland for propagating Christian Knowledge, complaining that M^r John Brainard a Missionary settled by the said Society at Bethell

in East Jersey, has been molested and obstructed in the Execution of his Mission by some of His Majestys Subjects in that Province, and particularly by the Indian Traders, who had persuaded the Indians that he was sent by crafty men with a view to bring them into a snare and finally deprive them of their Country and Libertys; We desire you will make particular Enquiry into this Affair, and take the most effectual Measures for the Security and Protection of the said Missionary, or any other which may be sent by the said Society to settle within the Province of New Jersey, and for preventing and restraining the Indian Traders from any ways molesting or obstructing the said Missionary, and from such false and injurious Insinuations to their prejudice. And We further desire, that you will give the said Missionary's all reasonable Assistance in the Execution of their Missions. So We bid you heartily farewell and are

Your very loving Friends
and humble Servants

DUNK HALIFAX,
CHARLES TOWNSHEND,
JAMES OSWALD,
J. GREENVILLE.

Question referring to the Boundary between New York and New Jersey answered.

[From N. Y. Col. MSS. in Secretary of State's Office, Albany, Vol. LXXVIII, p. 11.]

THOUGHTS UPON THIS QUESTION

How shall the Province of New York take the Benefit of the Reports of the Lords Commissioners of Trade and Plantations made to his Majesty on the 18th July 1753?

In answer I observe first, That according to the Tenour of their Lordships Report nothing has been done to bind the Crown in the Points of Jurisdiction, Seignory, or Property as to its Right of and in the Province of New York, nor can be done, unless by Commission issued judicially to determine its Rights in these Points or agreements between both Colonies Confirmed by Royal assent.

Secondly, That all the acts of New York and New Jersey and Governor Hunters Commission, the Tripartite Deed, and the observations of Latitude and Random in 1719, and all Acts of New Jersey, or Even of New York (having been Transacted without the Participation of the Crown, either at that time or before or since are not Conclusive or binding either upon the Crown or Parties Claiming in right of the Province of New York or New Jersey but the Controversy between both Provinces is reduced by their Lordships Report to just the same state as if the Dukes Grants to John Lord Berkley and Sir George Carteret had not been a Year old. This Second observation is but a Consequence of the first, but deduced with a more particular and pointed application.

Thence—I query, whether it will not be the Interest of the Province of New York to take the first opportunity to declare it's consent to joyn in Application to his majesty with the Province of New Jersey for a Commission to ascertain that Line and to bear one half of the Expence.

It seems to be the Interest of both Provinces to these Ends—

1st To preserve the public peace.

2^{dly} To ascertain the Rights of Jurification & Government.

3^{dly} To Fix the Limits of the Seignory and Property of the Crown.

4th The Private Property of the Lands on each Side.

It seems proper to be done *speedily* because possibly, 1st New Jersey will now think it their Interest to Consent to it tho' every mention of this private Conversation for several Years past has been Treated with Disdain.

2^{dly}. If they refuse it, it will Enable New York to retort the Charge of Delay on New Jersey and lay the Consequences of it at their Door.

3^{dly} It may prevent their attempt (pursuant to the Memorial of the New Jersey Proprietors to their Governours of 20th November 1753 to Extend their Jurisdiction to the random line of 1719, which if *opposed* will probably occasion Bloodshed or if *not opposed* will put a great number of Possessions within this Province in the Power of their Courts and doubtless occasion an Ejectment of the New York Tenants against whom they have got Judgements.

4^{thly} It seems that at no time can be more favorable to New York than the present time, while the weight of their Lordships Arguments will be more sensibly felt both at home and within this Province than Probably hereafter when matters are more * * * and the Present Impression abated or worn out.

5^{thly} A Principal reason is this that New York is less attentive to its Interest than New Jersey and it is Evident that within a few Years they have Gained much Ground of New York and with the utmost Art vigilance and Expense are settling themselves along that Line that they pretend to have settled by their observations in 1719.

6^{thly} New York can hardly imagine any Conjunction more favorable to its Interests than the present when probably their lordships Reasons will have their full weight with *the Commissioners* and perhaps may have some Influence on the Commission itself which may direct the Line to be run from the Delaware River where that branch joins the River that hath an Ex-

tension to the Latitude 41° & 40^m and if two or more branches extend to that latitude then from the Northernmost of them to the Latitude of 41° on the Hudsons River. Whether the legal sense of the Words, *to the Branch*, or *as far as the Branch* or whether the term of 41° 40^m on the Branch expresses the Term *ad quem* from Cape May, and *a quo* to Hudsons River may as well be determined in England as in America, And if this point pass in favor of New York and the Commission so direct? the Commissioners will have little more to do than to fix one Latitude and one Line The term at the Forks will be fixed by Inspection and it will not be very material which of the Forks is the Northernmost Branch and no Branch is pretended more Northerly than these.

As to the Commissioners. Care should be taken that neither New Hampshire Massachusetts Bay, Connecticut nor Pensylvania furnish any of them.

*Representation of the Lords of Trade to the King—
relative to the repeal of an act passed in 1747-48
for running a partition line between New York
and New Jersey.*

[From an official copy among Boundary Papers of W. A. Whitehead, Vol. II, No. 47.]

TO THE KINGS MOST EXCELLENT MAJESTY

May it please your Majesty

WE have lately had under Our Consideration an Act passed in your Majesty's Province of New Jersey in 1747-8 intituled,

An act for running and ascertaining the line of Partition and Division betwixt this Province of New Jersey and the Province of New York.

And having been attended by M^r Paris, Sollicitor in behalf of the proprietors of the Eastern Division of New Jersey, with M^r Hume Campbell and M^r Henley his Council in support of the said Act, and by M^r Charles, Agent for the province of New York, with M^r Forrester and M^r Pratt his Counsel against the said Act, and heard what each party had to offer there-upon, We beg leave humbly to Represent to your Majesty,

THAT the Considerations which arise upon this Act are of two Sorts, Viz^t such as relate to the principles upon which it is founded, and such as relate to the Transactions and Circumstances which accompany it.

As to the first, it is an Act of the Province of New Jersey, interested in the Determination of the limits, and in the consequential Advantages to Arise from it.

THE Province of New Jersey in its distinct and separate Capacity can neither make nor Establish for deciding differences between itself and other parties concerned in Interest.

THE Established Limits of its Jurisdiction and Territory are such as the Grants under which it claims have assigned. If those Grants are doubtful and differences Arise upon the Construction or upon the matter of them, We humbly Apprehend that there are but two methods of deciding them, either by the concurrence of all parties Concerned in Interest or by the regular and legal Forms of Judicial proceedings, And it appears to us, that the legal method of proceeding must be derived from the Immediate Authority of the Crown itself, signified by a Commission from your Majesty under the Great Seal the Commission of subordinate officers and of derivative powers being neither Competent nor adequate to such purposes. To judge otherwise would be, as We humble conceive, to set up ex parte Determination and Incompetent Jurisdictions in the place of Justice and legal authority.

IF THE ACT OF NEW JERSEY cannot conclude other parties, it cannot be Effectual to the Ends proposed: and that it would not be Effectual to Form an absolute Decision in this Case, the Legislature of that province seems Sensible, while it endeavours to leave to your Majestys Determination the Decision of one point relative to this matter and of considerable Importance to it, which proves your Majesty cannot derive from them, without their having the power to Establish the thing itself without the Assistance of your Majesty.

AS WE ARE OF OPINION that the present Act without the Concurrence of other parties concerned in Interest, is unwarrantable and ineffectual. We shall in the next place consider what Transactions & Proceedings have passed towards obtaining such Concurrence.

THE parties Interested are your Majesty and the two provinces of New York and New Jersey. Your Majesty is Interested with respect to your Sovereignty Seigneurie and Property, and the said provinces with respect to their Government and Jurisdiction.

WITH regard to the Transactions on the part of New York, We beg leave to observe, that whatever agreements have been made formerly between the two provinces for settling their Boundaries whatever Acts of Assembly have passed, and whatever Commissions have been issued by the respective Governors and Governments the proceedings under them have never been perfected, the work remains unfinished, and the Disputes between the two provinces Subsist with as much Contradiction as ever. But there is a Circumstance which appears to us to have still more weight, namely that those Transactions were never properly warranted on the part of the Crown: The Crown never participated in them, and therefore cannot be bound with respect to its Interests by proceedings so authorized.

THE Interest which your Majesty has in the Deter-

mination of this Boundary may be considered in three Lights: either as Interests of Sovereignty respecting mere Government, of Seigneurie which respect Escheats and Quit Rents, or of property as relative to the soil itself, which last Interest takes place in such Cases where either Your Majesty has never made any Grants of the Soil or where such Grants have by Actual Escheats reverted to Your Majesty.

WITH regard to the first of these Interests viz, that of Sovereignty, it has been alledged to Us in Support of the Act, that it is not materially Affected by the Question, as both provinces are under Your Majestys Immediate direction and Government: But they stand in a very different light with respect to Your Majestys Interest in the Quit Rents and Escheats, in both which articles the Situation of the two provinces appears to us to make a very material alteration. For altho' the province of New Jersey is not under regulations of propriety or Charter with respect to its Government, yet it is a proprietary province with respect to the Grant & Tenure of its Territory, and consequently as New York is not in that predicament, the Determination of the Boundary in prejudice to that province will affect your Majestys Interest with respect to the Tenure of such Lands as are concerned in this Question, it being evident that whatever Districts are supposed to be Immediately held of Your Majesty in New York, by being Supposed to be Included in the Limits of New Jersey, will Immediately pass to the proprietors of that province and be held of them; by which means Your Majesty would be deprived of your Escheats and the Quit Rents would pass into other Hands.

To obviate this objection it has been alledged that the Crown has already made absolute Grants of the whole Territory, that can possibly come in Question under the Determination of this Boundary, and reserved only trifling and Inconsiderable Quit Rents on these Grants. But this Argument does not seem to

us to be conclusive, since it Admits an Interest in your Majesty, the Greatness or Smallness of which is merely accidental, and therefore does not affect the Essence of the Question, And we beg leave farther to observe, that in the Case of Exorbitant Grants with Inconsiderable Quit Rents and where consequently it may reasonably be Supposed that the Crown has been deceived in Such Grants by its Officers, Your Majestys Contingent Right of property in Vertue of Your Seignourie seems rather to be enlarged than diminished.

THIS being the Case it appears to Us that Governor Hunter ought not to have issued his Commission for running the Line above mentioned without having previously received the Royal Direction and Instruction for that purpose; and that a Commission issued without such authority can be considered; with respect to the Interests of the Crown, in no other light than as a mere nullity; and even with respect to New York we observe that the said Commission is Questionable, as it does not follow the Directions of the above mentioned Act passed there in 1717 which Declares that the Commission to be Issued shall be granted under the Joint Authority of the Governor and Council of that province.

BUT it has been further urged that the Crown has since Confirmed these Transactions, either by previous Declarations or by Subsequent Acquiescence, and consequently participated in them so far as to conclude itself. We shall therefore in the next place beg leave to Consider the Circumstance Urged for this purpose.

It has been alledged that the Crown, by giving Consent to the aforesaid Act passed in New York in 1717 for paying and discharging several Debts due from that Colony &c., included and bound itself with respect to the subsequent proceedings had under the Commission issued by Governor Hunter, But the View and purport of that Act appear to us entire and so distinctly formed for the purpose of Raising Money and

establishing Funds so various and so distinct from any Consideration of the Disputes Subsisting in the two provinces with respect to the Boundaries, that we cannot conceive a Single Clause in so long and so intricate an Act can be a sufficient Foundation to Warrant the proceedings of Governor Hunter Subsequent to it, without a special Authority from the Crown for that purpose; and there is the more reason to be of this opinion, as the Crown, by giving its Assent to that Act, can be construed to have Assented only to the levying Money for a future purpose which purpose could not be Effected by any Commission but from itself, and therefore can never be supposed to have thereby approved a Commission from another Authority which was at that time already issued and Carrying into Execution previous to such Assent.

WE further beg leave humbly to represent to Your Majesty, that the lines of partition and Division between Your Majestys province of New York and Colony of Connecticut having been run and Ascertained pursuant to the Directions of an Act passed at New York for that purpose in the Year 1719 and Confirmed by his late Majesty in 1723, the Transactions between the said province and Colony upon that occasion have been alledged to be Similar to, and urged as a precedent and even as an approbation of the matter now in Question. But we are humbly of opinion, that the two Cases are materially and essentially different. The Act passed in New York in 1719 for running and Ascertaining the Lines of partition and Division between that Colony and the Colony of Connecticut Recites, "That in the Year 1683 the Governor and "Council of New York and the Governor and Com- "missioners of Connecticut did in Council conclude an "Agreement concerning the Boundaries of the two "Provinces; that in Consequence of this Agreement "Commissioners and Surveyors were appointed on the

“part of each Government who did actually agree,
 “Determine and ascertain the Lines of partition,
 “marked out a Certain part of them and fixed the
 “point from whence the remaining parts should be
 “run. that the several things agreed on and done by
 “the said Commissioners were ratified by the respec-
 “tive Governors, entered on Record in each Colony,
 “and in March 1700 approved and Confirmed by order
 “of King William the third in His privy Council and
 “by his said Majestys Letter to his Governor of New
 “York.”

From this Recital it Appears to Us that those Tran-
 sactions were not only carried on with the participa-
 tion, but Confirmed by the Express Act and Authority
 of the Crown, and that Confirmation made the founda-
 tion of the Act passed by New York for Settling the
 Boundaries between the two provinces; of all which
 Authority and Foundation the Act we now lay before
 your Majesty appears to Us to be entirely destitute.

UPON THE WHOLE it appears to us, that the Act in
 Question cannot be Effectual to the Ends proposed
 that Your Majestys Interests may be materially
 affected by it and that the proceedings on which it is
 Founded, were not warranted in the first instance by
 the proper Authority, but carried on without the par-
 ticipation of the Crown. We cannot think it Advisa-
 ble to lay this Act before Your Majesty as fit to
 receive Your Royal Approbation—

WHICH is most humbly Submitted

DUNK HALIFAX
 J. GRENVILLE
 JAMES OSWALD
 ANDREW STONE

WHITEHALL July 18th 1753

A true Copy from the Original Representation of the
 Board of Trade remaining in the Council office

STEPH: COTTRELL

Witness DANL COXE
 SAM: KEMBLE

*Letter from Governor Belcher to the Lords of Trade
—transmitting several documents connected with
the meeting of the Legislature of New Jersey in
May and June, and commenting on the state of
the Province.*

[From P. R. O. B. T. New Jersey, Vol. 7, H, 28.]

ELIZABETH TOWN (N J) August 8th 1752

TO THE LORDS OF TRADE

May it Please Your Lordships

My last was on the 28th of *May*, since w^{ch} I have not had the Honour of any of Your Lordships favours, which I am always glad to receive, for my Instruction in the better Administration of the Affairs of this Government.

I herewith Transmit to Your Lordships, what past in a Session of the General Assembly of this Province, held at Burlington in May and June last * * *

Your Lordships will please to observe by them, what I urged relating to a Revisal of the Laws of the Province, as also in the Affair of Rioting, and the Assembly: Answer to these things, must plainly show, they had no Inclination at that time, to do any thing further about them.

I am glad to say to Your Lordships, that there appeared at this last Session, a much better Agreement and Harmony, between the Council & Assembly, then there had been for a long time, and among other Acts Your Lordships will See there was one past, making Provision for Payment of the publick debts of the Province, and for the future Support of the Government, to the Month of May next.

I think, My Lords, that it is the General Consent of

the Inhabitants that this Province, never was in a better State of Peace and Tranquility, then at this day, nor have I lately had any Account, of any Riotous Attempts in any part of the Province.

My Lords, I wish the Proprietors (and so I have told some of them once and again) wou'd bring forward their Actions of Trespass and Ejectment against such, as they think Illegally possess Lands, but they dont seem to incline to it, I have also mentioned to His Majesty Council, the making out a Peremptory Order, to the Kings Attorney General. to prosecute such, as have been Apprehended, and lye under Bonds, (as Rioters) but this the Council dont seem to fall in with, and so I am at a loss what further Steps to take, in these Affairs.

I have the Honour to be with Great Respect

My Lords Your Lordships Most

Obedient & Most Humble Servant

J. BELCHER

Letter from Ferdinand John Paris to Robert Hunter Morris—complaining of being left without assistance in securing the approval of an Act relative to the boundary between New York and New Jersey.

[From original draft among Paris Papers in N. J. Hist. Soc. Lib., Bundle H, No. 58.]

SURRY STREET LONDON 18. Aug^t 1753

TO ROBT HUNTER MORRIS ESQ^t

Sir

* * * I find my Self in such a Case, as I never was, in my whole life. Engaged in a matter of vast importance to the p'tys concerned, at such a Crisis as this, without power to represent them, without Instructions

what to do for them, without the proof of Facts, w^{ch} you might have supplied, without one penny of provision for the late very great expense, or that which is to ensue, without knowing how to write to you, without knowing who will be Bail or Security, on appealing ag^t the Lords of Trades Report, And yet must do Something & that instantly too. Or otherwise, that Report will be confirmed, & (as I fear) much injury arise, thereby to your & my Principalls.

I had once resolved to do nothing at all, in it, but let it take its Fate as I was left in such an helpless Condition, but, when I considered y^e great importance of the m^{ve}, the regard I have, for Every Clyent, soon made me alter that Resolution.

I now enclose you a Copy of the Lords of Trade most extraordinary Report, ag^t the New Jersey Act for Settling the Bounds towards New York. That Report was dated the 18th of July last, and, instead of advising the Crown, Singly, either to ratify, or to disallow, the New Jersey Act, It runs into so many extraneous matters, & comes to such Opinions, upon *All* those matters, that you did not expect & will be much Surprised at, when you see, and come to consider the Report.

The 19th of July the King referred that Rep^t to a Com^{tee} of his Privy Councill.

On the 26th of July (w^{ch} was the first Com^{tee} that was held, after that Ref^{nee}) I moved for leave to have out a Copy of that Rep^t, w^{ch} was ordered, accord^gly

On Saturday the 28th of July, at near midnight, I got Out a Copy of it.

On Sunday the 29th of July, I had a Copy, immediately, made for you, And early on Monday morning, the 30th of July, I sent that Copy, to yo^r Lodgings & desired your directions what to do on y^e occasion; but heard that you was gone out of Town, with yo^r Sister, on Sunday, the day before.

That same Night, I forwarded that Copy, with a letter to you, hoping it might meet you, at Dover, but it was returned to me, by the post, again, with an *Acco^t* that you was *Sayled* from thence.

From that time to the present, I have inquired of D^r Cox, M^r Stuart M^r Catherwood, M^r Furman, M^r Barclay, & every other p^{son} I could think of, how to write, either to yourself, or to yo^r Sister, but without Any Success.

In the mean time, the New York Agent who, it seems, knew you was gone, & imagined (as the truth really was) that I was wholly uninstructed, gave me a Notice, so early as on the 4th Instant (so great a hurry was never before known, in the like case) that he would move the Com^{tee} of Council, on the 7th Instant, to confirm the Lords of Trades Report, (I send you a Copy of the Notice, enclosed).

When the 7th of Aug^t came, you will Judge what a Case I was in; I was driven to do One, of two things, Either, to say that I had no Instructions to oppose the Confirm^a of that Report, In w^{ch} Case y^e *whole* Report would have been that Instant, confirmed, by y^e opinion of the Com^{tee} of Council, or else, to say that I would oppose it, & pray time to prepare a petition for that purpose.

I chose the latter, and thereby Stopt the Confirmation then.

And I did so, for the reasons before men^d & also because you had given me some very general Ord^{rs} (before ever you saw the extraordinary Contents of the Report) to Oppose it either in M^r Penns name, or in Ma^r Lanes name (as the Leader in the West Jersey Societys Affairs) or, if neither of those could be done, then in yo^r own Name, but so, as not too much to offend y^e Board of Trade.

I have, since, seen both M^r Penn, & Ma^r Lane, but find no inclinac^{on} in either of them to imbarque in

such an expensive Affair, & of w^{ch} they know so very little.

So was obliged to propose a Petition, in the name of the Councill of Proprietors, ag^t the s^d Report. That petⁿ I have layd before M^r. Hume Campbell, for him to Settle; And I enclose you a Copy of it just as I layd it before him; How, & in what Shape, it will come back, from him, I cannot tell you: Possibly, he will at least, alter such p^{ts} of it as set forth his own non attendance. I think I have dealt as tenderly as I could, with y^e Lords of Trade (who are certainly mistaken in some facts) & so I have tranciently set forth in y^e Dr^t of y^e petⁿ w^{ch} I have prepared, but whether it comes up to yo^r Spirit, or intention, or whether I have sayd too much, or too little in yo^r opinion, is impossible for me to know; If I have erred in it, it has not been by design, but from the Scituation I was left in, on w^{ch} Acco^t I hope great allowances will be made, as indeed there should be.

While M^r Hume is settling the dra^t of the Petic^on, I am hunting abo^t to see if M^r Barclay, or any of yo^r Friends will give the Security for costs required by the Standing Ord^r of y^e Councill Board, in all Cases where p^tys, who have been heard as the Board of Trade, pet^on against their Reports & am in much doubt of finding any p^{son} to be such Security, tho' that is required to be done, before even y^r pet^on is to be rece^d.

In the mean time I have done my very best, & my utmost, & stand acquitted in my own breast of the Consequences, be they what they may.

I beg you would imediately, on rec^t hereof, write me at large, as well as give me proper Ord^{rs} for the necessary Supply, for I do not doubt but that will be brought on, as soon as ever the Lords meet again, in October or Nov^r: & remain with great respect Sir

Your most obed^t hu[']ble Serv^t

FERDINAND JOHN PARIS.

Circular Letter from the Lords of Trade to the Governors in America—relative to a proposed interview to be held with the Six Nations of Indians.

[From N. Y. Col. Docts., Vol. VI, p. 802.]

To Jonathan Belcher Esquire Governor of New Jersey.

Sir

His Majesty having been pleased to order a sum of money to be issued for presents to the Six Nations of Indians and to direct his Governor of New York to hold an interview with them, for delivering those presents, for burying the hatchet, and for renewing the Covenant Chain with them: we think it our duty to acquaint you therewith, and as we find it has been usual upon former occasions when an interview has been held with those Indians, for all His Majesty's Colonies whose interest and security is connected with & depends upon them, to join in such interview, and as the present disposition of those Indians & the attempts which have been made to withdraw them from the British interest, appears to us to make such a general interview more particularly necessary at this time; we desire you will lay this matter before the Council and General Assembly of the Province under your government and recommend to them forthwith to make a proper provision for appointing Commissioners, to be joined with those of the other Governments for renewing the Covenant Chain with the Six Nations and for making such presents to them as has been usual upon the like occasions. And we desire that in the Choice and nomination of the Commissioners, you will take care that they are men of character ability and integrity, and well acquainted with

Indian Affairs. As to the time and place of meeting it is left to the Governor of New York to fix it, and he has orders to give you early notice of it. We are, Sir

Your very loving friends
and humble Servants

DUNK HALIFAX
JAM: GRENVILLE
DUPPLIN

WHITEHALL Septemb: 18 1753

A like letter was sent to the Governors of Virginia, Massachusetts, New Hampshire, Maryland and Pennsylvania.

Letter from Robert Hunter Morris to Ferdinand John Paris—in answer to his of August 18th.

[From original among papers of Mr. Paris in Hist. Soc. Library, Bundle H, No. 62.]

To Ferd John Paris Esq^r

SPA Sep^r 11 1753

Sir

I came to this place yesterday from a tour I had taken to the Rhine, and then first saw your letter of Aug^t 18 * * * * *

You may well remember what pass'd when I was last with you at the Plantation office, and at other times when the report of the board of trade was under our Consideration; when it was agreed between us to oppose the approbation of that part of the report, relating to the Transactions about the station point upon Delaware, it being a matter that was not properly before the board; and upon which our Council had never been heard; and not only so, but because West Jer-

sey was greatly Interested, and no party to the contest; This opposition we agreed should be made in the Name of the West Jersey society, or of M^r Penn, if they—or Either of them would consent, and if not, then in my name or that of the Eastern Prop^{rs} who the Board knew were represented by me. The reason I gave for this Method, was, that I was unwilling to offend the board of Trade, but nevertheless could not suffer a report that so greatly Affected the Interest of those I had undertaken to serve, to be confirmed, without giving it all the opposition, in my power.

In order to induce the Jersey society, to take part in this affair, I first wrote to their Secretary, and then waited on Master Lane, to whom I shew'd in what manner West Jersey, & Consequently the Society would be affected by the Confirmation of that Report, and convinced him that it was necessary for them to *appear* in the thing, and referr'd him to you who was fully Master of the Subject, for the proper method of opposing it: He promised me to lay the matter before the committee, & to consult you upon the Head, & made no doubt but the committee would take a *proper* part in the affair. Thus stood matters when I left England, and was I now upon the spot I could not put 'em upon a better footing, or give fuller instructions.

You say you are without Power, without Instructions, without Proofs, without money for the past or future expence, and without proper security.

As to Powers you have Just the same you have always had in this and other affairs of the Prop^{rs} if more were necessary, why was it not mentioned to me? and if I am not greatly mistaken, I have more than once offer'd to Execute any Instrument for that purpose that you thought necessary. As to Instructions I gave as full as was then, or is now in my power; and the proof of facts are all in your own hands; and by your well drawn Petition it appears you

are fully furnished. As to Money you might have had it, for asking for, as I wrote you upon a former occasion; and as you can't say I have disputed, or neglected to pay any bill you have sent me, either upon my own or the proprietors acc^t; you need not have been so apprehensive as to the future expence. Security indeed I gave no directions about nor did I know till I had yours that it was necessary, and had you mentioned it to me either before, or at the time I took my leave of you, I should have given Proper directions; however, if Bail be wanted *before my return*, Inclosed is a letter to Mess^{rs} Barclay & son to be, or procure it.

I have read over the Petition, and think it very fully & properly drawn, and approve of every step you have taken in this affair * * * * *

I am surprised that Catherwood should pick up and tell such an Idle tale of my landing my sister and proceeding to America, and much more so, that it should gain any the least, credit with you when I had told you where I was going, and that I should soon return; I am at a loss for the reason of your sending such a letter as yours to America, where you had the greatest reason to think that I was not, and where it can have no other effect but to make my friends uneasy concerning my safety,—for as to any thing else I am too well known in that country to be at all apprehensive about it.

I *propose to Return* to England *very soon*, and shall be glad to afford my best Assistance in this or any thing, else that concerns the Interest of New Jersey in Gen^l, or that of the Prop^{rs} in Particular, and in the Mean time am Sir

Your Most Obed^t Humble Serv^t

ROB^t H MORRIS

*Petition of the Proprietors of East Jersey to the King
—asking to be heard against the Representation
from the Lords of Trade, recommending the re-
peal of the Boundary Act of 1747.*

[From a certified copy among Papers of F. J. Paris in N. J. Hist. Soc. Library,
Bundle H.]

TO THE KINGS MOST EXCELL^T MAJ^{STY} IN
COUNCILL

The humble Petition of the Council of Proprietors of the Eastern Division of Your Majesty's province of New Jersey—

SHEWETH

That His late Majesty King Charles the 2nd in the year 1663 Granted to his Brother James then Duke of York in Fee Sundry large Tracts and Territorys in america and amongst others those which are now called the provinces of New York and New Jersey To be held of His said Majesty his Heirs and Successors as of His Manor of East Greenwich in the County of Kent in Free and Common Soccage and not in Capite or by Knights service Yielding 40 Beaver Skins yearly when demanded.

That the said Duke of York in June 1664 Granted away one part of the said Territories (since called the province of New Jersey) unto the Lord Berkley and Sir George Carterett in Fee and the Boundary of that part at present Material to be stated (and which was to Divide the particular Tract so Granted away from the Dukes other Territorys which he did not Grant out) was as follows and (extendeth), “to the North
“ward as far as the Northernmost Branch of the said
“ Bay or River of Delaware which is in 41 Degrees and

“ forty Minutes of Latitude and Crosseth over thence
“ in a Strait Line to Hudsons River in 41 Degrees of
Latitude”—which was a Boundary as plain and Sim-
ple and attended with as Little Doubt or Uncertainty
as the Boundary of any province in America at that
Time was.

Notwithstanding which as both the provinces of
New York and New Jersey afterwards became and for
a Great length of Time were under the Government of
one and the same Governor And New York had the
Greater Strength and Influence of the two New Jersey
hath never been able to get the said Boundary Settled
altho every reasonable Endeavour hath been used in
order thereto and altho the cultivation and settlement
of those parts as well as the peace & Government of
the Inhabitants of these provinces and the Rights and
propertys of persons seating there are all most Emi-
nently concerned therein

But so far otherwise has been the Case that while
the s^d Boundary has remained unsettled pretended
Grants have been made by the Governors of New
York of Enormous Quantities of Land at Minute and
Trifling Quit Rents And the Grantees of such Quan-
tities (who have been persons of power & Influence in
New York) have by every means obstructed the settle-
ment of the said Boundary In order thereby to have
the better opportunity to Extend such Grants into and
to Encroach upon the property of Your Majestys other
Subjects in New Jersey

That in 1676 Deeds of partition were made between
the said Sir George Carteret on the one part and
William penn Esq^r and others (who were the assignees
under Lord Berkeley) on the other part of that whole
Tract which had been before Granted by the Duke of
York into two distinct parts between themselves the
Eastern part of which (since called East New Jersey)
was thereby released unto the said Sir George Car-

terett in Fee and the western part thereof (since called West New Jersey) was released unto the said William penn and others the assignees of the said Lord Berkley in Fee

That by the said Deeds the Division was so agreed upon by the proprietors of the soil as that the Line of partition between East & West Jersey was to begin at & from the station Point on the Northermost Branch of Delaware River at the Latitude of 41 Degrees and 40 Minutes (which was the north station point mentioned in the said Duke of Yorks Grant) So that West Jersey as well as East Jersey were both concerned and Interested in fixing that north station point

That the said Eastern part of New Jersey having being Granted out and Conveyed by Sir George Carterett unto the said William penn & others to the number of 24 proprietors (whose Representatives are still intituled to the same) The Duke of York by his other Confirmatory Grant of 24th March 1682 Confirmed unto the said 24 proprietors the said Eastern part of New Jersey by words expressly referring to the before mentioned Deeds of partition which had been made as afores^d between the proprietors of the said whole province

That from the year 1669 to the year 1684 the proprietors Gov^r & Council of the Province of New Jersey purchased from the Indians and granted out to sundry persons great part if not the whole of the Lands lying Eastwards up to the strait Line which was to run cross the Country from the north station point to the south station point, and their Grantees settled and Cultivated the same or Great parts thereof

But in the year 1684 the Duke of York not having Granted away his other Territory called New York but Continuing seized thereof and coming to the Crown his Governor in New York then and afterwards

took upon him to make Grants (as from New York Government) of Lands long before Granted out by and held under Grants from New Jersey

And the proprietors of New Jersey having some Years afterwards Surrendered their Claim of Government there to the Crown the provinces of New York and New Jersey were for many Years put under one and the same person as Governor of both provinces tho' by Distinct Commissions issued under the Great Seal for the Government of the said respective provinces

That the two Station points not having been settled and ascertained and different Grantees under different Governments claiming the self same Lands it not only prevented the settling and Cultivating those parts but also bred Quarrels and Disputes as to Jurisdiction and property and affected Government itself and was attended with all the other Evils and Mischiefs that Commonly ensue from uncertain Boundaries & Jurisdictions.

To put an End to which Evils in the year 1717 when Mr Hunter was Governor of both the provinces of New York and New Jersey under his late Majesty an Act of Assembly was first passed in New York to make a large Number of paper Bills of Credit to be applied to two several purposes, The first to pay and Discharge several Debts then already due from New York to a long list of persons (all Enumerated in Detail in the Body of said Act) And the other purpose was to raise and put into the Hands of the Treasurers of New York sev^l Quantitys of Plate to be applied to other the publick and Necessary Uses of that Colony.

And the said Act among other the publick and necessary Uses of New York for which it was making provision, Recited, That the Partition Lines between New York and Connecticut and between New York and New Jersey were necessary to be known and as-

certained in order that such of the Inhabitants of New York whose Estates or Habitations were adjacent to and bordered on the s^d partition Lines might peaceably and without molestation enjoy the Fruits of their Industry and that the Government might not be Defrauded of the publick Taxes that might Arise and become due from the said Inhabitants by their pretending that they did not dwell within New York, And it therefore Enacted that the Quantity of 750 Ounces of plate (part of the plate to be left in the Treasurers Hands) should be applied to defray that part of the Charge of running Surveying & ascertaining the partition Line Limit and Boundary between New York and New Jersey which might be requisite for New York to pay, to be Issued by Warrant under the Hand and Seal of the Governor of New York for the Time being by and with the advice and Consent of His Majestys Council in such parts and proportions as should be requisite for that Service when the Survey ascertaining and running of the said Line Limit and Boundary should be begun and carried on by the Mutual Consent and agreement of the Governor and Counsel of New York and the proprietors of the soil of New Jersey— And the Sum of 750 Ounces (part of the aforesaid plate left in the Treasurers Hands) was to be issued as aforesaid to defray that part of the Charge of running the partition Line Limit and Boundary between New York & Connecticut which should be requisite for New York to pay when the Survey ascertaining & running of the said Line Limit and Boundary should be begun and Carried on by the Mutual Consent and agreement of the Governor and Council of New York and the Governor and Council of Connecticut—Which Lines being run ascertained and agreed on by the Surveyors and Commissioners of each Colony as aforesaid It was thereby Enacted should for ever thereafter be deemed taken be and remain as the partition Line

Limit and Boundary of the Colony of New York And all Bodies Corporate & politick and all other persons whatsoever within the province of New York were to be for ever Concluded thereby

That when the s^d Act was Transmitted for the Royal pleasure great opposition was made here to the same not only as it was an Act creating paper Money but also particular Objections were made to the particular Clauses of the said Act herein before humbly Haled And after such particular Notice of that part of the said Act and one or more Hearings on that Occasion His late Majesty by His Order in Councill of the 19th of May 1720 was pleased to allow and ratify the whole and every part of the said New York Act.

That the proprietors of New Jersey (then under the same Governor with New York) were Extremely pleased that New York by their said Act passed in 1717 had led the way in order to a long desired Settlement of the Bounds in Contest And thereupon in the next ensuing Year 1718 An Act of Assembly was pass't in New Jersey of like Tenor & purport with that before passed in New York with relation to the settling the Boundarys.

For it recited that many disputes & Controversies had then of late happened betwixt the proprietors & Owners of Lands in New Jersey and the owners of Land's in New York which lay near to or adjoining upon the Divison Line as well between the officers of the Government and a Number of lawless Men there who eluded the laws of both provinces and paid Taxes to neither pretending to be Situate in each of them to serve their evil purposes of Disobedience to the Lawful Commands and Demands of the officers of the Government.

To prevent which for the future and in Order that such of the Inhabitants of New Jersey whose Estates or Habitations were adjacent to or bordered on the

said partition Line might peaceably and without Molestation enjoy the Fruits of their Labour and the Government might not be defrauded of the publick Taxes that were or might arise or become due from the said Inhabitants by their pretending that they did not dwell within New Jersey It Enacted That there should be two or more Commissioners with the Surveyor General appointed by the Governor of New Jersey by and with the Consent of the Council who should be Impowered by a Commission under the Great Seal of New Jersey to Join with such Commissioners and Surveyors as sho^d be appointed on the part and behalf of New York Which said Commissioners & Surveyors so appointed & Commissionated as afore-said sho^d on the part and behalf of New Jersey run Survey agree on and ascertain the said Line Limits and Boundaries between New Jersey & New York according to the true Limits thereof as near as conveniently could be done

And further Enacted That when such Commissioners as should be appointed by the governor by and with the advice and Consent of the Council with the surveyor General of New Jersey had joined with such Commiss^{rs} and Surveyors as should be appointed for and on the behalf of New York they should make return of the same under their Hands and Seals to the governor of New Jersey for the Time being Which return should be filed and recorded in the Secretarys office of New Jersey, Which said Line of Division or partition betwixt new Jersey and New York being ascertained run and agreed on and recorded as afore-said should for ever thereafter be deemed taken be remain and Continue the partition Line Limit and Boundary betwixt New Jersey and New York And all Bodies politic & Corporate and all other persons whatsoever within New Jersey or any Claiming any Right & property therein should be Concluded by the same Any Law Usage Custom or pretence to the Contrary

That the said New Jersey Act was Transmitted to Great Britain for the Royal pleasure and having never received any Disapprobation is apprehended to be in full force in New Jersey

That M^r Hunter Your Majestys Governor who passed both the said Acts in New York and New Jersey was by his late Majestys Royal Commission & Instructions and had been for along Time before he passed the said Acts commanded to Transmit to His Majesty a Map with the Exact Description of the whole Territories in the said respective Governments under his Command

That in the same Sessions of the New Jersey Assembly in 1718 another act was there passed for running and ascertaining the Line of partition or Subdivision between the Eastern and Western Divisions of New Jersey and for preventing Disputes for the future concerning the same and for securing to the General proprietors of the soil of each of the Divisions and persons claiming under them their several and respective possessions right & Just Claims which Act Confirmed the agreement contained in the Indenture of 1676 as the partition to be made between the Eastern & Western part of New Jersey But forasmuch as (for want of the partition Line having been settled) persons under Western Rights had taken up Lands in the Eastern parts and so vice versa, therefore the said Line was to be run as formerly agreed, And if one side had taken up more Lands of the others than that other side had taken up of theirs the respective Divisions were to make allowance to each other for the same but the settlers and Improvers were to Continue possessed of their particular Lands and those Lands which had been taken up by western Rights were to be Considered as part of the west Division tho' lying in the Eastern part and so vice versa

That the said several acts of assembly having been passed in both the said provinces under his late Majes-

tys Governor for the very necessary purposes aforesaid Two Commissions issued in his late Majestys name under the great Seal of those respective provinces for the settling the said Boundarys in Dispute

The said Commission on the part of New Jersey issued first of the two upon the 31st Day of March 1719 by the Express advice and Consent of His Majestys Gov^r and Council of New Jersey and it recited many of the grants Deeds of partition Acts and matters herein before humbly Stated and authorized two persons to be Commissioners for the Eastern Division of New Jersey and two others to be Commissioners for the Western Division of New Jersey and the Surveyor General of both those Divisions in Conjunction with the Commissioners and Surveyors to be appointed on the part of new York to do several Distinct matters that is to say

To Inspect and Survey all such streams of water that formed the River of Delaware as they should Esteem necessary to be Inspected or Surveyed in order to find out and Determine which of the Streams was the northernmost Branch of Delaware River and when such Branch was so discovered they were Carefully according to the best of their knowledge and understanding to discover and find out that part of the said Northernmost Branch of Delaware River that lay in the Latitude of 41 Degrees and 40 Minutes which was the North partition point of New Jersey and the point as well of the Line of Division between the Eastern and western Divisions of New Jersey as that place where the Line of partition between New York and New Jersey terminated All which the said Commissioners and Surveyors were thereby required distinctly to Certify under their Hands and seals to the Governor of New Jersey to be filed and recorded in the Secretarys office there

And then the said Commission Ceased to give any

further powers to those Commissioners and Surveyors for West New Jersey as the Western part of New Jersey had no other concern whatever in the other parts of the Division which affected only East New Jersey and New York.

But the said Commission further Impowered the said two Commissioners and Surveyors for East New Jersey in Conjunction with the Commissioners and Surveyors for New York to discover the South Station point at 41 Degrees on Hudsons River and to run out the Strait Line from the North Station point to the South Station point in such manner as therein was mention all which those Commiss^{rs} and Surveyors were also to return Distinctly under their Hands and Seals to the Governor of New Jersey to be filed and recorded in the Secretarys office there

That as to the Commission issued by New York on that occasion it appears by Sundry minutes of his Majestys Governor and Council of New York Dated the 16th and 23^d of April the 2^d of May and the 17th and 20th of June 1719 that the said Governor and Council of New York had this matter under their Consideration and particularly by their Joint Minute of the 2^d of May they jointly ordered that a Commission should issue under the Great Seal of that province to two persons therein named as Commissioners and to a third person therein also named as Surveyor for that province for running and ascertaining the said Division Line And by the said Minutes of the 2^d of May and 17th and 20th June and divers other Subsequent minutes the s^d Governor and Council of New York jointly ordered out several sums of Money to their s^d Commissioners and Surveyor on account of the s^d work

And a Commission issued under the Great Seal of New York authorizing the said Commissioners and Surveyor (so appointed for New York) to do in Conjunction with those for New Jersey All the like mat-

ters and things as were mentioned and particularized in the said other Commission from New Jersey

That according as the said New York Commission now Stands Entered in the Books at New York it seems as if it had been made to bear Date upon the 1st Day of the said May which was the Day next before that when the said Joint Minute of Governor & Council ordering the same to issue bears Date But by what means or mistake soever that small Impropriety in point of Date now appears upon the New York Entrys (which appear in themselves to be very incorrect) your petitioners humbly hope it is abundantly Clear from the many Minutes of the Gov^t and Council of New York both before and after the Date of the said New York Commission that the same issued in exact Conformity to the said New York Act of Assembly of 1717 (which was afterwards confirmed by his late Majesty in Council) and particularly with the Consent of both the Governor and Council of New York.

That the Bounds in Question were first and precisely mentioned in the s^d Duke of Yorks Grant of New Jersey to Lord Berkley and Sir George Carteret to be by imaginary Lines in the Heavens of 41 Degrees and 40 Minutes on the Northernmost Branch of Delaware River and 41 Degrees on Hudsons River And the Com^{rs} and Surveyors were not authorized nor had any Power given them to make any Contract or Bargain or to give or take Lands from the one Province to the other or to enlarge or diminish either of the Provinces but solely according to Rules of Art to survey and ascertain upon the Earth that Part of Northernmost Branch of Delaware River and that Part of Hudson's River which lay under and corresponded to those respective imaginary lines in the Heavens and to draw a strait Line from the one to the other without Prejudice Favour or affection.

So that your Petitioners most humbly submit to

your Majesty as the Ascertainment of Boundaries is so essentially necessary not only to the well being but even to the Settlement & Cultivation at all of distant Regions in America and that the leaving the Boundaries unsettled and undetermined is attended with so many and great Evils whether your Majesty will not be graciously pleased to give Countenance to every fair Endeavour to attain so much good and to avoid so many Mischiefs More especially considering the nature of the Boundary now in Question and that the s^d Comm^{rs} issued in pursuance of an Act of Assembly to which the Royal Assent was afterwards given & by the joint Consent of your Majesty's Gov^r and Councils in both your s^d Provinces of New York and New Jersey.

That the said Comm^{rs} and Surveyors began their s^d Work and all of them unanimously fixt and ascertained the North Station Point at the Latitude of 41 Degrees and 40 Minutes upon the Northernmost Branch of Delaware River. And when they had so finished that distinct Part of the Work which concerned all the three Partys viz: New York East New Jersey and West New Jersey they pursuant to the Directions in their s^d respective Com^{rs} made a distinct Return of that separate Matter by a solemn Ind're Tripartite bearing date 25 July 1719 which was executed by every one of them under their hands and seals whereby they declared and certified which was the most Northern Branch of the River of Delaware and the exact & particular Place upon that Branch of 41 Degrees & 40 Minutes of Latitude Which they described by a great Number of precise Landmarks so as to fix and ascertain the same in the most clear manner and such their Return was filed of Record in both the said Provinces of New York and New Jersey.

That the first Point or North Station being thus fixed it was most easy to discover where the other

South Station Point at 41 degrees upon Hudson's River would fall & consequently it presently appeared that the great and exorbitant Grants which had been made under New York extended into and encroached upon the Lands in New Jersey.

And therefore a most extraordinary Method was contrived to put a Stop to the further Progress as to the other Station Point & the strait Line from the one to the other of those two Points.

And in order to stop the further Progress upon the Residue of the s^d Work Allan Jarrat the New York Surveyor alone & without the Concurrence of any one (even of the New York Com^{rs}) presented a Petition to the President and Council of New York on 24 Sep^r 1719 setting forth that he pursuant to the Trust reposed in him had in Conjunction with the New Jersey Com^{rs} & Surveyor proceeded to the Latitude of 41 Degrees and 40 Minutes and had taken sundry repeated Observations in July then last by a Brass Quadrant of 22 Inches Radius and that that Latitude had been determined and adjusted after 4 repeated Observations with the Plumett at each End of the Quadrant which were found not to differ each from the other above half a Minute and that the Difference being so small was adjusted by a mean between the Differences of the s^d Observations as might appear by a Journal ready to be produced.

But that from thence they went to a Place nigh to where they judged the other Station might fall upon Hudson's River and made Observations in the Month of August then last in order to adjust the Latitude of 41 Degrees with the s^d Quadrant And that there having a good Sun and clear Weather by Observ^{ns} made with a Plumett at the End of the Quadrant and then with the Plumett at the Middle or two Thirds of the Quadrant such Observations differed each from the other about four Minutes That therefore he conceived

great Difficulty to decide the true Latitude of 41 Degrees in so wide a difference of Observations by so small an Instrument It requiring a larger Instrument and the most exquisite Exactness & nicety to determine Wherefore to vindicate himself from future Aspersions and being prest upon by the Com^{rs} to proceed he laid that Matter before the President & Council & prayed them to give him Instructions to direct his Judgment.

That the s^d Jarratts Petition was referred to a Com^{tee} of the Co^l of New York who as it is pretended upon the very same 24th of Septbr 1719 made some Report that Jarratt who had acted in the former Part of the Work and in the executing the s^d Ind're of 25 July 1719 (all upon his Oath) had sayd then before that Com^{tee} that the first Observ^{ns} whereby the first Station had been settled were taken at the Ends of the Quadrant & that the Errors & Defects of it had not been discovered at that Time & therefore that the North Station Point upon the Fishkill was wrong & erroneous notwithstanding the Tripartite Ind'res w^{ch} had been executed there upon that Occasion.

That the s^d Report founded entirely upon what Jarratt say^d in opposition to what he and all the rest of the Com^{rs} & Surveyor had done signed and executed under their hands and seals under Sanction of an Oath appeared so very extraordinary a Proceeding that such pretended Report was never confirmed even by the Council of New York itself that your Petitioners can discover.

But notwithstanding that and that not one Third Part of the Work was done & even that as their Surveyor was now made to pretend not rightly neither yet their Surveyor was amply rewarded for his Doubts and Scruples For by several subsequent Minutes of the New York Council the whole 750 Ounces of Plate or £300 which by the New York Act had been appro-

priated for doing the whole Work was ordered out to their Com^{rs} & Surveyor which rewarded him for his Doubts.

That New York never procured any larger Instrument to satisfy their own Surveyors Pretence of Doubt nor would proceed any further to settle the disputed Bounds The great Grantees under that Government knowing their own Power too well and dreading nothing more than a just and true Settlement of the Bounds which would put an End to their Encroachments and great and continual Quarrels and Tumults arose between the Persons near the contested Bounds and Bloodshed and Murders were like to ensue And the Inhabitants of New Jersey from time to time represented to their Government the great Invasions made in point of Jurisdiction as well as Property some of the same even down to Minisinks Island a Place about 40 Miles below the North Station Point so fixed as afs^d of all which the President and Council of New Jersey from Time to Time made the most earnest and reiterated Complaints to the Government of New York and represented the great Dangers & Mischiefs arising from the Bounds not being settled and also prest them by that Duty which both Governments owed to his late Majesty's Comⁿ and Instructions under the Great Seal to fix the Limits and Boundaries of both Provinces but all to no manner of Purpose.

Whereupon on the 7th of Sept^r 1744 your Pet^{rs} presented a Memorial to your Majesty's Governor of New Jersey seting forth many of these Matters And praying that an Act of Assembly might be past and might be sent home in order to your Majestys Approbation thereof for running the Residue of the said Lines ex parte in Case New York would not after so many Endeavours join in running the same.

After which and all the aforementioned^d amicable Endeavours had been used an Act of Assembly was passed by

the Governor Council & Assembly of New Jersey upon the 18th of Feby 1747 intituled an Act for running & ascertaining the Line of Partition & Division betwixt this Province of New Jersey and the Province of New York.

Which Act recites the s^d Grant in 1663 from King Cha^s the 2^d to the Duke of York & the s^d Duke's Conveyance of New Jersey to Lord Berkley and S^t George Carterett in June 1664 and the s^d Ind're Quintipartite of Partition in 1676 made between the Proprietors of East and West Jersey and recites that the Division Line between New York and New Jersey not having been before settled New York past the Act for settling the same in 1717 and that New Jersey past the like Act in 1718 And also recites that in the same year 1718 New Jersey past another Act for running the Line of Subdivision between the Eastern and Western Divisions of New Jersey And recites the said Ind're Tripartite of 25th July 1719 executed by all the Com^{rs} and Surveyors for New York and for East Jersey and for West Jersey declaring where the true North Station Point was found to be And recites that many Endeavours had been used by the Gen^l Proprietors of East Jersey for proceeding to fix the Latitude of 41 Degrees upon Hudson's River and running the strait Line from one point to the other but that all the same had proved fruitless And that the Persons living near the Places in Question eluded the Laws in both Governm^{ts} paid Obedience to neither Sometimes pretending to be in New York and sometimes to be in New Jersey as it best served their purpose to avoid paying Taxes and performing such Services as were done by other your Majesty's Subjects in both Colony's Likewise that many Persons owners of cons'ble Tracts of Land and willing to improve the same were deterred therefrom which had proved a great Hindrance to the further settling New Jersey and had encouraged several Per-

sons belonging to New York to encroach upon New Jersey & disturb many People settled under the same.

In Order therefore to prevent those Confusions and Disturbances which would otherwise unavoidably follow and to encourage further Settlem^{ts} & Improvm^{ts} in New Jersey & that such Persons as were already settled near the Bounds in Dispute might peaceably enjoy the Fruits of their Labour according to their several Rights.

The s^d Bill or Act therefore proposed to Enact That the Com^{rs} and Surveyor appointed or to be appointed for the Eastern Division of New Jersey pursuant to the former Act of 1718 should discover and fix the Latitude of 41 Degrees on Hudson's River and sho^d run the strait Line betⁿ that Partition Point & the former Partition Point settled in 1719 as afs^d. And in order that the same might be done truly and fairly as well as amicably & in Conjunction with Com^{rs} & Surveyors to be appointed by New York The s^d Bill further Enacted that Notice should be given by the Gov^r of New Jersey to the Gov^r of New York at least nine months before beginning the same that, that Province might join if they thought fit But if New York should not appoint Persons to act or they not meet & Act then the New Jersey Com^{rs} to run and ascertain the same.

And then the s^d Bill recited that Hudson's River in the Latitude of 41 was ab^t a Mile broad & that a Questⁿ might arise whe^r the Partition Point sho^d be on the East or West Side or in the Middle of Hudson's River And it Enacted that the Partition Point should be on the East side of Hudson's River, as near as possible in the middle between High and low water mark there.

And the said Bill or Act contained four several provisions to the following Effect.

1. That the said Act should not affect the Estate

Right Title Claim or Demands of any person whatsoever to any of the Lands within New Jersey But that all such Estates Rights Titles Claims and Demands should be saved and remain to the said persons in the same manner as if the said Act had never past.

2. That the said Act should not be in force until the Royal Assent should be had thereto.

3. That if Your Majesty should order that the partition point on Hudsons River should be in the middle of that River or on the west side of it or at high or low water Mark or the middle betwixt them on either side that then your Majestys Declaration and order should be Effectual (which your petitioners humbly apprehend was a Dutiful Submission to your Majestys Royal Determination to which it certainly belonged of the only point that could be in Doubt).

4. And the last proviso was That the whole Charge of obtaining the Royal Assent discovering and fixing the partition point on Hudsons River and running the said Strait partition Line (or so much thereof as should be Incumbent on New Jersey to pay) should be wholly raised and Defrayed out of the Estates of the General proprietors of the Eastern Division of New Jersey.

That in order to proceed with the utmost Fairness after the said Act had been passed and before it was sent to Great Britain Your pet^{rs} Caused Copys of the same to be Served upon 28th June 1748 upon your Majestys Governor in New York and upon the president of your Majestys Council and Speaker of the Assembly there together with a written Notice hoping and desiring that they would save the Trouble & Expencc of an Application to England by joining to Settle and fix the Station point and run the Strait Line And that in Expectation of such Consent New Jersey would delay sending home the act not only for two Months but for any longer reasonable Time that should be desired.

To which proposal your petitioners could obtain no

sort of Answer whatever either from the Council or Assembly of New York.

But your petitioners are informed that your Majesty's Governor of New York thought himself obliged on the Occasion to make some Representation to your Majesty's Commissioners for Trade and plantations about the 7th of October 1748 whereby as your petitioners Apprehend he Certified to the said Lords Commissioners That many Disorders had been Committed on the Borders of those provinces Occasioned by the Lines remaining unsettled That he had been requested by the late Governor of New Jersey to Join in the Settlement of the Line pursuant to Acts then and Still in force in both provinces for that purpose which he sh^d readily have done but upon Enquiry found that the sum of 300 formerly raised by the New York Act of 1717 had been long ago drawn out of the Treasury and paid to Comm^{rs} & Surveyor employed in that Service who began but never Completed the work and were since Dead and no other Money had ever been appropriated in New York for that Service That he also found that all the Lands along the Line for many Miles within New York had been granted away upon trifling Quit Rents And that as it did not appear to him that the Interest of your Majesty's Crown or of the province of New York in General were any way Concerned in the matter but only the patentees of the Lands along that Line he left it to the particular persons concerned to take such Steps as they sho^d think proper or to some such Effect.

That a Bill so necessary to the very being of New Jersey and so harmless in its Nature as this appeared to be Your petitioners most humbly hoped might meet with Your Majesty's Royal approbation For that without some Settlement of the Jurisdiction no man can enjoy his property at Quiet in New Jersey or have any Legal Redress against any Invader thereof The first

Question on such occasions being whether the wrong supposed to be done was Committed in New Jersey or in New York and which Question cannot be determined until the Boundaries are run to determine the respective Jurisdictions so that persons are under a necessity either of giving up their possessions to the first Invader or else to Defend the same by might as they can The mischievous Consequences whereof in a Colony that is Settling Your pet^{rs} humbly apprehend to be great and Obvious.

And the present Act was at least Intended for no more than to Settle the respective Jurisdictions that Persons might have the possibility of Defending or recovering their property by Law and was not intended to affect or prejudice any persons Right the said Act having Expressly saved the Estates Rights Titles Claims & Demands of all persons in such manner as if the Act had never been passed.

And therefore your petitioners humbly applied to Your Majestys Commissioners for Trade & plant^{rs} (unto whom Your Majesty had been pleased to refer the Consideration of the said Act) that they would report the same as proper for your Majestys Royal approbation and allowance.

But the agent here for Your Majestys province of New York desired to be heard before the said Lords Commissioners against the said Act & prayed Time after Time for about four Years together to prepare for such hearing but never filed any memorial petition or written objection whatever to the said Act or to any part thereof nor ever declared what any one objection that he had against the said Act was until the very instant of hearing upon the same

That at a hearing before the said Lords Commiss^{rs} upon Tuesday the 5th of June 1753 the persons Employed on the behalf of New York under Colour of relying in Support of a preliminary objection against at

all entring into the Merits of the said Act of a sudden started many high and great points relative to the Merits of the Act of which your petitioners had never had any the least Notice and which proceeding deprived your petit^{rs} of the means & opportunity of giving full answers to those matters so that your petitioners have not had any Opportunity then or at any time since to answer the same Much less had the proprietors of West Jersey any possibility of being heard to the same at all altho the Matters offered were such as very highly Concern those proprietors who had no Agent present and who are in the Close of the s^d Act Expressly Exempted from being at any Charge at all relating to the said Act as they were apprehended not to be Concerned in the same

That such matters so suddenly offered and by Surprise on the part of New York Your pet^{rs} humbly apprehend have had great weight with the said Lords Commissioners for want of your petitioners Answering the same for that their Lordships by a Report to Your Majesty dated 18th July 1753 have been pleased to Certify that they do not think fit to lay the said act before Your Majesty as fit to receive Your Royal Approbation.

And in the said Report the said Lords Commissioners have stated at large many Reasons for such their Concluding opinion some of which Reasons (if the same sho^d be approved by Your Majesty) might shake Antient settlements of property made by New Jersey and bring into Question most part of the Lands in that province.

That from the Disorders in that province formerly represented to Your Majesty and occasioned by setting up the Title of the Indian Natives to the soil there in opposition to that under Your Majestys Crown already a great part of the property in that province is questioned and disputed and that in such a manner as

that the Laws have not their Due force there and the Declaring the said proceeding had in order to Settle the Boundaries in 1719 which have relation to and Confirm the former Deeds of partition of 1676 made between the proprietors of East and West Jersey to be null as seems to be reported may (as Your Petitioners have too much Reason to fear) create Infinite other Suits and Contests relating to Titles there and may prove so prejudicial to property as to throw all matter relating to the same into Confusion to the utter undoing of the proprietors

Your Petitioners therefore most humbly pray Your Majesty that you will be graciously pleased to take the Distrest and very particular Circumstances of your said Province of New Jersey into your Royal Consideration and that the several Matters which are Contained in the said Report of the 18th of July 1753 may not be Confirmed But that Your petitioners may have an opportunity of being heard against the same And that Your Majesty will be graciously pleased on the Circumstances of this Case to approve of and Confirm the said New Jersey Act of Assembly of the year 1747 or to afford Your petitioners such other means of ascertaining and Defending their property and of Enjoying the same free from Disturbance as to Your Majesty in Your Royal Wisdom and Justice shall seem meet.

And Your petitioners (as in all duty bound) shall ever pray e^{tc}

A true Copy from the Original Petition remaining in the Council Office.

STEPH COTTRELL

Witness DAN^r COX

SAM KEMBLE.

*Letter from Ferdinand John Paris to Robert Hunter
Morris, in answer to his of September 11.*

[From the original draft among papers of F. J. Paris in Library of N. J. Historical Society, Bundle H., No. 64.]

To the Hon^{ble} Rob^t Hunter Morris Esq^r at Spa
Surry Street London 24. Sept. 1753

Sir

I have your favor of the 11th Instant, and as the Answering every part of it, in a minute manner, might give ye^rself & me a good deal of trouble, I shall deferr that, until I have the pleasure of seeing you. Had you been pleased to see the Report of the Lords of Trade (w^{ch} you acquainted me that you declined, altho' it was offered to be shewn to you) & furnished me, after that, with any directions, I sho^d have followed them with great Care, as I usually do: But as you had not seen it & I found it to contain such very extraordinary matters, I believe, any faithful Agent, could have found himself, under as much difficulty & Anxiety, as I was at that Crisis of time, & would have wrote, as I did, to every place, where he imagined his L^res might have got to you. I am afraid the proof of One very essential part is not in my hands, but rests with you; I mean, the enormous quantity of Lands, granted out by the New York Patents, & that is a Fact w^{ch} has great stress layd upon it & sh^d have, if Supported in Evedence. * * *

I am glad the petⁿ is so well approved of, but in case I had begun such an Opposition, & embarqued in a large expense therein, of my own head, without pe^ticular ord^{rs}, & that that measure had not been approved of, or had not been afterw^{ds} attended with Success, what a Case sho^d I have been then in? * * *
I have got back the Dr^t of y^e Petⁿ from M^r Hume, much approved, & but very little altered, chiefly, in that p^t (as I expected) where his own Non attendance

was men^d M^r Barclay * * is to give the security, this day the Petⁿ is to be lodged tomorrow, & on Wednesday, I expect there will be a general Councill, at which it may be referred down to y^e Comm^{tee}

To hope for a Continuⁿ of y^e Act, at present, Or for a direct Reversal of the Report, would be very vain, wherefore I Imagine our endeavor must be, to get the Report, referred back again, to the Board of Trade, for Reconsideration. In such Case, it will be easy to shew them, that they have greatly mistaken y^e Fact in working up this Report which is the first, of its kind, that I ever seen

I remain Sir

Your most obed^t h[']ble Serv^t

FERDINAND JOHN PARIS

Petition of the House of Representatives of New Jersey to the King—asking that the Governor may be permitted to give his assent to a Bill making current £60,000 in Bills of Credit.

[From P. R. O. B. T., New Jersey, Vol. 7, H. 29.]

To His Most sacred Majesty George the Second
by the Grace of God of Great Britain
France and Ireland King Defender of the
Faith

The Petition of the House of Representatives
of the Colony of New Jersey in General
Assembly met

Most humbly Sheweth

That the frequent remittances to Great Britain of the foreign Specie drains this Colony thereof And renders a Currency of Our own absolutely necessary which induced the Legislature here in the Years 1730

and 1733 to pass two Acts of General Assembly for emitting on Loan £60,000 in Bills of Credit; to both which Acts Your Majesty was graciously pleased to give Your Royal Assent on the 4th of May 1733 and the 4th of May 1735 and the Bills emitted on the Act of 1730 have long since been sunk according to the Tenor of that Act And the Currency of those Emitted on the Act of 1733 expired between Man & Man the Twenty fifth of March last O. S. however by the Tenor of s^d Act those of them yet outstanding are to be received for Six Months after by the Commiss^{rs} of the loan Office & the Treasurers of the respective Divisions of this Colony in which time there is no Reason to doubt but that the small part remaining will be fully paid in according to the Directions of the said Act & then an end will be put to a Currency which hath constantly maintained its Credit & been of great Service to the Publick.

- That in Obedience to Your Royal Pleasure signified by the Duke of Newcastle and thro' a becoming Zeal for the Success & Glory of Your Majestys Arms in the late War against the Powers of France & Spain this Colony hath exerted itself to the utmost of its ability & beside other Sums advanced on those Occasions is now actually involved in Debt upon Account thereof the Sum of Fifteen Thousand three hundred and Two Pounds & four pence which for want of other Funds wherewith to raise it was discharged by Paper Bills made Current at different times for that Purpose yet remaining to be Sunk

That as no sure dependance can be placed on the foreign Specie for sinking the said Bills so some other Provision more certain is absolutely necessary to be made

That as the Interest of the Paper Currency (which for a long series of time supported the Government) will henceforth yield no further Relief and as the

Colony is involved in Debt upon Account of the late War those Circumstances concurring will render it unable to support Government so amply as heretofore unless effectually relieved

That if the Colony is not timely supplied with a Paper Currency a Scene of want and deep distress will inevitably ensue & indeed has already found utterance in the repeated Complaints of a needy People exhibited to this House by sundry Petitions wherein they represent their distress (who have the truest Sense of their own wants) and pray for another Emission of Paper Currency in terms most moving and truly affecting to Your Majestys Pet^{rs} which excite our Pity and Compassion towards them and the rather because We know their Complaints are genuine and unaffected

That such emission of Paper Currency if granted would not only yield relief in the Premises but might also prove Beneficial to the British Merchants themselves seeing it will not only be struck upon a stable Foundation & therefore not lyable to sink in Value but will also enable the Inhabitants of this Colony to discharge their Debts already Contracted for British Merchandize and likewise enable them to deal more largely for such Merchandize for the future than they could otherwise do for by this means they will be furnished with a Currency of their own not lyable to be drawn from them untill the legal expiration thereof and therefore can the better spare that little foreign Specie of which they are possessed not only in payment of such Debts already Contracted but also in purchasing such other of the British Merchandize which they may hereafter need

May it please Your Majesty

For enabling this Colony to Sink the Bills of Credit aforesaid made Current for the Service of the late War also for enabling the Colony to Support Government

as amply as heretofore likewise for relieving the distresses of a needy People and finally for the real advantage of the British Merchants themselves We Your Majestys Petitioners with great humility implore You to grant Your Royal leave to Our Governor to give his assent to a Bill for making Current £60,000 in Bills of Credit upon the like footing of those heretofore emitted within this Colony by Your Majestys Consent And We assure Ourselves Your gracious Indulgence herein will be esteemed by those We have the honour to represent as a singular instance of Your Majestys paternal care and goodness towards them and be received by us with the truest Sense of Gratitude who as in Duty bound shall ever Pray.

Signed Nov^r the 2^d 1753 in behalf of the House of Representatives of the Province of New Jersey

RICHARD PARTRIDGE

their Agent.

[Referred to the consideration of the Lords of the Committee of Council and by their order Dec^r 18th 1753, sent to the Lords of Trade.]

Letter from Mr. Secretary Read to Chief Justice Robert Hunter Morris.

[From P. R. O. B. T. New Jersey, Vol. 7, H. 35.]

To Robert Hunter Morris Esq^r chief justice of
New Jersey to the Care of M^r David Barclay Merch^t at London

BURLINGTON Nov^r 10, 1753

D^r Sir

I hope this will find you return'd from the Spa & at Leisure to think of your Friends here who I really think

have reason to Complain of you on this Account. You are quite Sensible of the Distress you left us in & the Matter is little mended. The Sheriff Act is so productive of Inconvenience & is such an Infringement on the Royal prerogative that I should think the Bare mention of it to the Right Hon^{ble} the Lords of trade would occasion its Destruction The Acts which made the Board of Freeholders necessary in the sinking our paper money are now Expired & their Continuance is really a Greivance to the People & they are an Obstruction to the Decent repair of the Public Buildings & to every reasonable Expence. There is another thing which I must press upon You & that is the using your Interest in the Appointment of two Justices of the Supream Court. I have been informed that You either have already or are determined to resign your Office & there cannot be a more proper person to Supply your place found here than M^r Saltar You are no Stranger to his Abilities & as I have long kept my office of a Justice of the Bench thro' a persuasion that No person could act with more integrity or more resolution w^h last is absolutely necessary, at all, but more particularly in these times when such a Levelling disposition reigns among the populace, I would now incline to resign as I cannot think the duty I owe the public should forever keep me in an Office so Detrimental to my private Interest I have pressed this thing upon your friends here who gave me no further relief than by insisting on my Continuance in it till better times However the Calls of my Duty to my own family have brought me to a Determination not to Continue longer than next May term whether any provision be made for a Successor to you or to me or not. If we should have the good fortune to have M^r Saltar at the head of the Supream Court then the Eastern Division will supply you wth another

I thought of M^r Kemble but am not certain whether He would Accept. These things D^r S^r Lett me press upon your Memory as a Duty you owe your Country

I most heartily wish you well & am

D^r S^r Y^r Affectionate &

ffithfull Humble Servant

R. H. Morris Esq^r

CHA READ

Report of the Lords of Trade to the Committee of Council for Plantation affairs, with a draft of instructions to the Governors, relative to appeals in the Plantations in cases of Error.

[From P. R. O. B. T. Plantations General, No. 39, Ent. Book K., p. 340.]

Additional Instructions To our Trusty and Wellbeloved Jonathan Belcher Esq^r Governor of New Jersey.

Whereas it hath been Represented unto Us, that the Method prescribed by the Instructions given by Us to the Governors of Our Colonies and Plantations in America relative to Appeals from the Courts there in in cases of Error, has by subsequent relations which have been from time to time made by Us in our Privy Council relative to such Appeals, become defective and improper, For remedy thereof for the future, It is Our Royal Will and Pleasure, that you or the Commander in Chief of Our Province of New Jersey for the time being, do permit and allow Appeals from any of the Courts of common law in Our said Province, unto you or the Commander in chief and the Council of Our said Province; And you are for that purpose to issue a Writ in the manner which has been usually accus-

tomed returnable before yourself and the Council of Our said Province, who are to proceed to hear, and determine such Appeal, wherein such of Our said Council as shall be at that time Judges of the Court from whence such Appeal shall be so made to you Our Captain General, or to the Commander in chief for the time being, and to our said 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 Judgement given by them in the Causes wherein such Appeal shall be made, Provided nevertheless, that in all such Appeals, the Sum or Value Appealed for, do exceed the Sum of Three Hundred pounds Sterling, and that Security be first duly given by the Appellant, to answer such Charges as shall be awarded in case the first Sentence be affirmed: And if either Party shall not rest satisfied with the Judgement of you or the Commander in chief for the time being, and of Our Council as aforesaid Our Will & Pleasure is, that such Party may then Appeal unto Us in Our Privy Council: Provided the Sum or Value so appealed for unto Us, do exceed five hundred Pounds Sterling, and that such Appeal be made within fourteen days after Sentence, and good Security given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation, and 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 of Our Council be affirmed: Provided nevertheless that where the matter in question, relates to the taking or demanding any Duty payable to Us, or to any Fee of Office, or annual Rent, or other such like matter or thing, where the Right in future may be bound, in all such Cases you are to admit an Appeal to Us in Our Privy Council, altho' the immediate Sum or Value so appealed for be of less Value; And it is Our further

Will & Pleasure that in all Cases where by your Instructions, you are to admit Appeals to Us in Our Privy Council, Execution be suspended, untill the final Determination of such Appeals, unless good and sufficient Security be given by the Appellee, to make ample Restitution of all that the Appellant shall have lost, by means of such Judgment in case upon the Determination of such Appeal such Decree or Judgment should be reversed and Restitution awarded to the Appellant.

Dec^r. 5th 1753.

[Approved by the Committee on 11th December and Similar instructions sent to the Governours of Nova Scotia New Hampshire Massachusetts Bay Pennsylvania Virginia South Carolina Bermudas Bahamas and Jamaica]

*Letter from Governor Belcher to the Lords of Trade—
relative to disputes between the people of New
York and New Jersey for want of a dividing line.*

[From P. R. O. B. T., New Jersey, Vol. 7, H. 40.]

ELIZABETH TOWN (N J) December 20th 1753

To the Lords of Trade

My Lords

The 18th of this Month, I recieved by way of New York, the Honour of Your Lordships of the 18th of September past, Informing me, that His Majesty had been pleased to Order a Sum of Money to be Issued for Presents to the Six Nations of Indians, and to direct His Governour of New York, to hold an Interview with them, for delivering these Presents; I shall therefore in Conformity to what Your Lordships are pleas'd to say, lay this matter (with Your Lordships

Letter) before the Council, and the General Assembly of this Province, as soon as I conveniently can, which must be in the Spring of the Year, as the Winter Season makes it very difficult for them to Travel from their remote distances, however I intend to give them Seasonable Notice, for Meeting on this Affair; the time appointed by the Governour of New York, to meet the Indians at Albany, being fixed (as he writes me) to the 14th of June next.

As Your Lordships very Wisely observe, considering the present Disposition of the Indians, and the continual Tamperings of the French with them, 'twill most certainly be for His Majesty's Honour and Interest as well as for the Peace and Welfare of His Majesty's Colonies in these parts, to join in this Treaty, I shall therefore press it upon the Assembly of this Province, to make Provision for Presents to the Indians and for sending Commissioners to the Treaty;—but I am sorry to say, to Your Lordships, that I find by the publick Records of the Province, that Notwithstanding several Governours have urg'd the Assemblies here, to join in such Treaties, & although The Occasions have some times been Extraordinary, yet they never wou'd Concern themselves, or join in such Treaties.

I now inclose to your Lordships, the Minutes of His Majesty's Counsel of this Province, to the 22^d of the last Month, wherein Your Lordships will please to observe, there is mention made of an Answer from Andrew Johnston Esq^r, to a Letter of Governour Clinton^s, and some Votes of the Assembly of New York;—This Affair, my Lords, is relating to Quarrels that have happen'd between the Inhabitants of this Province, and that of New York, about the Bounds and Claims of their Lands, where they Border one upon another, and this Answer with Affidavits to Support it, I shall Transmit to Your Lordships, as soon as they can be got ready, & duly Authenticated, in the mean

time, I think it my Duty to inform Your Lordships, that there has been lately a great Riot and Outrage Committed by the People of New York, on some of the Inhabitants of this Province, and unless the Line between this Province, and that of New York, shou'd be soon settled, I am very much afraid, there will be Blood shed among the People, and I shou'd be glad, your Lordships wou'd Consider of Wayes and Means to bring such a Settlement about, in the most Expeditious & Effectual manner, for I see but little Prospect of the matters being brought about, by any Agreement that will be made here, between the two Provinces.

I have the Honour to be with Great Respect
My Lords Your Lordships Most Obedient &
Most Humble Servant

J BELCHER

Letter from Lieutenant-Governor DeLancey, of New York, to the Lords of Trade—about the difficulties with New Jersey.

[From N. Y. Col. Docts., Vol. VI, p. 817.]

NEW YORK 24th Dec 1753

My Lords (Extract.)

* * * I must beg the favor of your Lo'ps pardon for any omission I may be guilty of, your Lordships will be pleased to consider the Course of my Education has lain towards the Law, long Study and use had made the duty of Chief Justice familiar to me, this is a new scene to which I have for some time been a stranger I shall endeavor to give your Lordships satisfaction in it, This you may be assured of I shall never give your Lordships any wrong impressions I

may be deceived but I shall never impose any thing for a truth of which I am not myself convinced, I shall make it my business now the hurry of affairs is somewhat at an end by the recess of the Assembly to state to your Lordships the controversy this Province or rather His Majesty has with the Jerseys I shall only give a hint of it now, for it is not possible to give your Lordships a clear conception of it without Draughts— There was a Line (antecedent to that which the Jersey Proprietors now contend for) which was esteemed the Jersey Line and upon this Line some of the New York Patents of Wawayanda, Minisink and other bounded so that they cannot be extended further Southward, and if Jersey does not extend further up Delaware River than to the Northern Branch which is the Terminus ad quem and is in my humble opinion the genuine construction of the Grant from the Duke of York then all that large intermediate Triangle is still in the Crown and the Jersey Proprietors are only intruding on the King, and out of all these Lands there may a Quit Rent be reserved to His Majesty which will be a very considerable addition to His Majesty's Revenue without depriving the Proprietors of their possessions and which [His] Majesty may either annex to this Government or leave to Jersey, there is a committee of the Council and Commissioners for that with the Massachusetts Bay that of New Hampshire * * *

I am My Lords Your Lordships

Most obedient & most humble Servant

JAMES DELANCEY

To The Right Honorable The Lords Commissioners of
Trade & Plantations

Copy of the 95th and 96th Instruction to his late Excellency Sir Danvers Osborne.

[From P. R. O. America & West Indies, Vol. 67.]

Copy of the King's 95th & 96th Instructions to the late Gov^r Osborne in Gov^r Shirley's [letter to the Secretary of State] of the 6th Jan^r 1754.

95 Whereas it has been thought requisite that the General Security of our Plantations upon the Continent of America be provided for by a Contribution in proportion to the respective Abilities of each Plantation; And whereas the Northern Frontiers of the Province of New York being the most exposed to an Enemy, do require an extraordinary Charge for erecting and maintaining of Forts necessary for the Defence thereof, and whereas orders were given by King William the third for advancing of £500 Sterling towards a Fort in the Onondaga Country and of £2000 sterling towards the rebuilding of the Forts at Albany, and Schenectady and likewise by Letters under his Royal Sign Manual, directed to the Governors of divers of the Plantations to recommend to the Council and General Assemblies of the said Plantations that they Respectively furnish a Proportionable sum towards the Fortifications on y^e Northern Frontiers of the said Province of New York. viz

Rhode Island and Providence Plantation	. £150
Connecticut	450
Pensylvania	350
Maryland	650
Virginia	900
	<hr/>
	2500

And Whereas we have thought fit to direct that you also signify to our Province of Nova Cæsaria or New Jersey that the sums, which we have thought fit to be contributed by them, if not already done, in proportion to what has been directed to be supplied by our other Plantations as aforesaid are £250—sterling for the Division of East New Jersey and £250 sterling the Division of West New Jersey. You are therefore to inform yourself what has been done therein and what remains further to be done, and to send an Account thereof to our Commissioners for Trade and Plantations as aforesaid in order to be laid before Us; And you are also in our Name instantly to recommend to our Council and the General Assembly of our said Province of New York that they exert the utmost of their Power in providing without delay what further shall be requisite for repairing erecting and maintaining of such Forts in all Parts of that Province as you and they shall agree upon.

96 And you are likewise to signify to our said Council and the said General Assembly for their further Encouragement that besides the Contributions to be made towards the raising and maintaining of Forts and Fortifications on that Frontier as above mentioned; It is Our Will and Pleasure that, in case the said Frontier be invaded at any time by an Enemy, the Neighbouring Colonies and Plantations upon that Continent shall make good in men or mony in lieu thereof their Quota of Assistance according to the following Repartitions viz.

	Men
The Massachusets Bay	350
New Hampshire	40
Rhode Island	48
Connecticut	120
New York	200
East New Jersey	60

	Men
West New Jersey	60
Pensylvania	80
Maryland	160
Virginia	240
	<hr/>
Making together	1358

Pursuant whereunto You are as Occasion requires to call for the same. And in Case of any Invasion upon the Neighbouring Plantations, You are upon the Application of the Respective Governors thereof to be aiding and assisting to them in the best manner you can, and as the condition and safety of your Government will permitt. And you are withal to signify to our said Council and the General Assembly of New York that according to their Behaviour on this Occasion they will Recommend themselves to Our Royal Grace & Favour.

Report from the Lords of Trade to the Lords Committee of the Privy Council for Plantation affairs—recommending the King to grant leave to the Governor of New Jersey to give his assent to the bill authorizing the issue of sixty thousand pounds in bills of credit, asked for by petition November 2d, 1753.

[From P. R. O. B. T., New Jersey, No. 15, Ent. Book D., p. 411.]

To the Right Hon^{ble} the Lords of the Committee of His Majesty's most Hon^{ble} Privy Council for Plantation Affairs.

WHITEHALL March 18th 1754

My Lords

Pursuant to your Lordships orders dated the 18th of December last, We have had under Our Consideration the humble Petition of the House of Representatives

of the Colony of New Jersey in general assembly met, and the humble Remonstrance of Richard Partridge Agent for the said Colony, to His Majesty, humbly praying, for the reasons therein contained, "That His Majesty will be pleased to grant his Royal leave to the Governor to give his assent to a Bill for making current Sixty thousand pounds in Bills of Credit upon the like footing of those heretofore emitted in that Colony by His Majestys Consent;" And having been attended by M^r Partridge with M^r Field his Counsel, and heard what they had to offer in support of the Allegations of the said Petition and Remonstrance, We beg leave to acquaint your Lordships,

That the Bills of Credit created and issued in New Jersey in the years 1730 & 1733, on the model of which the Assembly of that Province now pray leave to emit the further Sum of Sixty thousand Pounds, were lent out to the Inhabitants upon Land security of double the Value of the Sum lent, at five $\frac{1}{2}$ Cent Interest, and were made current and a legal tender in all payments and for the discharge of all Debts and Contracts whatsoever during the term of sixteen years.

That it has been represented to Us, that the issuing Bills of Credit upon Loan within this Province has been found to be the least burthensome method of levying Taxes for the Support of Government, and has also been of great Service in enabling the Inhabitants to extend and improve their Trade and Settlements, and that as they have little or no Silver or Gold circulating in the Province, it would have been impossible to have carried on their Trade and Dealings without some such medium; that as the time for the continuance of the Currency of these Bills is now expired, and the whole of them entirely sunk and destroyed, pursuant to the direction of the Acts, except about Three Thousand pounds which is still outstanding tho' without any Currency as a legal tender, the Province will

be reduced to the greatest distress and disabled from carrying on Trade or raising supplies for the support of Government, unless relieved by a new Emission.

From the Evidence laid before Us of the Effect and Operation of the bills of Credit formerly issued in this Province, and from the Representation of Persons well acquainted with the nature of Paper Money in general, We are inclined to believe, that a moderate quantity issued upon proper security and having a proper Fund for its redemption within a limited time, may operate to the advantage of a trading Colony, and serve to improve and extend the Settlement of it, and may also be the least burthensome method of levying money for the support of Government. But We can by no means agree in opinion with the Petitioners, that the making such Paper money a legal tender in all Payments is either necessary or proper, but on the contrary has been declared by Parliament, in a Resolution of the House of Commons of the 25th April 1740, to be a frustrating of the Act of the 6th of Queen Ann, for ascertaining the rates of foreign Coins in the Plantations, and to have been a great discouragement to the Commerce of this Kingdom, by occasioning a Confusion in dealings, and a lessening of Credit in those parts: It is also contrary to the sense of Parliament expressed in the Act lately passed for restraining Paper Bills of Credit in the four Colonies of New England. And therefore if His Majesty, out of His Paternal Regard and Indulgence to the Ease and Convenience of His Subjects in New Jersey, and in order to restore the Peace and Quiet of the Province, and conciliate the Differences which have long subsisted therein, should be graciously pleased to allow of a new Emission of Sixty Thousand pounds in bills of Credit upon the Terms of the former Emissions, We think it ought to be made an express Condition, that such bills of Credit should not be declared to be legal Tenders in Payment

of any Debts, Dues, or Demands whatever; We are also of opinion, that it ought to be made a Condition of his Majesty's consenting to this Emission, that the Interest arising from the Loan of the Bills shall, during their continuance, be appropriated to all the established and contingent Services of Government, and be issued by Warrants from the Governor and Council only: And that, in order to prevent any future doubts or objections, a Clause for that purpose be either prepared here to be inserted verbatim in the Act for the Emission, or that a Draught of the Bill with a Clause to that effect be transmitted hither before the Governor be allowed to give his Assent to it.

By such a Provision as this, His Majesty's Service and the Government of that Province will be supported and carried on with greater ease and Stability, and the Charges of it provided for in a better manner than by the present method of passing temporary or annual Acts, which sometimes take effect before His Majesty's Pleasure can be known upon them.

If your Lordships should be of this Opinion, We would propose that an Instruction should be given to the Governor of New Jersey conformable thereto, with Directions however not to take any one step towards the Execution of it, untill all the bills of the former Emissions in 1730 and 1733 now outstanding shall be finally sunk and destroyed.

We are, My Lords,

Your Lordships most obedient and most humble
Servants,

DUNK HALIFAX.

J. GRENVILLE

FRAN: FANE

J. PITT.

Bond of Indemnification by Council of Proprietors of East Jersey to William Alexander and John Smyth.

[From Manuscripts in New Jersey Hist. Soc. Library, Bundle P., No. 21.]

Bond of Indemnification concerning Charge of Settling bonds between New York & New Jersey

Know all men by these Presents that *We* Andrew Johnston, James Alexander, Thomas Penn, Richard Penn—Robert Hunter Morris, Samuel Nevill, Samuel Leonard, John Burnet Lewis Johnston and James Parker—Proprietors of the Eastern Division of New Jersey are held and firmly Bound unto William Alexander and John Smyth In the sum of two thousand Pounds Proclamation money, and for Payment thereof we do Bind ourselves and Our heirs, Jointly and Severally firmly by these Presents Sealed with Our Seals and Dated the twenty eighth day of March In the Twenty-seventh year of the reign of Our Sovereign Lord George the Second by the Grace of GOD of Great Britain France and Ireland King Defender of the faith &c^a. *Annoque Domini* 1754.

The Condition of the above Obligation is such that *Whereas* there are some hopes that the People of New York may at Last Consent to the obtaining his Majesty's Commission for Settling the Bounds Between the Province of New York and Province of New Jersey and to the giving Security to Pay half the Charge of Procuring and executing the said Commission, upon the Like Security Being given on the Part of New Jersey, to Pay *the other half* of the said Charge, *And whereas* there is Little Probability that Either the Legislature of New Jersey, or the Proprietors of West New Jersey Will Willingly Contribute any thing to the Charge thereof Whereon it will Lye upon the Proprie-

tors of East New Jersey in the first Place to advance the Charge, Incumbent on New Jersey, to Pay,—*And whereas* it's uncertain when any Persons for New York will Enter into such Security as before, But whenever they shall Consent so To do, the Obligors are Willing to be ready to give such Security on the Part of New Jersey, and not wait for the next Sitting of the Council of New Jersey after Such Consent to give it, *Wherefore* it's agreed that whenever Security is given, on the Part of New York for the purpose before, that any or all of the Obligors or Obligees may and shall have full Power by themselves, or any other Persons they or any of them shall Prevail with to give Like Security at the same Time on the part of New Jersey and that the Council of Proprietors of East New Jersey shall from time to Time raise, and Pay all such sum or sums of money as shall be thought Necessary to Be Expended for the Purpose aforesaid. And hold those who shall give such Security on the Part of New Jersey Harmless and absolutely Indemnified for Being so Bound. *Now* if the Obligors in the above Bond their Heirs Executors or administrators, or the Council of Proprietors of Eastern Jersey, for the time Being shall Well and truly perform the above agreement THEN the foregoing obligation to be void otherwise to Remain in Force

LEWIS JOHNSTON	[L. S.]	ANDREW JOHNSTON	[L. S.]
JOHN BURNET	[L. S.]	JA: ALEXANDER	[L. S.]
JAMES PARKER	[L. S.]	MORRIS PENN & RICHARD PENN	
		by RICHARD TITUS	[L. S.]
		ROB ^t H MORRIS by JA: ALEX-	
		ANDER & RICH ^p SALTAR his	
		attorneys	[L. S.]
		SAMUEL NEVILL	[L. S.]
		SAM ^v LEONARD	[L. S.]

Sealed & Delivered in the presence of

JOHN PENN
AND^w SMYTH

Memorial of the Council of the Proprietors of the Eastern Division of New Jersey to Jonathan Belcher, Governor of that Province, and other documents received by the Lords of Trade from Robert Hunter Morris, with his letter dated the 31st of March, 1754.

[From P. R. O. B. T. New Jersey, Vol. 7, H. 33.]

To His Excellency Jonathan Belcher, Esq^r Captain General and Governor in Chief of the Province of New-Jersey, and Territories thereon depending in America, Chancellor and Vice Admiral in the same.

The Memorial of the Council of Proprietors of the Eastern Division of New Jersey.

May it please Your Excellency,

In Obedience to Your Excellency's Order in Council, of the 22d Day of August last, by which your Excellency ordered the Secretary, to serve upon your Memorialists, a Copy of Governor Clinton's Letter of the first of July last, inclosing a Copy of a Minute of the Assembly of New-York, of the 28th Day of June last: and to acquaint your Memorialists, that your Excellency expected an Answer thereto, at the Meeting of the Council on the 21st Day of November then next: Your Memorialists now beg Leave, humbly to lay before your Excellency, their Answer thereto as follows:

I. King Charles the Second, by Letters Patent, bearing Date the 12th of March, 1663-4, granted to his Brother James Duke of York, in Fee, sundry Tracts of Land in America, whereof the now Province of New-York, and the now Province of New-Jersey, were Part.

II. James Duke of York, by Deeds of Lease and Release, dated the 23d and 24th of June, 1664, granted to John Lord Berkley, and Sir George Carteret, in Fee, the now Province of New-Jersey, described as follows, viz. "All that Tract of Land adjacent to New-Eng-
"land, and lying and being to the Westward of Long-
"Island and Manhattan's Island, and bounded on the
"East Part by the main Sea, and Part by Hudson's
"River, and hath upon the West Delaware Bay or
"River, and extending Southward to the main Ocean
"as far as Cape-May, at the Mouth of Delaware Bay,
"and to the Northward as far as the northermost
"Branch of the said Bay or River, which is in $41^{\circ} 40'$
"of Latitude, and crosseth over thence in a streight
"Line to Hudson's River, in 41° of Latitude."

III. Sir George Carteret, and the Assigns of Lord Berkley, by Deed quintipartite, dated the first Day of July 1676, divided New-Jersey between them, by a Line from Little Egg-Harbour, to the North Partition Point of New-Jersey on Delaware River; by which Deeds of Partition the Eastern Part was released to Sir George Carteret, and the Western to the Assigns of Lord Berkley; by which it appears, that West-New-Jersey had no Concern with the Line between New-Jersey and New-York, except only in the North Partition Point on the Northermost Branch of Delaware.

IV. East-New Jersey, by Sundry mean Conveyances under Sir George Carteret, became vested in twenty-four Persons, commonly called the twenty four Proprietors of East-Jersey; to whom the said James Duke of York, by Deed dated the 14th of March, 1681-2, [1682-3] after reciting the said Grant to Lord Berkley and Sir George Carteret, and the said quintipartite deed of Partition, released and confirmed East-New Jersey, according to the Bounds agreed on by the said Partition Deed, with all Islands, Bays, Rivers, &c. and all

Royalties and Powers of Government, in a more full and express Manner than they before had been granted.

V. In and before the Year 1671, the Latitude of 41° upon Hudson's River, was esteemed to extend beyond Haverstraw, which is about fourteen Miles Northward from the Mouth of Tapan Creek: For it appears that the Lands at Haverstraw, and all the Lands fronting on the West Side of Hudson's River, Southward from Haverstraw to the Mouth of Tapan Creek, were either purchased of the Indians as in New-Jersey, or granted by Patents under the Seal of New-Jersey; and those Lands were actually settled and Improved, and continued under the Jurisdiction of New Jersey, 'till the year 1684.

VI. In the Year 1684, or 1685, Thomas Dougan, then Governor of New-York, and Gawen Lawrie, then Governor of East New-Jersey, with their respective Councils, met together at or near Tapan; and after Sundry Observations for finding the Latitude of forty one Degrees on Hudson's River, agreed that the Station Point between New-York and New-Jersey, should be the Mouth of Tapan Creek, where it falls into Hudson's River, and that a streight Line from the Latitude of forty one Degrees and forty Minutes, on the northernmost Branch of Delaware, Should be run there for the Partition Line. This Agreement we have often heard was upon Record in New-Jersey, but after the utmost Search, your Memorialists cannot find it, but believe it must have been recorded in the Minutes of the Governor and Council of East-New-Jersey, during the Government of the twenty four Proprietors; which Minutes none of your Memorialists ever saw, nor are they to be found in any publick Office in New Jersey, nor any where else that your Memorialists know of: But tho' your Memorialists can find no Instrument on Record of every Part of the above Agreement, yet they can point to other Matters on Record preparatory to it,

and reciting and referring to it, both in New-York and New-Jersey, within less than two Years of that Time; which your Memorialists think will leave no doubt but that such an Agreement was, notwithstanding the next following Article.

VII. Andrew Robinson, Surveyor General of West-New-Jersey, and Philip Wells, Surveyor General of New York, certify in these Words, "By two sundry "Observations of the Sun's meridional Altitude, made "the eighth and twenty ninth Days of September "1686, it appeared and was manifest to Philip Wells, "George Keith, and my self, Observers, that the four- "tieth and one Degree of Northern Latitude upon "Hudson's River, is one Minute and twenty five Sec- "onds to the Northwards of Yonkers Mills, and so "falls upon the high Cliffs upon the Point of Tapan, "on the West Side of said River." As by the Record thereof in the Secretary's Office of New-York, in Book of General Entries 1686, Page 49, appears

Upon which your Memorialists beg Leave to observe, 1st, That no Authority appears to have been given for taking the two Observations certified.

2dly, It appears not by that Certificate, that it had any Relation to the Partition Line between New-York and New-Jersey.

3dly, It appears that the Certificate was made ex-parte; for Andrew Robinson, Surveyor General of West Jersey, had no Concern with the Partition Point upon Hudson's River, for Reasons under the third Article before.

4thly, By actual Surveys Since made, it appears, that the Place for the Latitude of 41° so certified, is four miles and forty five Chains South from the Mouth of Tapan Creek, then lately agreed on for the Station Point, as by the 6th Article.

5thly, Your Memorialists have Reason to believe, that the Observations so certified, were made with a

wooden Quadrant; which is quite unfit for observing the Latitude of a Place to a nearer Exactness than five Minutes.

6thly, Two Observations were too few, even with a good Instrument, to draw any certain Conclusions from, in such a Point.

VIII. In the Year 1717, the Legislature of New-York pass'd an Act, wherein, amongst other Things, they appropriated 300 l. for the Charge of running the Line, with consent of New-Jersey; and other 300 l. for running the Line of Connecticut; and enact, that the Lines so run shall be conclusive. This Act had the Royal Assent on the 19th of May 1720.

IX. In the Year 1718, the Legislature of New-Jersey, pass'd an Act for appointing Commissioners and Surveyors for running the Line with Consent of New York; and enact it to be conclusive. And another Act for running the Line between East and West-Jersey, and for raising the Charge of running both Lines upon the Estates of the general Proprietors.

X. In May 1719, Commissioners and Surveyors for New-York, for East-New-Jersey, and for West New-Jersey, were appointed by Commissions under the great Seals of the respective Provinces, for running the Line between New-York and New Jersey.

XI. On the 25th of July, 1719, after many Observations of the Latitude, all the Commissioners and Surveyors so appointed, did, by Indenture tripartite, fix the North Partition-point on the Northermost Branch of Delaware; which they found to be that Branch called the Fishkill, and exactly describe the Place of the Point: Which being done the Commissioners for West-Jersey had no further Concern with the Line; as by the said Indentures executed by every one of the said Commissioners and Surveyors, and recorded in New-York, in East-Jersey, and in West-Jersey, appears.

XII. The Commissioners for West-New-Jersey, having no further Concern with the Line, departed; and then the Commissioners and Surveyors of New-York and East Jersey, made an Estimate how the Line should run from the said North Partition-point so fixed, to the Partition-point on Hudson's River to be fixed; and esteemed that that Line would fall 120 Chains North-Easterly, on a Perpendicular to it, from Thomas Swaartwoots, at Mackhackamack, (where they then were, and from which they had already traversed to the said North Partition point,) and appointed John Harrison and John Chapman, two Deputy Surveyors, to run and mark it to Hudson's River, from the End of the said 120 Chains; which they did accordingly, marking the Number of Miles at the End of each Mile from the said 120 Chains; and which Line so run and mark'd fell upon Hudson's River, about five Miles to the Northward of the Mouth of Tapan Creek, aforesaid.

XIII. In August, 1719, the Surveyors of New York and East Jersey, went to Corbet's old House on Hudson's River, which is about One Mile South from the Mouth of Tapan Creek, and there made many Observations for finding the Latitude of 41° . But thro' Sickness, the Commissioners came not; so that no Agreement was concluded as to that Station-point, By the Mean of all those Observations, the Surveyor for East-Jersey, computed that the Place of Observation was 57 Seconds, and 51 Hun'ds Northward of the Latitude of 41° , and that to be 89 Chains and 60 Links.

XIV. The Surveyor for New-York, was prevailed on to decline proceeding in the said Work: And, for a Colour, sundry Objections were made by him and other Persons, to what had been done, and to further proceeding; Copies whereof are hereunto annexed; (No 1, 2, and 3.) and soon afterwards, the President and Council of New-York, ordered all the Remainder

of the £300. appropriated for that Service, to be paid to the Commissioners and Surveyor of New-York, tho' little more than Half the Work was done by them; and they had undertaken to do the Whole for that Sum: which was fully sufficient for performing the whole Work.

XV. On the 12th of October, 1719, the Proprietors of East-New-Jersey, presented a Memorial to the Commander in Chief of New-Jersey, shewing the Weakness and Untruths of the said Objections; which Memorial was by him, laid before the Council of New-Jersey, and a Copy thereof ordered to the President of the Council of New-York; as by a Copy thereof hereunto annexed. (No. 4.)

XVI. Many Riots and Quarrels happening about that Time at Mackhackamack, which is Part of Minisinks, between the Swaartwoots, settled under New-York, and the Westfalls, settled under New-Jersey: The President of New-Jersey, in 1719, and 1720, wrote sundry Letters to the President of New-York, pressing the running the Line, to prevent the like Riots and Quarrels for the future; but they had no Effect.

XVII. In August, 1720, Governor Burnet arrived, with one Commission to be Governor of New-York, and another Commission to be Governor of New-Jersey; To whom Complaints were severally made, by the said Swaartwoots and Westfalls, of the Riots mutually committed on each other: And after several Letters from him, recommending to them, mutually to keep the Peace, to no Effect; he ordered a Hearing of all Parties before him, in October, 1721, when after a solemn Hearing of their Pretences, both Sides were ordered to be bound to their good behaviour; and it was recommended to both Parties to bring their Actions at Law; which they accordingly immediately did, in the Supreme Court of New-York; and wherein James Alexander, was of Council for the Swaartwoots, on the Part of New-York.

XVIII. In October, 1722, one of those Causes came to Trial, when, by Consent of the Court, and of the Parties, all the said Causes were referred, by Rule of Court, to the Determination of Lewis Morris, then Chief Justice, and to Robert Walter, then Second Judge of the Province of New-York, which Robert Walter, had been one of the Commissioners aforesaid, in Behalf of New-York.

XIX. The said Referees having found, upon the evidence of the said James Alexander, who had been Surveyor for East-New-Jersey, in the Proceedings concerning the Line in 1719, that notwithstanding the Commissioners and Surveyors had estimated the Line of Partition would run 120 Chains North-Eastward of Swaartwoots, as in Article 12 before; that yet, by the Observations before, in Article 13, the true Line would, most probably, fall between Swaartwoot's and Westfalls: And the said Arbitrators, finding that Westfalls had taken away the Grain of Swaartwoots, North-Eastwards of the true Line; and that Swaartwoots had taken away the Grain of Westfalls, to the South-Westwards of the true Line; they awarded for the Plaintiffs, in every of the Actions, as by the Award, filed in the Term of October, 1723 appears; which put an End to these Disturbances at Mackhackamack, and prevented the committing of any more there: Nor did any Contest afterwards arise concerning the Line, till the Year 1740, that your Memorialists ever heard of.

XX. The Owners of the Patent of Cheescocks, in New-York, which bounds for about Sixteen Miles along the Line between New-York and New-Jersey, intending a Partition of that Patent; They, in order to be as certain as possible of the Property of what they divided amongst them, employed Charles Clinton, their Surveyor, to discover where the Line would run abreast of their Patent by the said Observations of 1719; which he did in April 1738; and no Encroach-

ments have ever since been made on either Side so far as that Patent bounds.

XXI. Your Memorialists, at their sole Expence, have since, run most of the Rest of that Line.

XXII. In the Year 1740, the Magistrates of Orange County, pretending to have received a Letter from the Honourable George Clark, Esq; then Lieutenant-Governor of New York, a Gentleman considerably interested in the Minisink Patent; which they pretended, authorized them to exercise jurisdiction beyond the said Line, by the Observations of 1719: Under Colour thereof, they then began to exercise Jurisdiction beyond that Line; obliging many People settled under New-Jersey, to train in the Militia of Orange County, and to pay Taxes, and do other Duties; and upon their Refusal so to do, fined and distrained them; which greatly oppressed the People of New-Jersey, within some Miles of that Line: A Copy of which pretended Letter is hereunto annexed. (No. 5.)

XXIII. In the Year 1741, so many Complaints of these Things were made by the Sufferers by the Distresses aforesaid, to the Council of Proprietors, both of East-New-Jersey and of West-New-Jersey, that they thought it proper to appoint Committees of both the said Councils, to meet, in order to concert Means for the Relief of the Distressed, and to prevent the like for the future: And accordingly the said Committees met; and on the second Day of September, 1741, joined in an address to the Governor of New-Jersey, representing the said Complaints, and entreating his Application to the Lieutenant Governor of New-York, to put a Stop to such Proceedings for the future, and to join in settling the Line, pursuant to the Acts of both Provinces.

XXIV. In the Spring of 1742, Eight of your Memorialist's Tenants, at a Place called Romopock, Some Miles South-Westward of the Line, by the Observa-

tions of 1719, were served with Declarations in Ejectment, at the Suit of Bayard, on the Demise of Henry Wileman; the Declarations were tested in October Term, 1741, to appear in Orange County Court, the last Tuesday of April following: And as your Memorialists were bound to defend the Tenants so served; they, your Memorialists, had the said Causes removed from Orange County Court to the Supreme Court at New-York, where your Memorialists caused Pleas to the Jurisdiction, to be filed to the said Actions: and by Affidavit to the said Pleas annexed, set forth, that the Lands in Question by those suits, were upwards of Seven Miles Southwesterly from that Line, which was, in 1719, run and mark'd by Order of the Commissioners and Surveyors; as set forth in No. 12, before: After which the said Actions were no farther proceeded in.

XXV. Your Memorialists having had many more Complaints from the People settled in New-Jersey, even from People settled many Miles Southwestward of the Line, by the Observations of 1719, by the People of New-York, obliging them to pay Taxes, and train as in New-York, and distraining for Non-Compliance, and their using great Cruelties and Threatenings to them; your Memorialists had an especial Meeting in June 1742, on those Complaints, and for defending the said eight Ejectments; when your Memorialists, on the 28th of June 1742, made another Address to the then Governor of New-Jersey, reminding him of the said joint Address of September 2, 1741; and acquainting him with the Continuance and increase of the Complaints of the People, and those eight Actions in Ejectment, and intreating his Interposition, to put a Stop to those Proceedings of the New-York People, and to use his Endeavours for the running of the Line.

XXVI. In October 1743, the said Grievances continuing, the People in and about Minisink Island, settled under West New Jersey Titles, presented Petitions to

the Governor, the Council, and Assembly of New Jersey then sitting, representing, they had been quietly settled there, some for twenty, and many for forty Years then last past; and there was so little Probability of their falling into New York, by the Line, when settled, that a Line from the North Partition Point, would cut off Perth-Amboy, and above one half of East Jersey, before it could touch them; and that yet, notwithstanding of that Improbability of their falling into New-York, the Officers of Orange County in New-York, had levied Taxes on them, with such Circumstances of Cruelty and Injustice, as are hardly to be parrallel'd; That Solomon Davis, one of his Majesty's Justices of Peace there, had been indicted for acting as a Justice of the Peace there, pretending it to be in the County of Orange; was thereon apprehended, and fined Forty Pounds; and to keep himself out of Prison, was obliged to give Bond for it: That Abraham Vanaken, another Justice of the Peace there, for executing his Office, was apprehended and committed to Orange Goal, where he was kept in Prison for Twenty four Days: That many others there had been arrested and prosecuted as in Orange County, for their executing the Warrants of the New-Jersey Justices: That Johannes Hooghteline, a Constable there, was pursued by People of Orange County, and in that Pursuit they shot his Horse under him, took and committed him to Prison at Goshen, in Orange County; where, at presenting those Petitions, he had been four Weeks in Prison, and there still remained in close Confinement: Wherefore they prayed, that a Stop might be put to the like Grievances, 'till the Line was run; and that the Line might be speedily run. Upon which Petitions the Council and Assembly recommended it to the then Governor of New-Jersey, to use his Endeavours with the Governour of New-York, to put a Stop to those Grievances, and to join in running the Line.

XXVII. On the 24th October 1743. Robert Hunter Morris, Chief-Justice of New Jersey, and Son to the Governor thereof, delivered to his Excellency the Honourable George Clinton, Governor of New-York, a Letter from his Father, inclosing a Copy of the said last Petitions, and Copies of the several Addresses aforesaid from your Memorialists; and on the 28th waited on Governor Clinton for his Result on those Matters; who recommended a Meeting between the said Robert, and the Gentlemen concerned in the Lands in New-York, on the Line. And accordingly on the 29th he had a Meeting with a Number of those Gentlemen, when Nothing was agreed to, but that they would meet again, and communicate their Resolutions to your Memorialists, which they have never done, And from the Conduct of one of those Gentlemen at that Meeting, Mr. Morris was of Opinion, that he was against running any Line.

XXVIII. Your Memorialists finding all these and many other their Endeavours, for accomplishing the running the Line, pursuant to the Acts of both Provinces, to be ineffectual, and remembering that the Province of New-York had, in the Year 1719, made an Act for running the Line of Connecticut, exparte, in Case the Colony of Connecticut would not join amicably in the doing of it; to which Act the Royal Assent was had, and which Act had induced Connecticut to join amicably in settling that Line; Your Memorialists then thought, that that method which New-York took with Connecticut, would be the most rational method for putting an End to the Grievances so much and so often complained of without Redress: And in Order to it, on the Seventh of September 1744, a Memorial was presented to the Governor of New-Jersey, by your Memorialists, signifying their Intention of pursuing that method, and praying his Recommendation thereof to the next Assembly, and to order such notice thereof

to the Government of New-York, as he should think proper.

XXIX. Your memorialists finding, that some People of New-York, had settled to the Southwestward of the Line, by the Observations of 1719, claiming the Lands as in New-York, and being informed that one Thomas Dekey, Colonel of a Regiment of the Militia of Orange County, and one of the greatest Instruments of the Oppressions complained of, as before, had seated himself several miles South Westward of that Line, and was using his Endeavours to persuade others to do the like; your Memorialists conceived it their Duty to bring an Action of Ejectment against him, and some other Actions of Ejectment in every other Place where People of New-York had made Settlements Southwestward of that Line; which they did, and had Judgment by Default in every one of the Actions of Ejectment so brought, being about ten in number.

XXX. The said Thomas Dekey being; on the twenty-sixth Day of July 1745, served with the said Declaration in Ejectment by Daniel Harrison, he, the said Dekey, thereon beat, abused, and greatly threatned the said Harrison, and the Judges of the Supreme Court of New-Jersey; and, by Force, imprisoned the said Harrison in the House of him the said Dekey, and set a Guard over him all the following Night; and the next Morning he, the said Dekey, with a number of People armed, carried the said Harrison as a Criminal to the Goal of Orange County, at Goshen, and there committed him without any Warrant from any Person for that Purpose; nor did ever any Warrant of any kind appear till about Midnight of the 27th of July, when a Writ of the County Court of Orange, was delivered by the said Dekey to the Deputy Sheriff, in an Action of the Case at the Suit of the said Dekey, Damages One Thousand Pounds; tho' the said Harrison owed him nothing, nor ever had seen him before: And

by which Writ the said Harrison was confined many Days in the said Goshen Goal, seventy miles from Newark, the Place of his Abode, and would have been much longer, had he not prevailed on one Charles Stringham, on the 30th of July, to go Express to the Attorney at Newark, who had employed him, to acquaint him with the Usage he had met with, and to procure his Discharge; all of which, and much more, the said Daniel Harrison made Affidavit on the Sixteenth Day of August 1745; and thereon an Attachment for Contempt of the Supreme Court of New Jersey, was awarded by that Court against the said Thomas Dekey.

XXXI. Bail having by the Procurement of your Memorialists Attorney, been given for the said Daniel Harrison, he was, at length, discharged out of Goal, and the Cause was removed, by Habeas Corpus, to the Supreme Court of New-York, where Bail was again given: But the said Dekey there declared in Trespass only, and not in Trespass on the Case; and to which Declaration in Trespass, a Plea to the Jurisdiction, and Affidavit, were, on the 16th of February 1745, filed, like to those before mentioned under the 24th Article. And no further Proceeding has been in that Cause.

On the two last Articles, and the twenty-fourth, your Memorialists beg Leave to observe the Difference of the Behaviour of the People of New-York and New-Jersey: For when Mr Wileman served eight People of New-Jersey, with Declarations in Ejectment, as in Article 24th, no Body in New-Jersey conceived that he had done any Thing unjust or unlawful in so doing; but upon the People's bringing those Ejectments to your Memorialists, they took the proper and legal Course of Defence, by pleading to the New-York Jurisdiction, and Supporting that plea by Affidavit; and tho' the bringing Actions was so first begun by New-York, and your Memorialists had showed them

the rational and peaceable method of defending against such Actions; had they believed the Lands in Question were in New-York: Yet, for serving this one Declaration against Thomas Dekey, the Messenger of the Court is abused, as before; the Authority of his Majesty's Courts of New-Jersey, and the Judges thereof contemned; will not appear to plead to Jurisdiction, because they knew they could not support such Plea by Affidavit; and rely intirely on Force and Violence, which, ever since 1740, they had used without mercy, but with Success, and with Impunity.

XXXII. In March 1745-6, three of your Memorialists Members, having been appointed to confer with a Gentleman of the Law of New-York, (who had been of Council for Your Memorialists for many Years) concerning the Actions commenced near the Line: Upon that Conference he declined being concerned as Council therein, but signified his Willingness to become a Mediator in that Affair; which being reported to your Memorialists, they appointed the said three Gentlemen, or any two of them, to be a Committee, to treat with New-York in Writing, by the Means of that Gentleman as a Mediator: and accordingly, by Letter of the 10th of April, 1746, they communicated their Powers to that Gentleman, with sundry Propositions for amicably settling the Line; both which that Gentleman delivered to the Gentlemen of New-York, concerned in the Line; in order for their Answer thereto: And tho' an Answer was often called for from the proposed Mediator, for above a Year after the Delivery thereof, yet he as often declared he had received none; as by Copies of the said Letter, Powers, and propositions herewith appears, (No. 6.) But the Oppressions and Complaints of the People of New-Jersey still continuing, and no Hopes whatsoever, remaining of the People of New York's agreeing to the settling of the Line amicably without an Act; therefore, the Gover-

nor, Council and Assembly of New-Jersey, in February, 1747-8, pass'd an Act for running the Line exparte, if New York would not join in the doing of it; to be in Force when the Royal Assent was had thereto; providing, that your Memorialists should be at the whole Charge thereof. The enacting Part of which Act, was made agreeable to the said Act of New-York, for running the Line of Connecticut, Exparte, mentioned in the Twenty-Eighth Article; and Commissioners were appointed for running the Line, with Consent of New-York, pursuant to the Act of 1718, mentioned in the Ninth Article.

XXXIII. The Assembly of New York had no Agent in London for a Dozen Years before; but on the 19th of March, 1747, they voted £200, for an Agent; and on the 9th of April following, the Agent is requested by them, to use his Endeavours to hinder the Royal Assent to the said Act, until they were heard against it: And £200, has yearly been voted ever since to that Agent, of the Public Monies of [to] that Province, which to many People seemed extraordinary; seeing by the New-Jersey Act, that it was expressly provided, that the whole Charge of negotiating the Royal Assent of that [this] Act, should be at the private Expence of your Memorialists, the Owners of the Soil on the New-Jersey Side of the Line: And whatever Reason was for your Memorialists to be at the Whole Charge on that side, there was like Reason for the Owners of the Soil in New-York, to be at the whole Charge on that Side.

XXXIV. On the 28th June, 1748, two of the New-Jersey Commissioners for running of the Line, served the Governor of New-York with a Copy of the Act, by showing him an Exemplification of it under the Great Seal of New-Jersey, and delivering him a Copy, and by showing him their Commission; and at the same Time delivered to him a Letter signed by them,

containing the Purpose of that Service; and requesting, if any Objections were to the Assent to the Act, to communicate them, hoping they could obviate them to his Excellency: And if in two Months, that Government would signify their Consent to run the Line amicably, by the Acts of 1717, and 1718, that they would wait so long, or any further reasonable Time, before sending home the Act for the Royal Assent.

XXXV. On the same 28th of June, 1748, the same Persons served, in like Manner, the said Act, on the President of the Council, and the Speaker of the Assembly of New-York; and gave to each of them a Copy of the said Letter to the Governor of New-York, with a Letter containing the Purpose of the Service, and requesting the communicating them to their respective Houses then sitting. And on the same Day, the Assembly of New-York, by their Minutes, own the said Service; and on the next Day, make a Minute, deferring the Consideration of the Matter, till their next Meeting, after the first of September next, without any Desire of enlarging the Time of two Months before proposed, or Offer of communicating any Objections to the said Act.

XXXVI. Your Memorialists being then left without any the least Hopes of getting the Line run amicably, by Virtue of the Acts of 1717, and 1718, without his Majesty's Approbation of the said Act, procured Proofs under the Great Seals of New-York, and New-Jersey, of most of the preceding Facts, and in the Winter of 1748, transmitted Duplicates of them, and of the said Act, by the Captains Bryant and Waddell, to Mr. Paris, their Agent at London, in Order for obtaining the Royal Assent. And tho' Mr. Paris used his utmost Endeavours for that Purpose, and to bring the Matter to a Hearing; yet the New-York Agent got the Time of Hearing put off from Time to Time, for Four Years running, to the very

great Charge and Delay of Your Memorialists; and which Charge and Delay, its improbable, would have arisen, if the Charge of procuring those Delays had been at the private Expence of the Gentlemen concerned in the Line on the New-York Side: And during all that Time, neither the Gentlemen of New York, nor their Agent in England, offered any Objections to the said Act, to your Memorialists or their said Committee, or their Agent in London; nor made any Proposition whatsoever, of any other Method more proper for ascertaining the Line; nor did the New-York Agent, on the two Hearings before the Lords of Trade, offer any one Piece of Evidence from New-York, that the Want of could have given Cause for his said Multitudes of Delays; but insisted on the reporting against the Act from what appeared on the Face of it, without any extrinsick Evidence; and upon reporting against the Proceedings of the Year 1719, hereinbefore set forth, and recited in the said Act: Against both which, the Lords of Trade were pleased, on the 18th of July last, to report; and your Memorialists learn from Mr. Paris, that he upon petitioning for a Re-hearing of the Matters reported before the Lords Committees for Plantation Affairs, and has given Security accordingly.

XXXVII. Numbers of People having, from Time to Time, settled near to the Line, by the Observations of 1719, without Title from either New-York or New-Jersey; your Memorialists have, from Time to Time, obliged such of them as were on the South-West Side of that Line, either to purchase, or lease the Land they had settled upon; and such as would do neither, or such as pretended Title under New-York, brought Ejectments against them, and obtained Judgments thereon; as before; and from Time to Time, made Partitions and Appropriations of those Lands, pursuant to the Laws of New-Jersey, as it was and is lawful for your Memorialists to do.

XXXVIII. Complaint having been made to your Memorialists at their Half-yearly Meeting in March last, by some of those People settled on the South-West Side of the said Line, abreast of the Wawayanda Patent, of their being threatened by the said Thomas Dekey, (against whom your Memorialists have Judgment in Ejectment as before) to be taxed as in New-York. Whereon, after due Consideration had, your Memorialists came to sundry Resolutions thereon, which they conceive it was lawful for them to do, and their incumbent Duty to do; and which they had longer than was consistent with Prudence delayed doing. But that these Resolutions had any the least Tendency to encroach on New-York, or to any Breach of the Peace, as is complained of by the Assembly of New-York, they do deny; and that they have no such Tendency, will best appear by them; And they are in these words, viz.

March 30th, 1753.

Richard Gardner, and John Herring, represented to this Board, that Dekey, and others, of New-York, do greatly threaten those who have taken or shall take Leases of this Board, and that they shall be taxed, and obliged to train in New York, which would be an extreme Hardship to them, to be obliged to those Things in both Provinces; and desiring the Protection and Sentiments of this Board on that Head.

Which being maturely considered, this Board recommends, that Richard Gardner, shall desire the Lessees First by all Means, to keep the Peace; but that they refuse to pay Taxes, or train under New-York Officers, and refuse to serve as within New-York Province.

Secondly, If the People of New-York will, by Reason of their Refusals aforesaid, distrain the Lessees, that they suffer the Distress to be taken; but get

Friends to buy the Distress, deducting therefrom the Taxes, Fines, and Charges of Distress.

Thirdly, That at the Time of the Distress, those who shall distrain, be forewarned of their Danger by coming into New-Jersey to distrain, and that its a Tresspass in them, and utterly unlawful; and no Warrant from any Person or Persons of New-York can justify them, and that they will be liable to be prosecuted, not only as Trespassers, but obliged to repay the Money distrained for, and all Charges and Damages, which in due Time they may expect to be compelled to pay by Suits.

Fourthly, In the mean Time that the Persons distrained may not be delayed of their Remedy; this Board agrees now to put into the Hands of Richard Gardner, the Sum of Thirty Pounds Proclamation, out of which he is to pay to the Sufferers by such Distresses all their Damages, taking a Receipt for these Payments, to the Purpose following, viz.

Whereas ——— holding his Lands by Lease from the Proprietors of East-Jersey, No. ——— had his Goods lately distrained by ——— an Officer of the Province of New-York, for the Payment of ——— to New-York, by which not only the said Sum but also the Sum of ——— for the Charges of Distress was levied of his Goods, by which the said ——— has suffered Damages, the Sum of ——— Now, I the said ——— do hereby acknowledge, to have received of Richard Gardiner, in Behalf of the Proprietors of East-Jersey, the aforesaid Sum of ——— for my said Damages; and do hereby assign to the said Proprietors, all my Right of Action for the same.

Witness, my Hand, the ——— Day of ——— 17—
Witness

Fifthly, This Board agrees to advance what further sums may be necessary for the Purpose aforesaid, and desire Mr. Johnston, the Treasurer, or James Alexander, to advance and pay the same.

Sixthly, That this Board will in like Manner, pay all Charges and Damages, that any of the Lessees may be put to, by any Suits of New-York; and if Richard Gardner advances any Thing on that Head, he shall be repaid.

Seventhly, That Mr. Gardner, keep a regular Account of the Monies so paid as aforesaid, and deliver it once a Year with the Receipts aforesaid, to this Board.

Your Memorialists further, in Answer to the Complaint of the Assembly of New-York, of June 28th last, beg Leave to say, that they know of no sinister or irregular Practices of their Agents to the Prejudice of any one of New-York; nor have the Complainants pointed out any sinister or irregular Practices they have been guilty of: And your Memorialists say, That to the Westward of the Long Pond, from whence these Complaints have come, they have no Agent but Richard Gardner, their Deputy Surveyor, in that Part, who by Profession is a Quaker, and consequently, one very unlikely to cause any Quarrel or Contention, or Bloodshed, otherwise than by doing his Duty up to the Line by the Observations of 1719; over which your Memorialists never gave him Directions to go: nor do your Memorialists believe, he has gone or pretended. Your Memorialists so far agree with the Freeholders and Inhabitants of Orange County, in their Petition to the Assembly of New-York, That by Reason of the Delay in the Settlement of the Line, incredible Hardships have arisen; but these your Memorialists apprehend, have been only suffered by the People of New-Jersey, from the People of Orange County, and often since the year 1740; and tho' often complained of, they to this Day, remain without Redress; Some particular Instances of Multitudes that could be assigned, are herein set forth; but no particular Instance has New York assigned, or, we believe, can (with Truth) assign, of such Sufferings beyond the Line, by the Observations of

1719, though that be so far Southward of the Line run and mark'd in 1719, as herein is set forth. And your Memorialists further say, that the Delay of running the Line, can, in no Way, be attributed to your Memorialists, but to the People of New-York; as from this Memorial they doubt not, will be evident to the World, from the many Endeavours of your Memorialists, to have the Line settled, and the continual Opposition of New-York, for above Thirty Years past, to the setting any Line. And your Memorialists further say, they believe that those People of New-York, who have settled in New-Jersey, to the Southward of the Line, by the Observations of 1719, and against whom your Memorialists have recovered Judgments in Ejectment, being conscious that Writs of Possession might, at any Time for these Eight Years past, have been served, and they turned out of Possession, have provided Arms to maintain those Possessions by Force; which instead of being a Cause of Complaint on their Part, is an obvious Cause of Complaint on your Memorialists Part: And your Memorialists well hope that the Government of New-York, will in no wise countenance those Men, either in the providing or using that Force; and besides those Persons against whom Judgments have been had as before, no Cause had any other Person from your Memorialists to guard his possessions by Force. And your Memorialists further say. That would the Owners of the Patents of Minisink and Wawayanda, have followed the Opinion of the Judges of the Supreme Court of New-York, in Article 19, before; or the Example of the Owners of the Patent of Cheesocks, in discovering and not possessing themselves, or oppressing others over the Line, by the Observations of 1719, as in Article XX before; and had they not been encouraged to pretend over that Line, by Means of the Letter of 1740, said to be from Lieutenant Governor Clark, and to oppress the People

of New-Jersey, settled to the Southward of that Line, by distreining for Taxes of New-York, and for not training there, &c. (as in No. XXII.) there would have been little Room for Complaints of Encroachments of either Side. But its People, under Colour of those two Patents of Minisinks and Wawayanda, that have been the chief Aggressors, and who hitherto have been deaf to the Complaints, of the People oppressed by them: But now they see a Method fallen upon by your Memorialists, by their Resolutions of March last; to call them to an Account by due Course of Law for their Oppressions, if they continue them; those oppressors, for that cry out, and threaten Bloodshed, &c. and have since put their Threats to that purpose in Execution, as hereinafter is pointed out in Article XLI.

XXXIX. Tho' your Memorialists, and many of the Owners of Patents in New York, bounding on the Line of New-Jersey, have strictly confined themselves on each Side, in their Settlements, Leases, and Sales, to the Line by the said Observations of 1719, agreeable to the Opinion aforesaid, of the Judges of the Supreme-Court of New York, in the Causes of Swaartwoots and Westfalls, in Article XIX. before: Yet as to Matter of Jurisdiction, your Memorialists conceive, that that Line run and mark'd in 1719, as in Article XII. ought to stand, be, and remain, as the Temporary Line of Jurisdiction of the two Provinces, until another Line be run for it, by as great an Authority; tho' that mark'd Line falls upon Hudson's River, Seven Miles to the Northward of the Line by the Observations of 1719; and tho' that mark'd Line be on the South-Eastermost Part of the Wawayanda Patent, Three Miles distant on a Perpendicular from the Line by the Observations of 1719, and on the North-Westermost Part of the Wawayanda Patent, Two Miles Distance. And your Memorialists have great Reasons to believe, that had that mark'd Line fallen to the Southward of the Line by the Ob-

servations of 1719 it would have been insisted on by New York, not only as a Temporary Line of Jurisdiction, but as a Line of Property; for they have not so much as such a Colour for Possession in all the Cases where your Memorialists have recovered Judgments in Ejectments, as before; and the Executions of which Judgments, they have now for many years delayed, and intended for Peace Sake, to have delayed till the Line was settled: But if the unreasonable Obstruction of New York to the Settlement of the Line, and the Behaviour of some People there, shall be much longer continued; your Memorialists will think themselves bound in Duty to alter that their Intention, whatever be the Consequence.

XL. In April 1753, the People of Orange County in New York, chose one Arnold Basset, (living several Miles South-Westward of the Line by the Observations of 1719, who holds his Lands by Leave from your Memorialists) to be a Constable of Orange County; who on Notice thereof, refused to serve as such; whereon about the first of May, 1753, two Justices of Orange County, sent a Warrant to Anthony Vanatta, a Constable, to bring the said Basset before them; whereon the said Basset, told the said Vanatta, (according to your Memorialists Directions aforesaid) that their Warrant was not sufficient to defend him in that Affair, and advised him as a Friend, not to proceed without some other Protection; for that the Council of Proprietors would certainly sue him for all Charges and Damages that he caused on that Head: Whereon the said Vannatta, went back to the said Justices, and told them he was afraid to take Basset, unless they would defend him against the Proprietors: But he was answered by them with Threatenings, and that they would send him immediately to Goal, if he did not forthwith execute the said Warrant, and take assistance with him, the better to do it: Whereon the said

Basset was taken and brought by Force before the said two Justices, and refused before them to serve as a Constable of Orange County; upon which they fined him Forty Shillings, and committed him to Prison; and at the same Time, issued an Execution against his Goods to the Constable of Minisink, for levying of Four pounds Fourteen Shillings, which that 9th Day of May, they adjudged against him the said Basset, for Fine and Charges, for refusing to be Sworn into the Office of Constable, and likewise all Cost that should accrue about that Execution thereafter; and that he the said Constable, should have those Monies before them the 12th Day of that Instant: In pursuance of which Execution, while he the said Arnold Basset remained in Prison, the said Constable came, and took three Horses of the said Prisoner, while they were at Work in his Plough, and his Gun, and wearing Apparel, of the Value of above Thirty pounds; which the said Justices and Constable sold at Vendue, and out of the Proceeds thereof, kept Ten pounds Sixteen Shillings and a Penny, for the Four Pounds Fourteen Shillings in the Execution mentioned, and the further Cost accrued about that Execution, at which Sum the said Justices taxed the same; when, and not before, they discharged the said Basset out of Prison: And whereupon your Memorialists' Agent, Richard Gardner, paid the said Sum to the said Basset, together with Four pounds Fourteen Shillings and Three Pence more, for the Damage that the said Basset had suffered by his Loss of Time and missing of Planting, and sowing his Oats and Flax seed, &c. at which Time they chose to perform this extraordinary Exploit; as by Copies of the said Warrant, Execution, tax'd Bills of Cost, and Receipts of the said Basset, will appear.

XLI. On the 20th of July last, as Richard Gardner, (after having peaceably completed a Survey of some

of your Memorialists Lands near to the Division Line by the Observations of 1719,) was travelling along the King's Highway (in Company with John Herring and Peter Decker, who had assisted him as Chainbearers,) about Five Miles Southwestward of the said Line, by the Observations of 1719, and near Eight Miles Southwestward of the Line run and mark'd in 1719, as in Article XI. before; and even above Three miles Southwestward of the Line pretended to by Colour of the exparte Observations of Robinson and Wells, in Article VII. before, he was Way-laid and Stopt by George Dekey and Jacobus Dekey, Sons of the said Thomas Dekey; and when their Father came up, they unmercifully beat, wounded and robbed the said Richard Gardner and John Herring, by feloniously taking from the said John Herring, a Walking-Stick, which they split to Pieces, in giving the said John Herring about twenty Blows with it, and thereby wounding him, and Shedding a great Quantity of his Blood, and threatening with Horrid Oaths, and a Pistol, which the said Thomas Dekey held to the Breast of the said John Herring, to fire a Brace of Balls thro' him; also by violently beating him the said Richard Gardner, and forcibly taking his Bags from behind him, and opening and taking thereout a Surveying-Compass, a Surveying-Chain, a Pairs of Dividers, a Scale, and a Horse Bell; all which they feloniously took and carried away. This Assault and Battery, and Robbery, the said Richard Gardner and John Herring suffered without returning one Blow, or offering any Resistance. 'Tis worthy Remark, that the said Beating, Wounding, Bloodshed, Abusing and Threatning, were chiefly offered and done to the said John Herring, an old lame Man of Fifty-five Years of Age, and who being of the People called Quakers, was by his religious Tenets, princip'd against making Resistance; but not the least Outrage did they offer to Peter Decker, an able Man, of Forty Years of Age,

and no Quaker, who had equally assisted Mr. Gardner with Herring, in making the aforesaid Survey, and who look'd on during the whole Time.

XLII. To enumerate all the Cruelties and Abuses committed by People of New-York upon People of New-Jersey, South-westward of the Line by the Observations of 1719, since the said pretended Letter in the Year 1740, mentioned in Article XXII. would swell this to a large Volume: But your Memorialists have chosen only the preceding few Instances, as some of the most cruel and enormous, of which your Memorialists have, and can produce sufficient Proofs; and of all those before the Year 1748, Proofs were transmitted to England with the said Act.

XLIII. As the Line run and mark'd in 1719, (as in No. XII. before,) was run by Order of the proper Commissioners and Surveyors of both Provinces, as the Line of Division, according to the best of their Judgment at that Time; and as no Line before or since was ever run with equal or greater Authority; its humbly conceived that Line ought to have remained, and does now remain the Line of the two Provinces, till another Line be run for it with equal or greater Authority; and we know of no other Limit to the Jurisdiction of both Provinces but that. And tho' your Memorialists, in affecting their Properties, have not gone farther Northward than the Line by the Observations of 1719, which Line has no public Authority, but a tacit Consent of your Memorialists, and of sundry of the Owners of Patents in New York Province, joining on the Line of New-Jersey, (as in No. XX. before,) and the private Opinion of the Judges of the Supreme Court of New York, in the cases of Swaartwoots and Westfalls, founded upon the Evidence of the Surveyor of East-Jersey, (as in No. XIX. before:) For as the Matters then in Controversy, were referred to them in their private Capacities, and not in their publick Ca-

pacities, they thought it just to deviate from the said run and mark'd Line in 1719, and to examine where most probably the true Line would fall, and thereon founded their Award, Your Memorialists say, they humbly conceive these are no sufficient Reasons why your Excellency should not assert and exercise the Jurisdiction of this Province, up to the said Line, so run and mark'd in the Year 1719, which falls on Hudson's River, about Seven Miles Northward of the Place, where, by the Observation of 1719, the Line should fall; and should New-York, think this an Encroachment on, and prejudicial to them; these Inconveniences might, and may be easily removed, by running the true Line. But while they refuse to join in that, and do absolutely oppose the running any Line, if they can shew no Line ever run with equal Authority, then that Line ought in Reason, to remain the Temporary Line, especially as it was carefully run and mark'd, and the Places through which it went, are notorious, and well known to this Day, by all the People inhabiting near it; and who have (very few excepted) all settled there since the Year 1719.

XLIV. If the Line run and mark'd in 1719, is not to be the temporary Line of Jurisdiction of the two Provinces 'till the true Line be finally settled, we should be glad that New-York would show better Reasons for any other Line to be the temporary Line. For, without some certain Line be allowed to be the temporary Line, it's impossible to judge what is an Encroachment of either side.

XLV. As your Memorialists have asserted their Rights only up to the Line by the Observations of 1719, (which is about seven Miles upon Hudson's River, southward of the Line run and mark'd in 1719) and as Part of that Line was first run by People of New-York, as in N° XX. before, and most of the rest

run by your Memorialists, as in N^o XXI before; and as all settled Southwestward of that Line are either settled under New-Jersey Titles, or your Memorialists have recovered Judgments against such as have refused to hold under New-Jersey, while your Memorialists extend their Settlements no further Northward than to that Line, they cannot be justly accused of any Encroachment on New-York. But New-York, by their Conduct since 1740, have given great Causes of Complaint to the People of New-Jersey settled Southwestwards of that Line, as by the facts herein before set forth, appears, and tho' complained of from Time to Time, as before, yet no Redres is hitherto had.

XLVI. Upon the whole, your Memorialists cannot help being of Opinion, that the State of Facts herein before set forth, being duly read and considered, (of which your Memorialists are prepared to produce sufficient Proofs,) it will plainly appear to your Excellency, and all other impartial Persons, that the Complaints of the People of Orange County, to the General Assembly of New-York, are vexatious, and without Foundation; that they themselves have been guilty of Encroachments, gross Abuses, and Breaches of the King's Peace; that encouraged by the Letter from New-York in the Year 1740, as before mentioned, they have usurped illegal Power, and arbitrary Government over Part of his Majesty's Province of New-Jersey; that they have arbitrarily levied Taxes there; that they have unjustly fined, and falsly imprisoned his Majesty's Justices of the Peace, and other Officers of this Province, for what they had done in the execution of their Office; that they have threatned, beat, abused, and robbed others of his Majesty's Subjects within the said Province upon the King's Highway; Nay, that they even intended Murder; for your Memorialists are credibly informed, that when they shot the Constable's Horse under him (as in N^o XXVI. before) they de-

clared that they were sorry for the poor dumb Creature, whom they did not intend to kill, but his Master; that your Memorialists, throughout the whole Proceedings, have conducted themselves with the most friendly and peaceable Behaviour; that they have been passive, amidst the violent Outrages committed against them, and those who hold under them, by the People of New-York; neither making any Reprizals, nor repelling Force by Force; that they have all along supported their Claim and Right to a Line from the Northermost Branch of Delaware, which is in $41^{\circ} 40'$ of Latitude, (as in No. II. before) and which was so solemnly fixed and established by the Commissioners for New-York, for East-Jersey, and for West-Jersey, (as in No. X. and XI. before) to the Station Point upon Hudson's River, in 41° of Latitude, (as in No. II. before) by the most legal and warrantable Steps, such as bringing Ejectments, obtaining Judgments in the King's Courts of Justice, and pleading to the Jurisdiction of the Government of New-York to the Southwestward of the Line run and mark'd in 1719, as they have a Right by Law to do: That nevertheless, for Peace Sake, your Memorialists in their Settlements, Leases and Sales, have strictly confined themselves to the Line by the Observations of 1719, (as a temporary Line, until the true Line can be run and ascertained) agreeable to the Opinions aforesaid, of the Judges of the Supreme Court of New-York, in the Causes of Swaartwoots and Westfalls (as in No. XVIII. before.) Finally, That the General Assembly of New-York have been prevailed upon, by the false Reports and unjust Representations of the People of Orange County, to make this groundless Complaint against your Memorialists, and those who hold under them; the said People of Orange County conceiving no other Method so specious and prevalent to put a false Gloss upon their Outrageous, riotous and illegal Proceedings.

All which Matters and Things before set forth, Your Memorialists do aver, and are ready to prove in such Manner as Your Excellency shall think fit to appoint: And are,

May it please Your Excellency,
Your Excellency's most Obedient,
and Most Humble Servants,

By Order of the Council of Proprietors of East-New Jersey.

ANDREW JOHNSTON, President.

PERTH-AMBOY, November 20, 1753.

P. S. After finishing the above Memorial, Mr. Alexander informed us, that a Meeting of the Minisink and Wawayanda Partners, being advertised in the News-Papers several Weeks, to meet at Mr. Willets in New York, on the 13th Instant; he on that Day met with them, and renewed the Proposals (in No. XXXII. herein before mentioned,) and delivered them a Copy of that Letter of April 10th, 1746, and of the Proposals inclosed therein, and by a Letter from himself to them, both as a Partner with them, and as one of the Committee, (mentioned in No. XXXII. before) pressed upon them in urgent Terms, the amicable Settlement of the Disputes concerning the Line; Mr. Alexander, acquainted us also, before that, to wit on the 8th Day of November, he laid the same Papers before the Honorable James De Lancey, Esq., Lieutenant Governor of New York, (who, with his Brothers and sisters, are considerably interested in the Minsink Patent) who returned them on the 12th, without any Objection to them; which Proceedings of Mr. Alexander, your Memorialists have approved of, and caused Copies thereof to be hereunto annexed.

By Order of the Council of Proprietors of East-New Jersey.

ANDREW JOHNSTON,
President.

NUMB. 1.

To the Honorable Peter Schuyler, Esq; President, and the other Gentlemen of the Council of the Province of New-York.

The Petition of Allane Jarrat.

Humbly Sheweth,

That whereas your Petitioner having been appointed by his Excellency Robert Hunter, Esq; by Letters Patent under the Great Seal, Surveyor for the Province of New-York, and thereby commissioned with full Power and authority, in Conjunction with the Surveyor of the Province of New-Jersey, carefully and diligently, according to the best of their Skill and understanding, discover and find out that Place upon the Northmost Branch of Delaware River, that lies in the Latitude of Forty-one Degrees and Forty Minutes, and that to be the North Partition Point of the Province of New-York and New Jersey; as also carefully, according to the best of their Skill and Understanding, discover and find out, as near as may be, that Place on the West Side of Hudson's River, that lies in the Latitude of Forty-one Degrees, which shall be the farthest Place of the Province of New-Jersey, bounded by Hudson's River; and then in Conjunction with the Commissioners of both Provinces, to run a direct Line from those two Stations, (when determined) to be the Partition Line between the two Provinces. Now your Petitioner, pursuant to the great Trust reposed in him, in Behalf of the Province of New York, by the said Commission, has, in Conjunction with the Commissioners of both Provinces, and the Surveyor General of the New-Jersies, proceeded from New-York to Mahacamack; and from thence in Conjunction with the Surveyor General of the Jersies. up to the Fishkill, to the Latitude of Forty-one Degrees, Forty Minutes, observed in July

last, by a Brass Quadrant of about Twenty-two Inches, or thereabouts, Radius, and the Latitude last mentioned, determined and adjusted in this Manner, after four repeated Observations, with the Plumet at each End of the Quadrant, found them not to differ, from each other above half a Minute, or thereabouts; the Difference being so small, the Latitude was adjusted by a Mean between the Differences of the said Observations; as also, allowing the Obliquity of the Ecliptic, to be, by a Mean, between $23^{\circ} 39'$, [$23^{\circ} 29'$] and $23^{\circ} 20'$, [$23^{\circ} 30'$] as may more fully appear by a Journal ready to be produced.

From thence your Petitioner, in Conjunction with the Surveyor General of the Provinces of New-Jersies, proceeded to Madam Corbet's, as they adjudged that Place to be nigh the Station on Hudson's River, made sundry Observations the last month, in order to determine and adjust the Latitude of Forty-one Degrees, with the aforesaid Quadrant, more carefully and diligently (having the Advantage of a good Sun and clear Weather) than the former they had up at the other Station; the first of which Observations, with the Plummet at the End of the Quadrant (as it was in all the Observations at the former Station,) made this Station to fall near two Minutes to the Northward of the Place of Observation, or near Tapan Creek; the last of which Observations, with the Plummet about the Middle or Two-thirds of the Quadrant, made the Station fall between two or three minutes to the Southward of the Place of Observation, or near opposite to the Yonkers Mills, as has formerly been reputed to be near the Station.

Your Petitioner conceiving a great Difficulty to decide the true Latitude of Forty-one Degrees, in so wide Differences of Observations, by so small an Instrument, upon the same Place; and not daring to rely on his own Judgment in so weighty an affair, that so highly concerns the Care of this Province: For Tapan and

Sundry other Gentlemens Estates, bordering on the above mentioned Partition or Division Line, requiring a larger Instrument, and the most exquisite Exactness and Niceness to determine, and also to vindicate himself from all future Reproaches and Aspersions of being bribed or byass'd therein; could have no other Recourse than laying this Matter before the Wisdom of this Province, and at this Time being press'd upon by the Commissioners for discharging and executing this great Trust reposed in him, and having given Security for the Performance of the same, and making Matter of Conscience how to come at the exact Truth by such an Instrument, that discovers such a Difference in these Observations; humbly Prays, that this Honourable Board, would take it into Consideration, and give your Petitioner such Instructions, to direct his Judgment in this Affair, as may seem most proper to your great Wisdom.

And, as in Duty bound, Shall ever pray, &c.

ALLANE JARRAT.

NUMB. 2.

May it please Your Honour,

In Obedience to your Honour's Order in Council of this Day, refering to us the annexd Petition of Allan Jarrat; we, have in the presence of Mr. Alexander, Surveyor General of the Province of New-Jersey, and Dr. Johnston, one of the Commissioners for the said Province, fully examined the Petitioner, upon the several Particulars set forth in his said Petition; and before we proceed to declare our Opinion thereon, we take Leave to report, that the Matters of Fact appeared to us in the following Manner, to wit.

That by a fair Journal produced to us, by the Petitioner, of all the several Observations taken at the Fish-kill, and at Madam Corbet's the Observations taken

near the the Middle of the Quadrant made Use of in that Service, differed from those taken at the Ends upwards of four Minutes.

That this Discovery was not made until they observed at Madam Corbet's and that the Petitioner thereupon immediately declared to the said Mr. Alexander, in the Presence of several People then on the Spot, he could neither rectify the wide Errors of the Instrument, nor take upon him to fix the Station by it, the same varying so much in itself.

That notwithstanding the methods proposed by Mr. Alexander, for correcting the said Errors, the Petitioner, declared he could not adventure to settle a Latitude, that could be depended upon, by that Quadrant.

That he being, by repeated Questions put to him, in all the various Ways we then could think of, ask'd, whether he could not find Means to proceed with that Instrument, for fixing an exact Latitude? he still declared that he could not Take upon him to do it by this Instrument, for the Reasons above mentioned; but that in case one of Five or Six Foot Radius could be procured, certified by able and skillful Mathematicians, from Great Britain, to be true and correct, he would then be ready to ascertain the Station according to his best Skill and that the Observations whereby the Latitude was settled upon the Fishkill, were taken at the Ends of the Quadrant, and the Errors and Defects thereof not being discovered at that Time, he affirmed, that the said North Partition Station upon the Fishkill, is wrong and erroneous, notwithstanding tripartite Indentures mentioned in the said Petition to be executed there, upon that Occasion.

Upon the whole Matter as the Petitioner was made Choice of for this Service, as the best and ablest Mathematician of this Province; and he having, not only by the Declarations in his Petition, but by his repeated Assurances before us, of the Defect of the Instrument,

and also his declaring, the Methods proposed by Mr. Alexander for correcting them, were not satisfactory to him; and the Matters being of such Importance, that it requires not only the best of Instruments, but the nicest Skill and Exactness to settle; we cannot advise your Honour, to order the said Surveyor to proceed and fix the said Latitude by this Instrument; but rather, that he Should be directed to set forth and certify by some Instrument, under his Hand and Seal, that the Station pretended to be fixt at the Fishkill, is wrong and erroneous, to the End this Province may not, at any Time hereafter, receive any Prejudice by the afore-said tripartite Indenture, executed there by the Surveyors and Commissioners, on both Sides, before the Defects and Errors of the Quadrant by which that Station was fixt and settled, were detected; and that all further Proceedings ought to be staid until a correct and large Instrument, be procured for setting the said Station; all which is nevertheless humbly submitted by,
Your Honour's most obedient Servants,

A. DEPEYSTER,
GERARD BEEKMAN,
RIP VAN DAM,
JOHN BARBERIE,
AD. PHILIPSE.

NEW YORK, September 24th, 1719.

NUMB. 3

To the Honourable Peter Schuyler, Esq; President, and the rest of his Majesty's Honourable Council for the Province of New-York.
The Humble Petition of several the Inhabitants of the Province of New-York, for themselves and others, Owners and Proprietors

of Lands bordering upon the Partition Lines between the Province of New-York and New Jersey,

Sheweth,

That the Assembly of this Province, having appropriated the Sum of £300, for defraying their Part of the Charge and Expence, in ascertaining and running the Partition Line, Limit and Boundary, betwixt this Province and the Province of New-Jersey; the Petitioners had Reason to hope, so great a Work would have been carried on, and accomplish'd with such reciprocal Justice and Equality, that neither Side would have Reason to complain: But having Grounds to apprehend, that a due and equal Regard has not been had, either for the Benefit of this his Majesty's Province in general, or for us and others his liege Subjects, that have an immediate Interest on the Borders of that Line; they beg Leave to lay before your Honours, a State of that Case, and the Reasons of their just Apprehensions, reserving to themselves the Liberty of adding what shall farther occur to their Knowledge, and of amending and explaining what is herein set forth; which they most humbly offer, in the following Manner, viz.

That by the Duke of York's Grant to the Proprietors of the Jersies, they were bounded in the Latitude of 41° and 40 Minutes, on the Northermost Branch of Delaware River; and on Hudsons River, in the Latitude of 41° Degrees; and as this Grant was made in the Year 1680, they conceive the Tables then in use, ought still to be the Rule in settling those Latitudes; by which Tables, (as they are credibly informed,) the Obliquity of the Ecliptik, was universally allowed, to be 23 Degrees and 30 Minutes: that by a Draught of George Keith, then Surveyor of the Jersies, (ready to be produced) he lays down the aforementioned Northermost Branch of Delaware River, about 25 Miles to the

Westward of the Fishkill: That in the Year 1686, the Surveyors of New-York and the Jersies, by Consent of the respective Governors, ascertained the Latitude of 41 Degrees on Hudson's River, to be due West from Frederick Philipse's Lower Mills: That Col. Andrew Hamilton, Governor of the Jersies, afterwards did own the said Latitude of 41 Degrees on Hudson's River, conformable to a Map made by the Surveyors, to be due West from the said Mills; as by a Writing under his Hand, dated the 13th of February, 1693-4, and ready to be produced, may appear at large, 'That 'those Petitioners who held Lands to the Northward 'of that Line, by Virtue of Grants or Patents from the 'Jersies; had, by the Justice and Indulgence of this 'Government, new Grants for the same, and at easier 'Quit-Rents, than what they were to have paid to the 'Proprietors: And others having by License of the 'Jersies, purchased Lands from the Indians; and 'suing for Patents, conformable to those purchased, 'were directed to take Patents from New-York; those 'Lands lying to the Northward of the Station then 'fixed.' That after the beforementioned Act of Assembly was pass'd here, an Act of the like Nature was made in the Jersies, and John Johnston and George Wollocks, Esqrs: were appointed to be Commissioners, who are known to be Proprietors, and to have taken up large Tracts on the Borders, whilst this Affair was in Agitation 'That when it was proposed to name 'Commissioners for this Province, the Gentlemen of 'the Council (as they are informed, were generally of 'Opinion, except those Gentlemen who are Proprietors of the Jersies), That we ought to follow the same 'Rule; (to wit) in likewise appointing such Persons 'as had an immediate Interest in Lands bordering on 'the Line; that notwithstanding (as they are further 'informed) the Governor commissioned Robert 'Walter and Isaac Hicks, Esqrs: and tho' we have a 'due Deference to the Characters and Reputation of

‘those Gentlemen, we conceive they were not duly elected, because our Act of Assembly directs, that they should be appointed by the Governor and Council.’

That the Surveyor for this Province, Allane Jarrat, (being approved of by the Council) was obliged to execute a Bond for £100, conditioned, to settle the Stations and run the Line; and since this was (as they are informed) demanded at the Motion of the Jersey Gentlemen; and that neither their Surveyor, nor any of the Commissioners, had the like required of them; it may as reasonably be concluded this was executed with a View of laying him under a Necessity to fix the Latitude, rather to the Disadvantage of this Province, than subject himself to the Penalty of said Bond: That the Commissioners and Surveyors of both Provinces, setting out from this City, ‘went directly to Machacamack and Minisinks, where they met some other Gentlemen of the Jersies; and without seeking for the right Branch, or tracing of them, (and, indeed, almost every Body look’d upon the Season improper for so doing) they immediately took Observation there, just as if they were resolved to fix the Latitude on the Fishkill; perhaps with a View to secure for the Jersies the Low-Lands, at the two Places above-mentioned; which could scarcely be drawn in, if the proper Branch had proved so far Westward as Keith’s Draught lays it down.’ That altho’ such foggy, cloudy, and rainy Weather, happened at that Time, for about 25 Days successively, as the like at that Season, was not known in the Memory of Man, (just as if Heaven frowned on the Design) they fixed the Latitude upon the Fishkill, near a small Creek, which they formed Station Brook; notwithstanding they seemed satisfied, that the said Fishkill, is the Main-River of Delaware itself; which Latitude was taken at the Ends of the small Instrument they made use of: And altho’ an Indenture was executed of their Proceedings there, they have been so just therein, (as we are in-

formed,) as to say, that there Discovery was by information: That, indeed, the Commissioners sent Capt. John Harrison, a Jersey Gentleman on, to look what Branches there might be betwixt the Rivers of Delaware and Suskahanna, who, upon his Return, reported that there were none, tho' he was heard to own, that he met with one so wide and deep, that he was obliged to make a Float before he could get over it; and we are credibly informed, that several Christians are ready to depose, there is one or more considerable Branches to the Westward of the Fishkill; which, 'tis possible, Capt. Harrison miss'd, by Reason he set out about 24 Miles to the Southward of the Latitude: That after the said Latitude was fixed on the Fiskkill, in the Manner before mentioned; the Surveyors, and only the Jersey Commissioners, went to Madam Corbet's, and made repeated Observations there; but in so doing, a Discovery was made, that the said Instrument was erroneous; for that the Latitude taken at the Middle, differed above four Miles from those taken at the Ends thereof; and since, at the Fishkill, use was made of the Ends; its evident beyond Contradiction, that the Station pretended to be fix'd there, is just so much to the Northward of the true and real Latitude, as the above-mentioned Difference amounts to, That Complaints and Remonstrances of such Weight, have been offered at Home, against the Act of Assembly before-mentioned, that it is uncertain, whether the same will be approved or disapproved of by His Majesty, tho' the same was pass'd here, in the Year 1717: And it is certain, that in Case of a Disallowance, every Thing done by Virtue of that Act, will be void: But it is impossible to foresee what Confusion and Mischief might ensue, if this Affair should be completed, and the said Act rejected at the same Time: That the fixing these Stations, and running the Line, in the Manner it has hitherto been carried on, not only the

Crown, but likewise many of your Petitioners, will be in Danger of being encroached upon; and tho' many of us have spent their Labour and Substance, upon their several Improvements, for 30 or 40 Years past; there seems but little Reason to expect (in such Case) the like Justice and Indulgence would be Shewn by the other Side, as was heretofore extended on the Part of this Province, (as is hinted above) for these and several Reasons, more especially, for the Minuteness of the Instrument, (being but 22 Inches Diameter, and its varying so considerable in itself) your Petitioners offer, they will readily be at half the Charge of an Instrument to be sent for from London, proper and large enough for settling and fixing the true and exact Station Points; which Instrument being first tried and proved by able and skillful Artists at Home, attested by them to be true and correct, and the Obliquity of the Ecliptick settled, as it was universally received when the Grant was made to the Proprietors; all Parties must then be concluded by such Determination.

Your Petitioners therefore most humbly pray, that the Commissioners and Surveyors of this Province may severally deliver in a Journal of their Proceedings hitherto; and that we may be favored with Copies thereof; and that all further Proceedings may be stayed, until his Majesty's Allowance or Disallowance of the abovementioned Act of Assembly is first signified and until such an Instrument arrives here, as is above described:

And Your Petitioners, as in Duty Bound, shall ever pray &c.

Cornelius (his mark) Aker,
Dirick (his Mark) Strats,
Lambert Luis,
Ebenezer Wilson,
Bernard Dis Ver veelen,
Dit is het van Transwin Salee,
Abraham Haringh,

Abram (his Mark) Blauvelt,
Jan (his Mark) Hogenkamp,
William De Graaw,
Pieter (his Mark) Bogert,
Gerrit Smidt,
Gideon (his Mark) Vervelen,
Stephen De Lancey,
Anthony Rutgers,
Jacob (his Mark) Kersboom,
Johannes (his Mark) Blauvelt,
Hendrick Blamydt,
Pieter Haering,
Notbrey Heutse,
Cornelius Cozyn,
Isaac (his Mark) Blavelt,
Jacoop Hoominck,
Barent Angels,
Isaac (his Mark) Van Dewsen,
Roeloff Van Howton,
Jacob (his Mark) dey Kleck,
Anna Hooghlandt,
John Van Horne,
H. Wileman,
Lancaster Symes,
Daniel de Clerk,
Cornelius Haring,
Heymes Liepserosdyck,
Andries Allyn,
Cornelius (his Mark) Smit,
Jurian Thomas,
Down Talimea,
Resolve (his Mark) Nagel,
Jacobus (his Mark) de Vries,
Klaus Van Huriten,
Jacob (his Mark) Blawvelt,
Maria Catharine (her mark) Boudinot,
Nath. Marston,
Jarvis Marshall.

NUMB. 4.

To the Honourable Lewis Morris, Esq; President of His Majesty's Council for the Province of New Jersey, in Council.

The humble Memorial of the Proprietors of the Eastern and Western Division of said Province of New-Jersey.

Most Humbly sets forth,

That they have considered the Petitions of Jarrat and others, to the President and Council of New-York, and are very much surprised to find, that the Persons now concerned in that Government, should put a Stop to the running and ascertaining the Line of Division and Partition, betwixt that and this Province, upon the groundless, weak, and untrue suggestions of the Petitioners, and the visionary Whim and Cant of the Surveyor; after the same had been directed to be done by the Legislatures of both Provinces, and Commissioners had been appointed under the Great Seal of each of them for that Purpose; and had made (at a very great Expence) so considerable a Progress.

They begin with setting forth, that the Duke's Grant being made in the Year 1680, the Tables then in use, ought to be the Rule of settling the Latitude; and that by those Tables, the Obliquity of the Ecliptick, was universally allowed to be 23 Degrees, 30 Minutes.

1st, If that Way of Reasoning be conclusive, they should have mentioned the Grant in the Year 1664, (there being no such Grant in the Year 1680, that we know of,) and the Tables then in use; for if the Latitude mentioned in a Grant in the Year 1664, might be ascertained by Tables in use in the Year 1680; they might as well be settled by any subsequent Tables, if they were right. The Truth of Tables, and not the

Hypothesis on which they were made, or the Time of making them, being to be considered in a Case of this Nature; When this Grant was made by the Duke, it was upon a certain knowledge, that there was a Place on Hudson's River, in the Latitude of 41° ; and another on Delaware, in the Latitude of 41° and $40'$ and the Province of New-Jersey, was, by that Grant, intended to extend so far North as these Latitudes really were; and the best and most proper Means for the Discovery of them, were to be made use of, without Regard to this or that Table.

2dly, The Authors of some of the Tables in the Year 1680, might be of Opinion, that the Obliquity of the Ecliptick was 23 and 30 ; and we suppose, calculated their Tables of the Sun's Declination accordingly; but it is the Tables of the Sun's Place that can only be made use of in this Case; and these Tables have no Concern with the Obliquity of the Ecliptick, whether made by those Authors or any else.

3dly, That the Obliquity of the Ecliptick, was, in the Year 1680, universally allowed to be $23^{\circ} 30'$ is a Position, that (with all due Deference to the Credit and Knowledge of the Petitioners Informers) we think is not true; for Mr. Flamstead, long before, found it to be 23 and 29 ; and about the Year 1680, published his Doctrine of the Sphere; and through that Book, uses 23 and 29 , as the greatest Obliquity; and so it's used by Sir Isaac Newton, in his Theory of the Moon: This was in England, by two as good Mathematicians as any in Europe: In France, Monsieur Le Hire, one of the Royal Academy of Paris, by Observations, of the Sun near the Zenith, and out of all Danger of Refractions of any Consideration, found it before that Time, to be 23 and 29 ; and, about that Time and since, it has been generally allowed to be so.

4thly, With all due Deference, as before, we have Reason to think, that the Tables the Petitioners men-

tion, were not in use in the Year 1680, but decayed; and that the Opinions of Flamstead, Newton, and the most celebrated Mathematicians, of the Obliquity of the Ecliptick, being 23 and 29, obtained at that Time: And if we may use the Method of the Petitioners, to speak by Information, and reserve to ourselves the Liberty of altering and amending, we are informed, that in the Year 1682, (at the End of which, the Duke's Grant of Confirmation to the Proprietors pass'd) the Tables then in use, were calculated according to the Obliquity of the Ecliptick, at 23 and 29; and then, according to what themselves have advanc'd these Tables ought to be the Rule of settling the Latitude.

5thly, Admitting the Obliquity of the Ecliptick to be 23 and 30, or what greater Number of Degrees the Petitioners please; the Advantage or Disadvantage to them, would not arise from that Obliquity, but from the Time of Year in which the Observations were made; and had they been made during the Time of the Sun's Declination to the Southern Tropick, the Petitioners would have complained; and according to their happy Way of Reasoning, inferred that it was intended, by the Duke's Grant, that the Observations should be made after the Sun had pass'd the vernal Equinox; and before its Return to the Autumnal, because that Grant pass'd the 14th March, some small Time after the Sun had pass'd the vernal Equinox.

6thly, The Obliquity of the Ecliptick, Refraction of Rays and Things of that Kind, were proper subjects of Debate, between the Commissioners and Surveyors of each Province, (to whom the Discovery of the Places of Latitude were instructed) in order to use such Methods as they should agree to be most just and effectual for the obtaining of that End; and accordingly, such Debates were, and by Agreement, between them, the Obliquity was settled to be a Mean between 23 and 29, and 23 and 30; and pursuant to that Agreement, the

Observations made, and the Station settled, though something to the Disadvantage of your Honour's Memorialists, the true Obliquity being 23 and 29, which Jarrat cannot chuse but know; and that the Consent of our Surveyor to any addition to it, was, in Compliance with Jarrat's Capricios, and to promote the Settlement and Discovery of those Latitudes, and the Line of Partition, by the Legislature, and all the impartial of both Provinces, so earnestly desired, and not from any Belief or Knowledge he had, that such an Addition was just; and after these Matters have been discussed and agreed upon, and the Station settled, we hope it will not be in the Power of a few dissatisfied Persons, by Clamour and Noise, without Reason or common Sense, to defeat what is done in so solemn a manner, and prevent what ought to be done, in pursuance of their Oaths and Commissions.

The Petitioners second Reason for what they call their just Apprehensions, that a due and equal Regard has not been had, &c. is, that by a Draft made by George Kieth, Surveyor of the Jersies, the northermost Branch of Delaware River is laid twenty five Miles to the Westward of the Fishkills.

1st. We deny that by any Map of George Kieth, any Branch to the Westward of the Fishkill, is laid down as the northermost Branch of Delaware River: There is a Map made by Philip Wells, Surveyor of New-York, which is called George Kieth's, that lays down a Branch to the Westward of the Fishkill, but does not determine whether that of the Fishkill is the northermost Branch.

2dly, If there was or is any such Map made by George Keith, as they say, we can't see what can be inferr'd from thence, other than that the maker of such Map was made believe, there was such a Branch; but will no more prove there was such a Branch in reality, or any unfair Proceeding, as is suggested, than

a Map (of which there are several) that lays down a large River running from Hudson's River into Hackinsack River, making that Part of Jersey that borders on Hudson's River an Island, will prove that there is, in Reality, any such River or Island as their laid down; nor will either of these mistakes, prove any Unfairness or Partiality of Proceeding; Had there, indeed, been such a River, as is said to be laid down by Kieth, and had that River been the northermost Branch of Delaware, and the Commissioners and Surveyors had fixed the Station 25 miles East of it, there had been just Reason of Complaint; but to infer an Unfairness of Proceeding, because a certain Person laid down a River in a Map, (which has no being in rerum Natura) is such of Way of Reasoning, as can have no Weight with any Men of common Sense, not very much pre-disposed in the Petitioners Favour.

3dly, We beg Leave to inform your Honour, that if there had been any such River as is suggested to be laid down in the Map, the Proprietors of the Eastern Division, and the Commissioners of the Jersey Side, would not have failed to have found it out, and fix'd the Station upon it, it being very much their Interest to have it so: A Station so fix'd, giving to the Eastern Division of Jersey, above 300000 Acres of Land, which is worth more than so many Pounds, whereas the Low-Lands supposed to be acquired by the Station on Fishkill; and which the Petitioners, by their low and vile Reflections, suggest to be the motive of (their imaginary) unfair Dealing, hardly amounts to 3000 Acres, and that not worth above Sixty Pounds per Hundred, which shews how little Ground there is, for the unreasonable Clamour they are encouraged to make on that Head.

That in the Year 1686, the Latitude of 41° , on Hudson's River, was ascertained to be due West from Frederick Philipse's Lower-Mills, by the Surveyors of

New-York and the Jersies, by the Consent of the respective Governours of both those Provinces, is a very great Mistake, in fact, no such Thing being to be found extant, of Record, in either of the Provinces Indeed, Philip Wells, Surveyor of the Province of New York, and one Andrew Robinson, Surveyor of the Province of West-Jersey, which was then a distinct Province from East-Jersey, made some attempts to fix the Latitude of 41° on Hudson's River, and made a Report that they had so done, in which they made use of Keith's Name, in the Body of the Writing, to give a Colour to their Proceedings, but it was without Keith's Consent, and he never signed it: And the Latitude so ascertained by them, was not, as the Petitioners say, due West of the Mills, but one Minute and 25 Seconds to the Northward of them. How far Col. Hamilton, by some ungarded Expressions in any Letter of his, might give occasion to wrest them to a Construction of owning a Thing that never was, we know not, but have no Reason to believe it on the Credit of the Relators, whose many Mistakes in Matters of Fact, gives us good Reason to believe, they are misinform'd in this; and it seems very odd, that the Petitioners for so considerable a Fact as the Agreements of Governors of Provinces, concerning the Settlement of Lines of Partition between them, could produce no better Proof, than an accidental Expression in a Letter wrote Seven Years afterwards. Besides, should it be true, that Col. Hamilton did own what never was, we can't think the Proprietors are to be concluded by his mistaken Sentiments, having had no Authority from them to make any such Acknowledgement; And if the Expressions of a Letter can be made use of, to conclude the Proprietors in an Affair of that Consequence; will not Col. Dungan's taking out a Patent from the Province of New-Jersey, (at the Time he was Governor of New-York) for the Lands he held

in Staten-Island, with an equal Parity of Reason, conclude the Crown as to that Island? This was an Owning upon Record, and an Owning with a Witness.

Though we think that neither of these Ownings will conclude the Crown, or the Proprietors, yet we beg Leave to mention one, that (as we humbly conceive) in Law and Justice, ought to conclude both; and that is, the solemn Agreement made between Col. Thomas Dongan, when Governor of New-York, and Gawen Lawrie, Esq; Governor of East-New-Jersey, in the Year 1684, who agreed and ascertained the Latitude of 41° , on Hudson's River, to be at the Mouth of Tappan Creek, in the Meadows where it runs into Hudson's River: This was an Agreement not to be charged with Partiality, Craft, or Practice; both the Governors, with the Council of each Province, or the greatest Part of them, and several Gentlemen of Figure, of both Provinces, went on the Spot; the most eminent Lawyers of both Provinces, attended to advise, in case any Difficulty should arise in Construction of the Words of the Duke's Grant. The Surveyor of each Province were there, who understood astronomical Observations, and were Men skillful in their Professions; there were others of both Provinces, very able in mathematical Learning: The Observations they made were done with Instruments of Six Foot Radius, two of which they had nicely graduated; the Observations often repeated in the Presence of both the Governors, Councils, and Persons there attending; so that all Pretence and colour of Fraud was taken away.

The Latitude fix'd with the nicest Exactness in that great Presence, and agreed to by the Persons concern'd, and is extant of Record in this Province, as (we suppose) it is in that; this is an Owning we conceive, to be conclusive, and we humbly hope his Majesty's Goodness and Justice, will induce him to confirm what was done in so publick and solemn a manner; nothing

so free from all objection being to be hoped for from a second Essay. However, we are not without some Hopes, the Justice and Prudence of the Government of New-York, in enforcing a Compliance, with the Directions and Intentions of the Legislature, will make Applications to His Majesty, needless on this Head, and prevent those Measures, we shall otherwise be under the necessity of taking, and which the Justice of our Cause will warrant, what the Petitioners say, with Respect to the naming of Commissioners, by the Governor not duly elected, is an Arraignment of his Conduct, and an accusing him of Partiality in that Affair; but with how much Injustice, may appear from the Minutes of the Council Book; by which it is plain, they were appointed by order of Council.

This is another Instance what Credit ought to be given to what they represent, and shews how willing and ready they are to sacrifice the Reputation of a Person, who has deserved a much better Treatment. It is very true, that John Johnston and George Willocks, are Proprietors of East-Jersey, and the Province of New-York, could not be hurt by them, it being much more their Interest, to have the North Partition Point (as is before hinted) fix'd where the Petitioners have placed their imaginary River, than any of the Petitioners, or all of them put together; and that the Commissioners took up Land on the Borders of this Province, while this Matter was in Agitation, or some Years before, is a Mistake; and the Petitioners have been very much misinformed, as they have been in all the following Articles.

That there was any obligation on the Surveyor of New-York, to grant the Bond mentioned, is another Mistake, for the same was his own voluntary Offer, and made for this Reason: A little Time after his being appointed, and after the Commissioners had got Warrants to receive £120, they were for agreeing with

him for Twenty Shillings per Day, certain, which he would not accept, but said he would be upon the same Footing with the Commissioners, to have a Third of the £300, appropriated for that Purpose, and they having got £60, a Piece already if the same could be procured to him, he would give Security for the Performance of the Work, or to refund the Money; and in Case of his Death upon the Work, his Executors to retain in their Hands, so much as should be Satisfaction for the Work he had done; all which was but reasonable, and not for Performance of the Work alone, as is set forth in the Petition.

It was not without seeking for the right Branch, that the Resolution was taken of observing upon the Fishkill, as the Petitioners set forth, but with very good Reason; for before that Resolution, the Commissioners and Surveyors had Information from many, of the several Branches of Delaware, many of whom were willing to take their Oaths, that there was no considerable more westerly Branch of Delaware, that went near so far North as the Fishkill; but not being willing to trust to that, John Harrison, an East Jersey Man, and a considerable Proprietor there, and no Proprietor of West-Jersey, (and his being so, was rather the best Qualification in the World, for him to find a Westerly Branch) was pitch'd upon, and agreed with, to go and view all the Branches betwixt Delaware and Suskehanna River.

And it was no loss to have observed upon the Fishkill; for if the Latitude had been found there, and a more Westerly Branch found, there would have needed no more, than to have run a true West Line to that more Westerly Branch: It's another Mistake, that upon Capt. Harrison's Return, his Report was, that there was no Branch to the Westward of the Fishkill; for in his Report he gives an account of several, with each—of their Breadths; but there was not one of these

above 30 Foot wide, whereas the Fishkill, at the Station Point, (which, as they own, is above 24 Miles further North than the Way Capt. Harrison went) was found, by measuring, to be 462 Foot over, and widens much below that.

As to any Branch that could be betwixt the Place that Capt. Harrison went from, and the Station Point, the River was particularly search'd by the Commissioners themselves, and no considerable Branch they found, but one of about two Chains over at its Mouth, which runs to the West and South, and which even Capt. Harrison cross'd in his Way, he being assured it was the same, from the Information, both of Indians that he met with, and of the white Man that was his Guide, who had gone from that Place where he cross'd it, down in Canoes, to the Fishkill; and besides, it is not likely that a Branch of two Chains over, should run more Northerly, than one of eight Chains over, and which is much deeper, and at the same Time, a very swift Stream: seeing that the Fishkills Course is generally North-westerly, and that Branch goes out to the West, and turns to the Southward.

There was not one of the Jersey Commissioners at Madam Corbet's, during the Time that the Surveyors together, took any Observation there; it's true, that Mr. Wilcocks came, according to his Appointment with the other Commissioners: After Capt. Jarrat had taken Observations enough, and was gone to York, and was present at some Observations made by Mr. Alexander, for his own Diversion; but no one Observation was taken by Capt. Jarrat, or Mr. Alexander, after Jarrat's Return.

Its true, there was a Difference of four Miles in some of the Observations at Madam Corbit's; but from thence it cannot be inferred that the Instrument is erroneous, for if the Object Glass of the Telescope of the Instrument be not so plac'd, as that the Axis of the Glass is

coincident with the Rays of the Sun shining thro' the Telescope, there will be a Variance, which, to do exactly, is beyond the Art of Man to do; but what ever that differs from the Truth, may be found out by only inverting the Telescope, and the Difference between that and the former Observation halved and added to the least, and subtracted from the greatest, gives the true Observation, which every one that is tolerably versed in the Knowledge of Glasses knows to be true, and this Method was followed at Mackhacamack; and Capt. Jarrat acknowledges this to be the Reason of the Variation, but can't conceive what's so notoriously known; and James Alexander, does positively say, that he has observed with all the Parts of that Instrument, and that the Mean of the several Observations at the same Place of the Quadrant with the Telescope both Ways, doth not differ one from another above one Minute and a Half: What they say is evident beyond Contradiction, is ridiculous in itself, and proves, beyond Contradiction, that the Petitioners know nothing of the Matter; for the Difference of the Observation between the Fishkill and Madam Corbit's no more prove that the Partition Point is placed four Miles to the Northward, than it does, that it's four Miles to the Southward.

We presume the Petitioners don't know the Difference between Radius and Diameter, for many of them have seen it, and could never mistake so far as to call Twenty-two inches Radius as that Instrument is, but Twenty-two Inches Diameter, if they did.

As to Arguments offered against the Act, we know not what they are, but if we may depend upon the Information of those who, we believe, knew much more of that Matter than any of the Petitioners, they are not esteemed of Weight sufficient to answer the End intended by them, and are in no likelihood of procuring the Repeal of it; and we are induced to believe our In-

formation, not only from the Nature of the Act, but from the conduct of the Governor, who would not have recommended the passing an Act of the like Nature to the Assembly of this Province, had he been under the least Doubt of the Disapprobation of that at New-York; nor do we conceive the Consequence attending such Repeal, with Respect to this Affair, can be any other than refunding into the Treasury, the Money spent on this Occasion; for we presume the Lines and Boundaries of this Government may be ascertained, without the Consent of that Assembly, if any Persons will be at the Charge of it; and that your Honour, or such Person as shall be instructed with the Government of this Province, will be both willing and able to protect us in the Enjoyment of our Civil Rights.

They say, that by running the Line, the Petitioners will be in Danger of being encroach'd upon: Being in Danger of being encroach'd upon, is a Reason they should have blushed at: If they could have made out they should be encroach'd on, it might have had some Weight; but surely they never could so far flatter themselves, with the Hopes of putting a Stop to an Affair of this Consequence, by their being in Danger of being incroach'd upon, except they had good Assurances, that, say what they would, it should be effectual, as we are pretty well assured they had, and shall be represented in its proper Time and Place: The Petitioners cannot say, they would be incroach'd upon if the Line was truly run, they making no Pretence to Land in Jersey; so that they durst not offer that; and if it was not truly run, Jersey might be in Danger of being incroach'd upon, as well as the Petitioners; and the natural Petition on that Head should have been, that the utmost Care should be taken to run it truly, and not to put a Stop to it.

They make a Flourish of the Justice and Indulgence of the Crown; which, we make no Question, all his

Majesty's good Subjects will, at all Times, feel the proper and good effects of, according to their Demeanour; but what they mean by Justice and Indulgence here, is the Conduct of the Person Governor of New-York at that Time, and is quite different from what they are pleased to call it; and we persuade ourselves, to just and impartial Men, will appear to be what it really is; to make which appear, we humbly pray, your Honour to receive the following Information; Some Dutch Farmers wanting Land, pitch'd upon a Place called Tapan, and applied to Col. Dungan; who being informed, the Land they had pitch'd upon, lay mostly in Jersey, used his Endeavour to alter the Station, by him so solemnly agreed on, and prevailed on the Surveyor of York and West-Jersey, to join in making the Report, in the Year 1686, mentioned before; to which they could never get the Surveyor of East-Jersey to join: After, or about the Time of that Report, he grants the Lands desired, to the People of Tapan, for the Consideration they made him; which Lands lay mostly in the Jersies; and they settled down by Virtue of those Grants, and by the Countenance of that Governor (who had the Vis major,) held them, and do so to this Day. Some there were who held Lands by Jersey Rights within this Grant, and these were forc'd to comply, and take new Ones from that Government, which he gave for the full Quantity they held before; but to one of them, who held from Jersey a considerable Tract of Land, which would interfere with his Grant to Tapan, and who he was loth to dispossess altogether, lest it would shake his new Settlement, and bring the Validity of his Titles in Question, and thereby lay him under the Necessity of refunding the Money he receiv'd, he made a Grant for the whole Land; and both the Patents of Tapan and Lockarts lying in the Office together, he ordered a Day's prior Date to be put to the former, which was not discovered till long after; and so

they hold the Land to this Day: And what Disputes that has occasioned between Corbet and Meritt, is no Secrett. This giving away of the Jersey Lands, contrary to the most solemn Agreement made by himself, as before, and in this Manner, is the so much magnified Justice and Indulgence; and how far it deserves those Epithets, may one Day be determined.

They come at last to Proposals, and offer to be at half the Charge of an Instrument proper and large enough, to be approved and attested to be true and correct by able Artists, and the Obliquity settled, &c. As to the Obliquity, enough has been said already to shew the Weakness of that poor Pretence; and as to the Instrument, they neither tell what Instrument they mean by a proper Instrument, nor how large is large enough, nor who these Skilful Artists shall be that are to try and attest it; but having reserv'd to themselves a Power of adding, altering, or amending, we suppose, they'll think that Reservation gives them an Authority proper and large enough to make Use of when this (none-such) Instrument arrives, to render it as wholly ineffectual for the Purposes of ascertaining the Station, as they have endeavour'd to do this; for there will be a Necessity of certifying, that these are skilful artists; and those that certify them such, will need another Certificate, to certify their Judgments that so certify, and so on; and notwithstanding such Certificate of the Correctness of the Instrument, it wont be safe to proceed upon it till its tried here, and known to be so or how to correct the Errors of it in Case its not; and if so, such Certificate is needless; and with this good Instrument there may and will Differences happen in the Observations in different Parts of the Instrument; and all that can be said on it (though confess'd to be true) will not prove satisfactory to any person resolved not to proceed, and one Stroke of Cant, that he cannot in Conscience proceed

to determine the Latitude by it, overthrows the whole Affair, and puts Things in the same condition they are at present; which is all that we expect from the Petitioners, or their proposals; though we shall be always ready to comply with sincere, just and practicable Proposals, whenever they appear from the Petitioners or any else, some of which we think to be, that the Commissioners and Surveyors proceed according to the Directions of the Legislature, their Oaths and Commissions, till they finish the Work; and if any or all of these will not or cannot proceed, that some others, more willing, able, and knowing, be sought out, that both can and will; that the Commissioners and Surveyors of the Provinces concerned in the Station-Point on Delaware, meet, and try to find the Defects of the present Instrument (if any such there be) and if they can, amend them, and rectify any Error occasioned by them; that if they think it impracticable by that Instrument to determine the Latitude, that then they stop their Proceedings till they get one by which they can; but that it be not Stopt upon the bare Whim or Credit of any one Visionary among them: These Proposals are what we humbly conceive to be just and reasonable, and what we hope will be complied with; but if the Opposers of this good Work persist in their Endeavours to defeat and elude the good Intent of those Laws made on that Behalf, and a Stop is put on the Side of New-York, without the Consent of the Rest concerned; we become humble Suppliants to your Honour, that it may be done on the Part of Jersey, for which we shall be ready and willing to defray the Expence.

As to Capt. Jarrat, his whole Conduct while concerned in that Affair, gave but too visible Indications of his Attachment to that Party, whose Endeavours have been to prevent the Running of those Lines; so that little less was expected from him than is come to pass;

and we refer him to that Conscience he seems so tender of, which will not fail faithfully to lay before him the true Motives that prevailed upon him to make that Pretence; and with as great a Deference to him, as he has to that, take Leave to observe, that Tapan Creek does not lie two Minutes to the Northward of the place of Observation, we are informed, hardly one; and that Younkers Mill lies about six Miles to the Southward of it, as we are informed; and if so, even this Extream of between two or three Minutes to the Southward of the Place of Observation, cannot reach these Mills: This is a Matter he can easily determine, if his Conscience is not disposed to contradict his Eyes.

Notwithstanding that Capt. Jarrat says, there is a wide Variation in the Observations, to wit, of between 4 and 5 Minutes, yet he is careful to avoid saying, that the Instrument is erroneous; for he is sensible, that the best Instrument that ever was, may differ twice that Number of Minutes in the Observations, and at the same Time be perfectly good, (viz. as good as Man's Hands can make it,) for its ten Thousand to one, if the Glass-Grinder, do so grind the Object Glass and center it, and the Instrument-Maker so place it in the Instrument, as to make the Axis of the Glass perfectly coincident with the Rays of the Sun; which if they do not exactly, (and to say its exactly, is beyond human Art) there must be a Refraction of the Rays; which made Astronomers, as particularly Bulialdus, upon the first Use of Telescopes, to such Instruments, say, that glasses were not at all fit for such Instruments, because we could never know, whether the Ray came directly or refractedly to our Eye; and, no Doubt, they would have soon been disused, if a method had not been found out to discover that; which since has been, and which perfectly shews, whether a Ray comes directly or not, and (if not) exactly, how much it is refracted; and that is, by

having the Telescope moveable, so that if by looking thro' it, one Way you find your Object of one Height, so much as this is too high or too low, you can find out, by turning the opposite Side of your Telescope uppermost, and looking again to the Object; now so much as the Object appeared too low the first Way, so much must it appear too high this Way, et e contra; and of Consequence, the Difference between the two Altitudes is twice the Error, which halved, and added to the least, and subtracted from the greatest, will give the true Altitude, as well as if the Rays had come directly to the Eye.

Now Capt. Jarrat is sensible, that this is the Cause of the Variation of the Observations, and has owned, that that Method of correcting, which is so plain in itself, and which every one that has any tolerable knowledge in Glass, knows to be perfectly true, is true in Theory, and to be used in Astronomy, for one's own private Satisfaction; but thinks its not to be put in Practice in this Case, not because it will not do, and discover as truly the Latitude sought, as if it was perfectly correct, but because he is pleased to say, some Estates are at Stake, so that if he should determine with that Instrument, he might be liable to future Reproaches of being bribed or byass'd; and therefore desires a larger Instrument, not to determine the Matter with more Truth, but to vindicate himself from the Aspersions of being bribed or byass'd; what suggested that Thought he best knows, and from this we may guess, how likely the Success is to answer the Expectation.

We are not surprised at this from him, but very much so at the Report of the Gentlemen of his Majesty's Council of New-York, who advise that Jarrat should be directed to certify, by some Instrument under his Hand and Seal, that the Station pretended to be fix'd at the Fishkill, is wrong and erroneous, to

that End, that Province might not, at any Time, receive any Prejudice by a tripartite Indenture, executed by the Surveyors and Commissioners, &c. before the Defects was discovered.

The Reasons which, upon the whole Matter, induced them to give this Advice, are as extraordinary; and with due Deference to the Characters of those Gentlemen, amounts to no more than an implicit Dependance on Jarrat's Word, without any Proof or Reason given for the Truth of what he says.

That is to say, Jarrat who was made Choice of, as the ablest Mathematician, has, by the Declarations in his Petition, and Assurances before them, Complained of the Defect of the Instrument.

And has also declared, that the Methods proposed by Mr. Alexander, are not satisfactory to him.

We humbly submit to your Honour's Judgment, whether this is any more, either in Words or Meaning than that Jarrat said so; Jarrat says the Instrument is defective, and that he is not satisfied with the methods proposed by Alexander; (and therefore) is this ground sufficient to set aside all that has been done, and elude the good Intentions of two Provinces, upon the Credit of a Man, which, for any Thing they know, may be in the Wrong, and in all Probability is so? They say, he declared so in his Petition, and assured them so; there is nothing like it in his Petition, and Alexander protests, he does not remember that ever he told them so; he, indeed, tells them of wide Differences of Observations, but that does not prove a Defect in the Instrument; that may happen many Ways, and the Instrument be good enough. Has Jarrat said, these Differences proceed from the Defects of the Instrument? or given them any Proof that it is so? Or will he presume to say so? If he does, we desire he may be ask'd upon his Oath, (for his Conscience may get the better of his Memory) whether he took any of

these Observations himself at Corbet's, that made this Discovery, or saw them taken? or knows any Thing about them, but by Information from another? And we advise him in this Case, to have some Regard to his Memory; because there are Men alive, that knows in what Part of the Province he was at that Time; and we desire these Honourable Gentlemen, together with their Petitioners, and Mr. Jarrat, to give any Proof if they can, that this Difference of Observations, proceeded from the Defect of the Instrument, and not the Mistake of the Observator; and such a Mistake that, for any Thing they do, or can know, might have been rectified by the Penetration and quick Sight of their able Mathematician Jarrat, had he been present: And we humbly submit it to the calmer Consideration of these Honourable Gentlemen. whether it had not been more prudent, as well as just, when that pretended Discovery was made, to have referred it to the Examination and Report of the Commissioners and Surveyors of all the Parties concerned, who were instructed with it, and whose proper Business it was, than to have made a Report themselves, with so much Precipitation, in a Matter that not one Man of them are competent Judges of.

These Commissioners and Surveyors were upon Oath; and if upon Examination; they had found, that the Station had been wrong fix'd, would have rectified it; and in Case the Instrument had been so defective, that they could not with it, do what was intended; they would have said so; which would have been authoritative and conclusive: But further, Jarrat declared, what Alexander said was not satisfactory to him; it may be so, nor to the Gentlemen before whom he was; this is a very grave and short Way of answering any Thing: But can these Gentlemen be assured, that Jarrat spoke Truth, or what that Dissatisfaction proceeded from, whether from Want of Argument on

the Side of Alexander, or Capacity on the Part of Jarrat? If they say the first, then they needed not to have used the Authority of Jarrat's Declaration, but have determined upon their own Judgments; which we presume, would have been upon better Reasons than a Say so.

Such are the Reasons, and the Advice is correspondent; they advise, that Jarrat be directed under his Hand and Seal, to give the Lye to himself, and all the Parties to that Indenture; and upon his single Authority to certify, that the Station at the Fishkill (which they already call a pretended One) is wrong. Here are two Acts of Assembly that make the Determination of the Parties to that Indenture, binding upon both Provinces: Here is a Committee of the Council of one Province take upon themselves to overthrow this, by a Certificate of one Man, (without Proof or Colour of Reason but his say so; and that, as he must own, not from his own Knowledge, but from the Information of another) to make that Determination binding upon neither; how far the Success will answer these Endeavours, Time will discover.

Mr. Alexander being present at the Committee, we have desired him to say what he thinks proper to these Matters, and is as follows:

'James Alexander declares, he does not remember 'that ever Capt. Jarrat said upon the Spot, that he 'could not rectify the wide Errors of the Instrument, 'nor take upon him to fix the Station by it, the same 'varying so much in it self: He remembers indeed, 'that he was very capricious in this Matter ever since 'he went to Mahackemack, and especially after the 'News of his Excellency's Departure, laying all the 'Blocks in the Way that ever he could invent, making 'Mountains of Mole-Hills, as in this Case: And whatever Dissatisfaction he shewed with any of the Obser-

'vations when he came down to York (after the last
'Observation he ever took with it) he declared himself
'to be perfectly satisfied with the Instrument, and per-
'fectly to understand how to reconcile the Observations
'which was upon Thursday the thirteenth Day of
'August; and we expecting the Commissioners up the
'next Day. I was very loath he should go down to
'York; but he said, he wanted no more Observations,
'and that the next Day he would come up with them,
'and settle the Station: But Capt. Walters being sick,
'the Commissioners thought fit to delay the Time of
'meeting for a Week; so upon the Monday he came up
'again, and paid me the Compliment of saying, he just
'came up to acquaint me of it, and to bring me down:
'Mr. Willocks being there, we three adjourned the
'Time of meeting till the Seventh of September; and I
'went down to York with Capt. Jarrat; and we carried
'the Instrument along with us, having no further to
'do with it there, he seeming still perfectly satisfied, as
'before; In the Beginning of September, I saw him sev-
'eral Times, and he having the Gravel, declared, as soon
'as he was able he would be ready to go up and finish
'the Work: And I never heard of any dissatisfaction
'he had, 'till Col. Hicks came to Town for to go up on
'the Line about the Seventh of September; and I then
'being sick, Col. Hicks and Capt. Walters came to see
'me, and told me, that Jarrat was in another of his mad
'Fits, and was saying to every Body the Instrument
'was erroneous, and that it differed four or five Minutes;
'I told them, that I knew, and he knew that long ago,
'and that the Instrument was not one Pin the worse of
'that; but I could scarcely think he was in earnest.

'And further, I being present at the Committee of
'the Honourable the Council of New-York, I don't re-
'member, that Capt. Jarrat said further to the Com-
'mittee concerning what he told me at Mrs. Corbet's,

‘than that he was dissatisfied with these Differences, and that he told me of it before several People; and I think it was upon Interrogatories afterward made by the Committee, that he declared, he could neither rectify the wide Errors of the Instrument nor take up on him to fix the Station by it.’

Whenever another Instrument of five or six Foot Radius does come, tho’ at the same Time it be a very good One, I could venture to lay the Price of that Instrument with Capt. Jarrat, there will be four or five Minutes Difference in the Observations that shall be taken by it; and for the same Reasons then he cannot adventure to settle the Latitude by it, and of Consequence never.

It is impossible for the Art of Man, to make an Instrument perfectly true and correct; and if the Line be stay’d till one be certified to be so, by able and skillful Mathematicians from Great Britain, it will be stay’d for ever; for the most that able and skilful Mathematicians can do, is to find out the Errors of it, and give a Table of Equations, how to correct it; which Capt Jarrat, if he will but take a little Pains, may easily make himself, for this Instrument; and for the same Reason that Capt. Jarrat wants one now, of 5 or 6 Foot Radius; when such a one comes, he has as much Reason to say, the Work wants one of 11 or 12 Foot, and so on to 23 or 24 Foot Radius.

Upon the whole, tho’ it must be confess’d to be the Interest of both Provinces, that these Stations be fix’d, and the Lines ascertained; yet, we think, they ought to be done with Justice and Truth on both Sides; and it being possible there may be a Defect in the Instrument, tho’ no Manner of Proof yet appears for it, we hope the Council, who have not yet approved of the Report of the Committee, will suspend any Approbation of it, till the Commissioners and Surveyors have examined into the Matter, and made their Report on

it, and that they do it with all proper Expedition: This, we pray, your Honour will be pleased to signify to them.

By Order of the Council of Proprietors,

J. BARCLAY,

Dep. Reg.

PERTH-AMBOY, October 12, 1719.

NUMB. 5.

NEW-YORK, July 7, 1740.

Gentlemen,

Having been informed, that the Governour of the Jersies has lately erected a new County in his Province, called by the Name of Morris County, which extends its Bounds beyond what this Province esteems the Division Line between the two Governments, so as to comprehend within it, great Part of the Lands called the Minisinks; and has accordingly commissioned Officers, Civil and Military, within that Precinct, which has caused great Disturbance amongst the Inhabitants there; and that several Persons, who have long been settled there, under Grants from this Government, have been threatened to be turned out of their Possessions, under Colour of such new erected Jurisdiction.

And further, that it has been insinuated, by some ill-designing Persons, as if I had acknowledged, that the Minisink Lands, or great Part thereof, did belong to the Jersies; by Reason whereof, you have been intimidated from exercising your Authority there; I hereby acquaint you, that the said Report is false and groundless.

And these are to signify to you, that I expect you will do your Duty strictly in the Preservation of the Peace, and Exercise of your Authority, in the same Manner as has been done for these Twenty Years past and upwards, till the Division Line between the two Col-

onies may be finally fixed and determined: For the doing whereof, I shall use my utmost Endeavours, with all possible Expedition.

I desire you'll send your Receipt of this my Letter, by the first Opportunity, to,

You very Humble Servant,
GEORGE CLARK.

To William Cool, William Cortragt, Peter Cickendall Esqrs; Justices of the Peace for the County of Orange, in New York.

NUMB. 6.

TRENTON, April 10, 1746.

Sir,

Inclosed you have a Memorandum of the Matters which a Committee of the Council of Proprietors conferred with you upon, with a Relation before it, of our Powers to answer, reply, &c. to the Claims of the New-York Gentlemen, concerning the Line between New-York and New-Jersey, of which you'll be pleased to impart a Copy of to them, and desire their speedy Answer, to be imparted to us for our Reply.

We beg also, that you would endeavour with them, to stop Proceedings at the Suit of Westbrook against Abraham Vanaken; for that Matter whereof the said Westbrook was indicted in New-Jersey, and there for some time committed, viz. distraining for Taxes to New-York, in a Place far within New-Jersey, and in which he was opposed; and for that Opposition he sued Vanaken in an Action of Trespass, Damages £19, in Orange County Court, and in which its said he got a Verdict at the last Court of that County; and not satisfied with that, he has employed John Crook, of Esopus, to commence another like Action against Vanaken and his Wife, for the Wife's Opposition on that Occasion; as by a Letter from Mr. Crook to Vanaken, now before

us, appears: We are well assured, that the Place where Westbrook attempted to distrain for New-York Taxes, was far within New-Jersey; and if so, then Westbrook was justly indicted, and Vanaken and Wife are absolutely justifiable in opposing that Distress; and Westbrook ought to remember how he got quit of the Jersey Indictment against him, and out of Goal there, viz. by an Agreement between the Attorney General here, and Col. Matthews, on Terms of Keeping the Peace in those Parts, until the Line could be settled; but no sooner was Westbrook delivered, but the Persecution was renewed, the Agreement laughed at, and Westbrook brought the Action against Vanaken first before mentioned, and now is about to bring a Second for the same Thing.

We beg also, that they would dissuade Col. Dekey from putting his Threatenings in Execution, mentioned in the Memorandum; especially as the Plantation he lives on, extends, we are well assured, above six Miles into New-Jersey; and that such a Line as would leave his Plantation in New-York Province, must hit pretty low down upon New-York Island, to which we never, as yet, heard of one to pretend that the Line would come.

We beg also, that they would persuade Jacobus Swaartwoot, to be more moderate, and to avoid renewing Provocations and Abuses on the People living in New-Jersey.

We are in great Hopes, that if the New-York Gentlemen will accept of your Mediation in this Affair, that that which has been for many Years a Bone of Contention between the two Provinces may be removed, and that the Line may be amicably settled.

We are, Sir, Your humble Servants,

JAMES ALEXANDER,
ROBERT H. MORRIS,
SAMUEL NEVILL.

To Joseph Murray, Esq;

Whereas on the 25th Day of March last, Mr. Chief Justice Morris reported to the Council of Proprietors of East-New-Jersey, from the Committee to whom it was referred to confer with Mr. Murray, concerning the Causes relating to the Line between New-York and New-Jersey, That they had conferred with him long on that Subject; and laid before the said Council, a Memorandum of the Points insisted on with Mr. Murray, containing, particularly, an Offer in Behalf of the said Council, to lay before him their Reasons for supporting the Line, as its esteemed, to the North Partition Point settled in 1719, if the Gentlemen of New-York would lay before him their Pretensions against that, and to any other Line.

Whereupon it was ordered by the said Council, That Mr. Chief Justice Morris, Mr. Alexander, and Mr. Nevill, or any Two of them, be a Committee, with Power to transmit a Copy of the said Memorandum to Mr. Murray, in order that he may give a Copy of it to the York Gentlemen, for whom he apprehends he was first retained; and if they will, according to the Proposition in the said Memorandum, lay their Pretensions in Writing before Mr. Murray, then, with Power to answer, reply, rejoin, &c. as they shall think reasonable, to what shall be offered on the Part of New-York.

In Pursuance of which Reference, the said Committee hereby transmit a Copy of the said Memorandum to Mr. Murray, for the Purpose aforesaid.

Memorandum of the Points conferred on with Mr. Murray, by a Committee of the Council of Proprietors of East-Jersey, on Saturday the 22d of March, 1745-6.

As the said Proprietors have brought an Ejectment on the Demise of Nevill against Thomas Dekey, for Lands far in Jersey, by any Line that ever they heard, with any Colour of Truth and Reason, was pretended to; and have requested Mr. Murray's Assistance as Council therein (upon a general Retainer for them

upwards of twenty Years) by Letter of June 7, 1745, inclosing a Bill of £3, Proclamation; and Mr. Murray delays assisting them in that suit, lest it interferes with another Retainer concerning the Line of York and Jersey, by some gentlemen, which he suspects may be prior to the Proprietors Retainer.

Mr. Murray is now entreated, as often before, to search for that Retainer, to know its Date, to see whether it be prior, and its Purport, to see how far he is thereby retained, for surely, if prior, it ought to have some Limitation. For Example: Suppose they should claim the Lands of Courtlandt's Heirs, four or five Miles within New-Jersey, lately tried, would he think himself bound, by that Retainer, to Support that Pretence of those York gentlemen? If not, then whether that Retainer can extend to support their Claim of Lands as far within New-Jersey?

Again, if these Gentlemen's Retainer was prior, and they take Steps concerning that Line, not advised by him, but cruel, barbarous and unlawful in themselves; does he conceive himself bound by that Retainer, to support, defend and justify them in those cruel, barbarous and unlawful Steps?

Example: Mr. Wileman some Years ago, having served eight Declarations, in Ejectment, on his Demise, in the Name of Bayard, upon People living at Romopock, within New-Jersey, to appear at Orange County Court; in those Cases the Proprietors thought Mr. Wileman had done nothing amiss, but taken a legal Course; and it is believed, that with Mr. Murray's Advice in Behalf of the Proprietors, those Causes were removed to the Supreme Court of New-York, by Habeas Corpus, and Pleas of the Jurisdiction of Jersey, in those Causes pleaded; and tho' Mr. Murray staid some Time before he assisted, yet it seems he did not think that Retainer for the York Gentleman, extended to those Causes.

Now, that Ejectment against Dekey, is for Lands as far in Jersey as some of those of Wileman's were, and it was as lawful, at least for them to bring that one Ejectment without Offence to anyone, as it was for Mr. Wileman to bring the said eight Ejectments: But yet the Person whom the Proprietors employed to do that lawful Act of serving that Declaration, was most barbarously used, was struck, threatned, bound and pinioned, and carried to goal as a Criminal, by Mr. Dekey himself, and his Sons and others, and committed, without any Warrant, to Goshen Goal; and after he had been many Hours in Goal, no Cause of Commitment appeared; but a Writ of Trespass upon the Case, Damage £1000, at Suit of Dekey, procured many Hours after the Commitment, in Hopes, as is supposed, by holding him to Bail in that excessive Sum, that he must have long lain there; and in which goal the Man did lye, while an Express was sent to Mr. Ogden, the Attorney on Record with an Account of his Usage, and until Bail was procured in Orange County for the Messenger, in that large Sum.

Mr. Murray is begged to consider, whether the Retainer of the York Gentlemen extended to justify them in such Actions; and if not, that he would give his Assistance, in defending the messenger of the Proprietors, against that Sham-Action on the Case, and in procuring Satisfaction for the said barbarous and unlawful Usage.

The said Thomas Dekey, being Colonel of the Militia of Orange County, has of late summoned several People, settled in New Jersey, at least fifteen miles within the Line, to come and train under him; and threatens, if they do not, that he will distrain them for their Fines, by the Laws of New-York, tho' those People have been listed several Years in the Militia of Jersey, as by a Certificate of the Captain with whom they were listed, may appear.

Mr. Murray is begged to consider, whether he conceives his Retainer will extend to oblige him to justify Mr. Dekey, should he actually distrain those People; and whether that Retainer would oblige him to justify them, if they came to distrain at Bergen, which will sooner fall into New-York, than the place where these People live.

Mr. Dekey also threatens, that if any Jersey Surveyor, comes to the Place where those people live, to survey the Lands, that he will commit him to Orange Goal.

Does Mr. Murray think his Retainer extends to justify Mr. Dekey in that?

A Justice of the Peace, living many Miles within Jersey, was apprehended, brought to Orange Goal, committed and indicted, and lay there long confined, to his great Damage; and all this for no other Cause, than that he exercised the Jurisdiction of a Justice of the Peace, in New Jersey; but they say, the Place is in New-York; but it's supposed, that Newark will fall sooner into New-York, by the Line, than the place where that Justice exercised his Authority.

Does Mr. Murray think his retainer, if prior, extends to justify them in those doings? or does he conceive himself, bound by the Retainer of the Proprietors of East-Jersey, to assist them in procuring Redress for that injured Man?

A Jersey Constable, executing a lawful Warrant within Jersey, was pursued, fired at, his Horse shot under him, apprehended, and carried to Orange Goal, for no other Cause, and lay long there.

Does Mr. Murray think his Retainer, if prior, extends to justify also that?

The Rioters of Newark, give out, that Col. Dekey, is in strict League with them, and has engaged to bring his Regiment to Newark, or any where else in Jersey, to their Assistance, when required. Mr. Murray knows,

that those Riots have been committed in Opposition to the Title of the Proprietors of East-Jersey.

Whether in Case of Proof of such League with, and Promise of Col. Dekey, Mr. Murray will think himself bound, by his prior Retainer, (if such be) not to assist in bringing Col. Dekey to Justice, for such League?

There are Multitudes of other Instances of Cruelty and Oppression committed within these four Years, by the Instigation of Thomas Dekey and Jacobus Swaartwoot, within New-Jersey, and so far within it, as that Bergen will sooner fall into New-York, by the Line.

Does Mr. Murray think his Retainer, if prior, obliges him to justify all those Cruelties? and if not, will he assist the Proprietors, in obtaining Redress for those injured People, and all who shall so be injured for the future?

The Proprietors have brought another Ejectment on Demise of Nevill, for Lands, as far in New-Jersey, as the Lands of the Heirs of Courtland; but pretended to be within Honan and Hauden's Patent, and in which, they requested Mr. Murray's Assistance, as Council, by the said Letter of June 7, 1745.

Does he conceive his Retainer, from the York Gentlemen, if prior, obliges him to defend that Action for them?

As the Proprietors of East-Jersey, have, ever since their said general Retainer, upwards of twenty years ago, chiefly relied on Mr. Murray, in all their Causes; they hope, that by any prior Retainer, concerning the Line of New-York and Jersey, if any such should be, that it will not be extended further, than what appears plain by it, to be the Intent of the Persons retaining, discovered to him, who was thereby retained at the Time; which the Proprietors are sure, Mr. Murray would never have accepted to justify them in any Ways of Oppression and Cruelty; and, therefore, can never be bound,

by such Retainer, for them, in the said cruel and barbarous Causes.

Nor would Mr. Murray ever accept of a general Fee, to defend them in whatever Line they should be pleased to pretend was the Line of York and Jersey, but in such Line only as they should, with Reason and Justice, claim to be the Line; and in all rational Steps for having that Line established; and in that, the Proprietors of East-New-Jersey, will most heartily join.

Wherefore it's submitted, in order to determine the Extent of their prior Retainer, if any such be, whether they should not deliver to Mr. Murray, in Writing, their Claim, where they would have the Line, with their Reasons for the Support of that Claim? That Mr. Murray, should communicate that Claim and Reasons to the Proprietors of East-Jersey, for their Answer, and that Answer to the York Gentlemen for their Reply; and so to Rejoinder, Surrejoinder, &c. till Mr. Murray is satisfied, what Line is just for the New-York Gentlemen to insist on, and so far (if their Retainer be prior) to assist them in all lawful and reasonable Means, to have that established; and beyond that, to assist the East-Jersey Proprietors against their Encroachments: This Method the Proprietors will most readily join in, for Mr. Murray's Satisfaction; and, it's humbly conceived, the York Gentlemen ought, in like Manner, to comply with it.

By Order of the said Committee,

LAUR. SMYTH, Clk.

NUMB. 7.

NEW-YORK, November 13, 1753.

Gentlemen,

Finding by an Advertisement in the News-Papers, that the Owners of the Minisinks Patent, and Wawayanda Patent, are desired to meet here at this Time: I,

as an Owner of 3-46 of the Minisinks Patent, formerly Fauconier's; and an Owner of a small Share in Wawayanda Patent, formerly Augustus Oldfield's; thought it my Duty to attend, to give the best Assistance in my Power, for the mutual Benefit of the Owners of those Patents.

I do not know, that I shall differ in Opinion from the rest of the Partners, in any one Point, but concerning the Line of East-New-Jersey, on which those two Patents bound; and on that Point, I believe, we shall differ so much in Opinion, that you won't incline that I should be present at your Deliberations on that Head: Wherefore, as soon as you think of entering on that Point, I shall withdraw, and leave you some of my Sentiments in Writing, on that Matter, which, I believe, will be no Prejudice to the Partners of those Patents, seriously to consider.

Gentlemen,

The North Partition Point of New Jersey, on Delaware, being fixed in 1719, the Surveyors and Commissioners, made an Estimate of the Course that the Line would run, from the North Partition point on Delaware, to the Partition-Point on Hudson's River; which Line, by their Order, was run and mark'd, and the Measure of the Whole was nearly 75 Miles, of which three Miles is abreast of the Patent to Hardenbergh and Company; 32 Miles, I esteem, it runs along the Minisinks Patent; 16 along Wawayanda Patent; 16 Miles more along the Patent of Cheescocks, and the remaining eight, along Honan and Hauden's Patent, and the Patents of Tapan: I take even Numbers of Miles, and neglect the Parts of Miles

Of Minisinks Patent, I am Owner of 3-46, as before; and of Cheescocks Patent, I am Owner of 7-28; and these two Patents extend, as before, 48 Miles of the 75 along the Line; so that, tho' I am greatly concerned,

that the Line should be settled some Way or other; yet it very little concerns my particular Interest, whether it be settled as was judged in 1719, or even 50 Miles lower down; the Difference of my Interest, on the Jersey Side or York Side, I do not esteem equal to my Proportion of the Charge, that the settling of that Line has cost, and is like to cost.

In which I am something oddly circumstanced, as I voluntarily contribute my Proportion in New Jersey of the Charge, of endeavoring to have the Line settled, and am compelled in New-York, to pay my Proportion of the publick Taxes, applied for hindering the Settlement of the Line.

The keeping that Line unsettled, as it's a vast Prejudice to East-New-Jersey, so, I think, it's not much less prejudicial to the Owners of New-York Patents, along the Line; and more especially to the Owners of the Minisinks Patent, which is suffered to lie undivided, and of very little Value to the Owners, tho' it contains, by my Estimation, above 200,000 Acres of Land, were the Line of New-Jersey fixed, according to the Observations of 1719.

To me, Gentlemen, it would seem worthy of your Consideration, to enquire, and be satisfied what that Line is? what have been the Causes that that Line has remained so long unsettled? what have been, and are the Obstructions to it? and how, and by what Means, those Obstructions may be justly removed?

As to what that Line is, the Deeds from the Duke of York, first to Lord Berkley and Sir George Carteret, and afterwards to the Proprietors of New-Jersey, in 1664, 1680, and 1682-3, all say of New-Jersey, that it 'hath upon the West, Delaware Bay or River, 'and extending Southward to the Main-Ocean, as far 'as Cape-May, at the Mouth of Delaware Bay; and to 'the Northward, as far as the Northermost Branch of 'the said Bay or River, which is in 41° 40' of Latitude,

‘and crosseth over thence in a streight Line to Hudson’s River, in 41° of Latitude.’

As to the Cause of it’s not being run, I find, that in Year 1719, the Settlement of the Line was stopp’d upon an Allegation of Allen Jarret, the Surveyor for New-York, that the Instrument was not good; for that some Observations by it differed four Minutes from others, and that the North Partition-point was settled, to the Prejudice of New-York.

From that Difference of Observations, I conceive, it no Way follows, either that the Instrument was bad, or that the North Partition-point was settled to the prejudice of York, more than to the Prejudice of Jersey; but I allow, if it was wrong settled to the Prejudice of the one or other, it ought to be discovered, and if possible amended; and, with Submission I think it was the Duty of those who made that Objection, to have taken proper Measures to have proved the Objection, by getting a better Instrument and better Observers, to have discovered the Error, and then to have fallen on Means for the Correction of it: This the Gentlemen on the York Side then proposed to do, and the Gentlemen of the Jersey Side, not only approved of that Measure, but agreed to join in the Expence of procuring a better Instrument, and had many meetings with the York Gentlemen for that Purpose; but nothing was concluded on: And the Neglect, now for above thirty Years, of the York Gentlemen, of all proper Means to prove that Objection, is some Evidence, and no weak One, that they did not believe there was Truth in the Objection.

Another Objection to the running the Line, was some Years ago, started, viz. That the Grants of King Charles II. to the Duke of York, were bounded by a streight Line, from the head of Connecticut River, to the Head of Delaware Bay; and that as great Part of New Jersey, was to the Westward of that Line, the

Duke of York's Grants so far of New-Jersey were void.

This Objection was soon after exploded, by a Pamphlet printed about three Years ago, entitled, *Animadversions*, by which it was shewn, if that Objection was good, it would cut off five Times as much from New-York, as it would do from New-Jersey; and I verily believe, that the Patents of Hardenbergh, Minisinks, and Wawayanda, are altogether to the Westward of that Line, and, consequently intirely void, if that Objection was good; but that Pamphlet shewed, it was neither true nor good.

Another Objection I have often heard, that the Line between New-York and New-Jersey was to go to what's now called the Forks of Delaware; as to which there was a Deed from the Duke of York to Sir George Carteret, in 1674, which granted to Sir George a very large part of New-Jersey, in Severalty whereas he was entitled then, only to a Moiety undivided: And Sir George, in 1676, being made sensible of the Invalidity of that Grant against his Partner Lord Berkley; departed from it, by making a Partition of the Whole, and giving up a great Part of what was contained in that Deed of 1674; which Partition was, in 1718, confirmed by Act of Assembly; which Act has the Royal Assent: There is some Words in that Deed to Sir George, that I believe, gave the first Colour for that Objection: But how that Deed of a Part of New-Jersey, should limit the Bounds of the whole Province, granted by Deeds, both prior and posterior; and what Right the Duke and Sir George had, without the consent of Lord Berkley, to make a Deed, in severalty, of any Part; and why that place now called the Forks of Delaware, should be meant by that Deed, rather than any of some Hundreds of other Forkings of that River, are matters that require some Proof: Without which, I suppose, the prior and posterior Deeds will be of such Force, as if no such Deed had ever been made.

That it hath not been the Fault of East-Jersey, but of New-York, that the Line has not been settled; I doubt not, but that the Proprietors of East-New-Jersey, will soon point out in their Answer to the Complaints of the Assembly of New-York in June last; which Answer, I am informed, is to be given to the Governor and Council of New-Jersey, at their next Sitting, which is appointed to be on the 21st Day of this Month: And in the mean Time, as I am one of a Committee of the Council of Proprietors of East Jersey, which has subsisted for about eight Years past, in order, if possible, to come to an amicable Agreement concerning that Line; I do herewith communicate to you, a Copy of a Letter and Paper from that Committee, delivered to Mr. Murray near eight Years ago, for that Purpose; which he declared he had delivered to some of the Gentlemen concerned on the York Side, for an Answer; and Mr. Murray was often by me called upon for their Answer, but so often was answered by him, that he had received none.

If you'll seriously consider that Paper, I doubt not you'll think the means therein proposed, were rational and amicable; and that would the Gentlemen of New-York, have opened their Ears to those Propositions, the great Charges and Trouble about that Line that both Sides have been since put to, might have been saved; and if they will still turn a deaf Ear to those Propositions, I believe the past Trouble and Charge about that Line, will be but little, compared with what is very likely hereafter to happen.

The Neglect of those Propositions for near two years after they were made, obliged the East-Jersey Proprietors to endeavor the obtaining the Act for running the Line exparte. After it was past, the Commissioners of New-Jersey invited the Government of New-York, in the most solemn Manner, to communicate their Objections, if any they had to it, in order to be

discussed and obviated: But a deaf Ear was turned also to that Invitation; which obliged the Proprietors of East-New-Jersey to send it Home for his Majesty's Approbation, now about five Years ago.

No one in Behalf of New-York, ever offered any Objection to the Act, either to the Proprietors of East-Jersey, or to their Agent in England, till the Hearing before the Lords of Trade; which hearing was, by the New-York Agent, got put off from time to time for four Years running, to the great Expence and Delay of the Proprietors of East-Jersey; nor upon the Hearing, was any Method offered or proposed by the New-York Agent, for settling of the Line; but insisted on the damning of the Jersey Act, and on the damning the Proceedings of the Year 1719, for the settling the Line: both which points he, in some measure, carried.

The Agent for the Proprietors of East-Jersey, I am informed, is endeavouring to have a Re-hearing before the Lords Committees for Plantation Affairs, against those Parts of the Report that affect the Proceedings of the Year 1719. I make no doubt he thought it his Duty and for the Interest of the Proprietors of East-Jersey to do it. But I much doubt if it be to their Interest to have that Part of the Report altered; because my real Sentiments are, that the Proceedings in settling the Line, as done in 1719, were to the Prejudice of New-Jersey; and that the North Partition-point of New-Jersey, is farther Northward than was then settled.

The New-Jersey Agent insisted, on the Hearing, That as all the Lands in New-York, for many miles from the Line, were already granted away, that the Interest of the Crown was no way concerned, whether the Line was settled according to the Observations of 1719, or for many miles on one Side or the other thereof. I believed that he could have made good that Assertion; but now I see, that the Lords of Trade have

discovered a Difference which neither the New-Jersey Agent, nor his Employers, I believe, thought of, viz, "We beg Leave to observe, that in Case of exorbitant Grants, with inconsiderable Quit-Rents, and where, consequently, it may reasonably be supposed, that the Crown has been deceived in such Grants by its Officers, your Majesty's contingent Right of Property, in Virtue of your Seignury, seems rather to be enlarged than diminished."

May it not from this be suspected, that if the Line Should be settled much further Southward than the Line by the Observations of 1719, some of the New York Patents along the Line may be in Danger of being deemed exorbitant.

From whence it would seem to me, by damning the Proceedings of 1719, the Patents of Minisinks and Wawayanda, are not a little endangered.

1st, By being all, or a great part thereof, included in New-Jersey, upon a new Settlement of the Line.

2dly, If the Line be settled much Southward of that of 1719, of being deemed exorbitant Grants.

Again, if the Proceedings of the Year 1719, be damned, I do not see how its possible to preserve the Peace of both Provinces, without agreeing upon some temporary Line, both of Property and Jurisdiction, or something tantamount, until the Line be finally settled; which temporary Line, in my humble Opinion, ought to be agreed on, with Salvoes of the Right, Property and Jurisdiction of both Sides, and even of the mean Profits; and I am well assured, from my Acquaintance with the Sentiments of the Council of Proprietors of East-Jersey, and from their never recalling the Powers of the said Committee, whereof I am one, that they will most readily agree to any rational Measures that can be proposed for that Purpose.

It would seem to me also, that a Committee chosen by the Owners of the Patents of Minisinks and

Wawayanda, to treat with a Committee of the Council of Proprietors of East-Jersey, with the Propositions of both Sides in Writing, and with a Mediator to be agreed on, for fixing the temporary Line, the Preserving the Properties and Claims on both Sides, and answering for the mean Profits, and for the Means of finally settling the Line, would be the most probable Way to attain those good Ends, and in the mean Time to preserve the Peace.

These, Gentlemen, are my Sentiments, which I heartily recommend to your Consideration and Resolutions on them.

I intend, in two or three Days, to set out to meet the Council of Proprietors of East-Jersey where, possibly, this may be a Subject under their Consideration. If any thing you resolve on in Consequence of this, and acquaint me of it before that Time, I will readily communicate it to them.

I am, Gentlemen,

Your most Humble Servant,

JAMES ALEXANDER.

Affidavits of John Herring, Rich^d Gardner & Peter Decker relative to an Assault made on them by Thomas Dekey & Sons on the 20 July—received from Robert Hunter Esq^r by the Lords of Trade in his letter dated 31st March 1754.

JOHN HERRING, of Newtown, in the County of Sussex, and formerly In Morris County, In New Jersey, aged fifty six years, as he Believes, In October last, being one of the people called Quakers, duly affirmed, according to Law, on his Affirmation declared, that, on the Twentyeth day of July Last, about Two in the

afternoon, Being a horseback, rideing, peaceably, in the highway, Leading from Goshen to Newtown aforesaid, about four or five miles Southwestward from the Division Line, Between New York and New Jersey, and so far within the said County of Sussex, as he Verily Believes, Being In Company with Richard Gardner and Peter Decker, Both of Sussex County, aforesaid, all riding towards Newtown aforesaid, and the said Richard Gardner Being a Little way before this Affirmant, as this Affirmant came up, he saw Richard Gardner stopt, and one, Commonly Called Jack Dekey, whose name is said To be James, Jacob or Jacobus, Second son of Thomas Dekey, holding the Bridle of Richard Gardners horse, in his Left hand, and having a Large Clubb, in his right hand;

Whereon, this affirmant asked Richard Gardner, why he Stop't? he answered he was Assaulted and stop't, by that man. the affirmant then Asked Richard Gardner, for what reason? Gardner answered, he Knew not; then, the Affirmant asked the said Jack Dekey, why he Stop't M^r Gardner? he answered, his father Would be there, presently, and Let us Know for What reason; and, In one, or Very few minutes after, the said Thomas Dekey, Came up, a horseback, and Lighted off his horse, and Came up To this Affirmant, and presented a pistol To this Affirmants Breast, and Swore, with an Horrible Oath, that he had a good mind To Blow a Brace of Balls, thro' this Affirmant, or Words to that purpose; that the said Dekey then went To Gardner, and feloniously took his saddle Bags, from Behind him, the said Gardner; that the said Dekey feloniously took, Out of this affirmants hand, a well Seasoned Hickory Walking Stick, about an Inch Diameter, at the Big End, and Tapering To the Other end, Belonging to this afirmant, about a Yard Long; and he, the said Thomas Dekey haveing the small End thereof In his hand, struck this Affirm-

ant on the head, with the big end thereof, with so Violent a Blow, that, tho' this Affirmant had a hat on his head, made a Wound In his head, of about an Inch Long; By which Wound, this Affirmant Lost a Great deal of Blood, That the said Dekey, afterwards, Continued Beating this Affirmant, with the said Stick, Till, by the Blows he, the said Dekey, split the said Stick, To Shivers, he Believes about Twenty Blows In all; that this Affirmant, all the time sat on his horse, and offered no Blow, nor Resistance, to the said Dekey; That the said Thomas Dekey, then, Went To Richard Gardner, and Beat, and abused him, and feloniously Took, out of the Saddle Bags of the said Richard Gardner, a Surveying Campass a Surveying Chain, a Surveying Scale, and a Pair of Dividers, and a horse Bell, and handed them To his said sons, and George, the Eldest son of the said Thomas Dekey, and the said Jack, were present, and, by a Miltitude of Oaths and Curses, were, during the Whole Time of the Beating of the said Gardner, and this Affirmant, Encouraging their said father, to do it; this Affirmant says, that the Blood Run, so Violently, from the said Wound, In his head, that, To Keep It from falling on his Cloaths, he held his head To a Side, To Let it Run On the ground; by reason of Which, he Can't be sure, what part of the Things, taken out of the Bags, were Received by Each of the sons, But, after they were taken out, the said Thomas Dekey, threw the Bags at Richard Gardner; and, then, the said Dekey, and his Two sons, Mounted their horses, and rode of, Carrying with them, the said Compass, Chain, Scale, dividers, and Bell, and so, as aforesaid, they feloniously Robbed the said Richard Gardner and this Affirmant; And this Affirmant says, that, neither he, nor Richard Gardner, To his Knowledge or Belief, gave any Ill Language, to the said Dekey, Nor his sons, nor offered any one Blow at them, during the Whole Transaction

aforesaid; that this Affirmant then thought and Still thinks, it Very Odd, that the said Thomas Dekey, should have so abused him the Affirmant, Being, not only, an old man, But a Cripple, and one who, by his Religious Principles, Is debarred from using any resistance, Especially, when Richard Gardner, a man aged about Thirty one years, and Peter Decker, about forty Two years of age, were present, and Better able to have Born such abuse, than the Affirmant, who is not Conscious to himself of haveing ever given the said Thomas Dekey, any the Least Just provocation, to such abuse of him, this Affirmant, and had not, To his Knowledge, seen him since about the Beginning of May Last, the said Thomas Dekey was at the Affirmants house, when and Where, he dined with this Affirmant, and then parted, In friendship, for any thing this affirmant Knew, and Knows of nothing that Could have raised Thomas Dekeys resentment, to that Degree, But this Affirmant having Assisted Richard Gardner In making a Survey of some Lands, in the said County of Sussex, Belonging to the Proprietors of East New Jersey

JO^N HERRING

a true Cobby Examined by Ja: Alexander

Affirmed in Councill this 23^d of Nov^r 1753

CHA READ Cl Con

RICHARD GARDNER, aged about thirty one Years, Being one of the People Called Quakers, and duly affirmed, according To Law, on his Affirmation, declared, that he had, Several Times, heard the Affirmation aforesaid, of John Herring, read to him, and Verily Believes all the facts, therein related, To have been done, on the Twentyeth day of July Last, are true, to the Best of his remembrance; And further says, that the said Thomas Dekey struck this affirmant, about

Two Blows, while this Affirmant sat on horse Back; That, then, the Affirmant allighted, and run off, a Little distance, when, the said Thomas Dekey Called for his pistol, and swore he would shoot the affirmant, or Blow a Brace of Balls thro' him; and further, this Affirmant sayth not;

RHD. GARDNER.

a true Copy Examined by Ja. Alexander.

Affirmed In Councill 23d Nov 1753.

CHA READ Cl Con

PETER DECKER, aged about forty two years, Being duely sworn, On the Holy Evangelists, On his Oath, declares that he has, Several times heard the Affirmation aforesaid, of John Herring, read to him, and Verily Believes, all the facts, therein Related to have been done, on the Twentyeth day of July Last, are true, to the Best of his remembrance, Except the Scale and dividers, which he, the deponent, does not remember To have seen Dekeys take, But is sure, as to the Compasse, chain and Bell, and Believes, as to the Scale and dividers.

PETERS DECKER.

a true Copy Examined by Ja. Alexander.

Sworn in Councill 23d Nov 1753

CHA. READ Cl Con

*Letter from Governor Belcher to the Lords of Trade—
transmitting the Proceedings of the Council and
Assembly.*

[From P. R. O. B. T. New Jersey, Vol. 7, H. 47.]

Right Hon^{ble} Lords Comm^{rs} for Trade and
Plantations.

ELIZABETH TOWN, (N J) May 15th 1754

My Lords

I had the Honour of writing your Lordships, the 20: of December last, and which I understand got well to your Hands, and altho' many Ships are since arrived from England at New York, yet I have recieved none from your Lordships, respecting His Majesty's Honour and Interest here, and the Affairs of this Province. I herewith transmit to your Lordships Transcripts of the Journals and Minutes of His Majesty's Council of the 7th and 21st of February, and 3^d of March, and from 23^d to 30th of April last past.

And the printed Journals of the Assembly in their last Session from 17th to 29th of April.

And these things, my Lords, will give you a full and very particular Account, of what has been transacted here, since my last, in this Government, and in which (I believe) your Lordships will think, I have done every thing in my Power, to urge the Assembly to a sense of their Duty to the King, by complying with His Majesty's most reasonable Orders, for maintaining the Honour and Interest of the British Crown, as much as in them lye's and for securing the future Safety and Happiness of the King's Subjects, Of this and the Neighbouring Provinces, and yet they seem at present deaf, to entering into any Measures, to ward of the Evils they may so justly fear, till they arrive at their

own Doors: *Your Lordships will see* I am to meet the Assembly again the first of the next Month, when I shall urge in the most pungent Manner, their uniting with the rest of the English Colonies, for the common Safety.

I have the Honour to be with great Respect

My Lords Your Lordship's

Most Obedient & Most Humble Servant,

J. BELCHER.

Letter from Lieutenant-Governor DeLancey, of New York, to the Lords of Trade—about division line between that Province and New Jersey.

[From New York Col. Documents, Vol. VI, p. 838.]

NEW YORK 21 May 1754

My Lords

(Extract.)

* * * * I now send your Lord^{pp}s some papers relating to the division line, between New Jersey and this Province, with a copy of an ancient Map,¹ said to be signed by Andrew Hamilton, who was then Gov^r of East Jersey. I have drawn two lines on the Map, to distinguish in a triangle, the Lands that are as I conceive still in the Crown. I shall make no observations on King Charles Second's Grant to the Duke of York, but will suppose the Duke had a right to grant the lands, which he did grant to Lord Berkely and Sir George Carteret, and then it is to be considered how far the Duke's Grant to them, did extend up

¹ Presumed to have been a copy of George Keith's map, who ran a portion of the Division Line.—Ed.

Delaware River. The bounds from Cape May at the mouth of Delaware River and "extending to the Northward as far as the Northermost Branch of the said Bay, or the River of Delaware, which is in forty one degrees and forty minutes of Latitude." There I would only observe, that the Northermost Branch of the said Bay or River is the terminus ad quem, the place at which they must stop; the words, as far as, being the same in source as, usque ad, which is always exclusive of the place to which you go; so that from Cape May, to the Northermost Branch of Delaware River is the whole extent of the Western boundary of Jersey. As for these words, which is: *in forty one degrees and forty Minutes of Latitude*, I do not take them to be part of the description of the Boundary, they are only affirmative words of computation, or rather conjecture of the latitude wherein the Northermost branch or the Forks of Delaware lye. For instance, if a grant was made of all the lands from London Bridge to Greenwich, *which is ten miles*: here the mistaken computation made of the distance, will not carry the grant beyond Greenwich. London Bridge being the terminus a quo, the place whence, and Greenwich the terminus ad quem, the place to which; and these two make the extent of the Grant, and are always understood to be conclusive. So of the western boundary of Jersey, the main Ocean at Cape May at the Mouth of Delaware Bay, is the terminus a quo, and the Northermost branch of the said Bay or the River of Delaware, is the terminus ad quem, which make the extent of the Jersey grant on the West. For Delaware River is formed by the two branches joining into one Body at the forks of Delaware may properly enough to be said to be the ne plus ultra, of Jersey on that side. For the mistaken computation of distance or latitude, cannot enlarge the

extent of a Grant, words of that sort being not descriptive but conjectural.

It is said, as the Patents of Wawayanda and Minisink are bounded on the Jersey line, his Majesty's interest can not be concerned, let the line run where it will, but this is a mistake; for the Jersey line on which these Patents were bounded, was the supposed line marked in the Map which was at that time understood to be the line, and they cannot be extended Southward, even if the real line of Jersey is to run from the Forks of Delaware, *or the head of Delaware Bay*, to the Station on Hudson's River opposite to the lower Yonkers; the King's intention being to grant lands no further than the then supposed line.

I wrote to Gov^r Belcher to propose a line of peace between the two provinces, to put a stop to the disputes and disorders that are committed on the Borders; in which letter I thought it my duty, as his Majesty's servant, to tell him my opinion that the forks of Delaware, were the *ne plus ultra* of Jersey on that side. This paragraph has drawn upon me a pretty extraordinary proposal from the Jersey proprietors; which was delivered to me by M^r Alexander. I shall make no reflections on it, but submit the propriety of it to your Lord^{pp}s consideration. I must inform your Lord^{hp} that M^r Alexander is a Member of his Majesty's Council for this Province and for the Province of Jersey, and a considerable proprietor, and chief Manager in behalf of the Jersey proprietors, I leave it to your Lord^{pps} to consider how consistent this is, while there is this controversy subsisting between the two Provinces, and between the Proprietors and his Majesty. I inclose the Report of a Committee of his Majesty's Council on the disturbances between the people living on the borders of the two Govern^{ts} and the opinion of the Committee for establishing a line of peace, until the parti-

tion line be fixed between both provinces, and Mr Alexander's reasons for his dissent to the said Report. Your Lord^{pp}s will perceive the opinion of His Maj^{ty}'s Council to be, that the line of peace, should run according to the supposed line, and the reasons upon which they ground their opinion, and if they appear satisfactory, I hope directions will be given to the Gov^{rs} of the two provinces, that the line be so fixed & ascertained as a line of peace, until His Maj^{ty}'s right be finally settled in such a legal course, as his Majesty shall think proper.

I am very backward to take any steps to protect the Freeholders and Inhabitants in the quiet enjoyment of their possessions up to the supposed line, as the Council advise. The Reason, My Lords, is, that I am concerned in the Minisink Patent, and so are my Brothers and Sisters, as Devises of my Father, who held two shares in that Patent, Nor shall I take any steps without the advice of the Council. I beg your Lord^{pp}s will be pleased to direct me on this head

* * * * *

I am, My Lords,

Your Lord^{pp}s most obedient

& most humble servant

JAMES DELANCEY

Letter from Sir Thomas Robinson, Secretary of State, to Governor Belcher—in relation to the action of the New Jersey Legislature to resist the hostile attempts of the French on the Ohio.

[From P. R. O. America and West Indies, Vol. 74.]

WHITEHALL 5th July 1754.

Gov^r of New Jersey.

Sir

Your Letter of the 10th of November last, acknowledging the Receipt of the Earl of Holderness's of the 28th of August last, having been laid before the King, I am to acquaint You, that His Majesty does not doubt, but that You will have kept up the exact Correspondence, which You mentioned, with all the other British Colonies, and that You will consequently have had full Information of the late hostile Attempts of the French upon the River Ohio, under these Circumstances, You will certainly have called together, as You intended, the General Assembly of Your Province, and by laying before them the urgent Necessity of mutual Assistance, You will have engaged them to grant Supplies accordingly; But as You have not hitherto transmitted any Account, with regard to these Points, the King will expect to hear, that You have executed His Commands, and that His Subjects, under your Care, have taken the proper Steps for their own, and the general Security, In the meantime I am to enforce to You, by the Kings express Command, the Directions of the 28th of August last, in the strongest manner, and to acquaint You that His Majesty expects your immediate Observance thereof.

I am &c^a

T: ROBINSON.

Resignation of Joseph Warrell, Attorney-General of New-Jersey, and nominating Courtland Skinner as his Successor.

[From P. R. O. B. T., New Jersey, Vol. 7, H. 49.]

BELLVILLE July 5: 1754.

To His Excellency The Gov^r:

Hon^d S^r:

As I have all the Reason in the World to make my greatfull Acknowledgments to your Excellency for all the Favours & Friendships I have continually reciev'd from your self & good Family & especially for your good Wishes & kind Promises to serve me on any proper occasion to make my declining Part of Life comfortable I now take the Liberty of begging your Excellency^s Concurrence of accepting my free Resignation of the Office of Attorney General of this Province of New Jersey in favour of Courtland Skinner Esq^r¹ whose inexceptionable Character & regular Education under his Father in Law M^r Kearney will no doubt make him meet with Your Excellency^s Approbation & be acceptable to the Province; & that the long Fatigue of up-

¹ For notice of Mr. Skinner see "Contributions to The Early History of Perth Amboy," p. 101. He was the oldest son of the Rev. William Skinner of Perth Amboy, and became eminent in his profession, for which he was educated in the office of David Ogden of New York. During the early stages of the struggle for Independence, he was strongly opposed to the encroachments of the British Ministry upon the liberties of the colonies, but eventually identified himself with the royal cause and left the province in 1776. He was immediately appointed Brigadier General with authority to raise five battalions from among the disaffected in New Jersey. He succeeded in getting only about five hundred men. He finally took a house at Jamaica, L. I., and gathered his family again within it, and after the Revolution he took them with him to England. He received from the government compensation for his forfeited estate and the half pay of Brigadier General during his life. He died March 10th, 1799, aged 71, and his tombstone could be seen a few years since in St. Augustine's Church, Bristol. — ED.

wards of twenty Years Service without any just Imputation of Failure in my Duty under the Disadvantage of too small a Support from the Assembly (& no likely hood of its increasing) will plead for the reasonableness of my Request to Your Excellency for a Quietus at my Age I beg my sincerest Respects to Your Lady & all the Family & am Sir

Your Excellency's most obliged

& obed^t humble Serv^t

J. WARRELL.

*Letter from the Lords of Trade to Governor Belcher—
commenting upon the action of the Legislature in
not providing resources for the common defence
against the French.*

[From P. R. O. B. T., New Jersey, No. 15, Ent. Book D., p. 429.]

WHITEHALL July 5th 1754

To Jonathan Belcher Esq^r., Governor of New
Jersey.

Sir,

It is a great Concern and surprize to Us to find by the Letters We have lately received from you, that the Assembly of New Jersey have been so regardless of their own Interest and Security and of His Majesty's Orders, as to have absolutely refused for the present either to raise any Supplies for the common Security and Defence of the Colonies against the Hostile Encroachments of a foreign Power, or to make provision for sending Commissioners to the meeting appointed to be held this Summer with the six Nations. We are at a loss to guess at the motives for so extraordinary a Conduct at this time, when the proceedings of the

French make it the common Interest of all the Northern Colonies to unite and exert their most vigorous Endeavours for their mutual Defence; the sending Commissioners to the meeting at Albany would have greatly facilitated such a measure, and some plan of Operation might probably have been struck out by them; but should it have failed of having that effect, yet the great Security and advantage which is derived to all the Northern Colonies from the Friendship and Alliance of these Indians, independent of Commercial Considerations, is so great as certainly makes it a common concern; and therefore the Argument of the Assembly, that they have no Commercial Connections with them, is frivolous and without foundation. The late Transactions of the French upon the Ohio in taking possession of a Fort built there by His Majesty's Order will, we hope, awaken them to a proper sense of their Interest and situation, and convince them of the Necessity of immediately concurring in measures for the general Defence of the whole.

The Instruction relative to the Revisal of the Laws is so evidently calculated for the Advantage and Interest of the Colonys, that We are surprized to find the Assembly should have refused Obedience to it upon such trifling considerations; nothing can be more desirable in a well regulated Community than a well digested Body of Laws, freed from perplexity and confusion, and wherever that is wanting, frequent mistakes, Controversys and Confusion will necessarily arise.

It gives Us great Pleasure to find by your Letter of the 8th of August last, that the Province is in so peaceable a state with respect to the Riots and Tumults, by which it has of late Years been so greatly disturbed. We entirely agree with you, that if the Proprietors would avail themselves of this peaceable Disposition to bring on their Action of Trespass and Ejectment,

the Points, upon which these Disputes and Riots have arisen, might come to a final Determination: and We desire you will urge this Point to the Proprietors in the strongest manner you can, and that you will give proper directions to the King's Attorney General to prosecute such Rioters as have been apprehended, and lye under Bonds, that appearing to Us to be a very proper and necessary measure, if the Colony is in that state of Peace and tranquility you describe it to be.

It gives Us great Concern to find by your Letter of the 20th of December, that any Riots and Outrages have been committed on account of the Dispute between New York and New Jersey relative to the Line; We think it highly necessary for the preservation of the peace, that some temporary Line of Jurisdiction should be established by His Majesty's Authority, untill the true Line of property can be ascertained; and We shall shortly take this matter into our Consideration and lay our Thoughts upon it before His Majesty; in the mean time We earnestly recommend to you, as We have already done to the Governor of New-York, to take every prudent and legal method to promote Peace and Quiet amongst His Majesty's Subjects. So We bid you heartily farewell and are

Your very loving Friends and humble Servants

DUNK HALIFAX

JAMES OSWALD

ANDREW STONE.

Letter from the Lords of Trade to Lieutenant-Governor De Lancey—about the boundary between New York and New Jersey.

[From N. Y. Col. Docts., Vol. VI, p. 845.]

To James Delancey Esq^r Lieut^t Govern^r of
New York.

Sir (Extract.)

* * * * * The papers you have sent us relative to the points in dispute between New York and the Neighbouring Provinces with respect to Boundaries, more especially with respect to the line of division between New York and New Jersey and the observations which you make in your letters upon these disputes will be of great service to us when that point comes under our consideration it appears to us in the general light in which We see this affair at the present that it will be for his Majesty's service and for the peace and interest of both Provinces that a temporary line of Jurisdiction should be established by his Majesty's authority until the true line of property can be ascertained and therefore we shall shortly take this matter into Our consideration and lay our thoughts fully upon it before his Majesty. In the mean we do earnestly recommend to you as we have also done to Governor of New Jersey to [take?] every legal and proper measure that can be thought of to preserve the publick peace in those parts and prevent that mischief we have reason to fear might be occasioned by this unhappy dispute * * * * *

Your very loving friends and humble Servants

DUNK HALIFAX
JAMES OSWALD
ANDREW STONE

WHITEHALL July 5 1754

*Letter from Governor Belcher to Richard Partridge—
requesting his assistance to secure the confirma-
tion of Courtland Skinner as Attorney-General of
New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 7, H. 48-49.]

ELIZABETH TOWN (N J) July 25: 1754

To Richard Partridge Esq^r In London

Brother Partridge

I few days ago M^r Warrell, late Attorney General of this Province, wrote me a Letter of Resignation of that Office, of which the Inclosed is Copy,—And I have since appointed Courtland Skinner Esq^r, to succeed the said M^r Warrell, & this I write at the Request of the said M^r Skinner, to desire your best Friendship & Assistance to him, in Case there shou'd be anything necessary to be done for his Confirmation at Home, he is a young Gentleman bred to the Law, & esteem'd of good Knowledge in his Profession, & any Service you may do him will be kindly taken by,

Sir Your loving Brother

J BELCHER

Affidavit of Thomas Decay—relative to laying out a highway through Minisink.

[From N. Y. Col. MSS. in Secretary of State's Office, Albany, Vol. LXXIX, p. 4.]

CITY OF NEW YORK—THOMAS DECAY ESQ^r: one of his Majesties Justices of the Peace and Collonell of the Militia in Orange County being duly sworn deposed and saith that Henry Simpson one of the Commissioners of the High Way in Sussex County some time last Month being in Conversation with the deponent at the dwelling House of this Deponent Informed him that the Commissioners of the High Ways for the said County Sussex (being a County Lately Erected by the Government of Jersey) had Laid out a High Way throughout Minisinck and that he the said Henry should soon be obliged to go and View the Highway in order to make a return thereof. And this Deponent further saith that for some time before he left Home he was every Night Obligated to Naill up all his doors Excepting one at which he placed a guard for fear of being Surprised in his bed by the people of New Jersey who as this deponent is Informed have Sundry times declared they were resolved to take him prisoner and Carry him into New Jersey, And further this deponent saith not

THOMAS DEKAY

Sworn this twenty ninth of July 1754, Before me

JN^o CHAMBERS.

The first part of the book is devoted to a general history of the United States, from the discovery of the continent to the present time. It is divided into three volumes, each of which contains a complete and accurate account of the events of the period. The second part of the book is devoted to a detailed history of the United States, from the discovery of the continent to the present time. It is divided into three volumes, each of which contains a complete and accurate account of the events of the period.

NEW JERSEY
Colonial Documents.

Vol. VIII.—Part II.

NEW JERSEY
COLONIAL DOCUMENTS.

Letter from the Lords of Trade to Sir Thomas Robinson, Secretary of State, with a plan of general concert and mutual defense to be entered into by the Colonies in America.

[From P. R. O. B. T. Plantations General, No. 39, Ent. Book K., p. 368.]

To Sir Thomas Robinson One of His Majesty's
Principal Secretaries of State.

WHITEHALL AUGUST 9th 1754

Sir

In Obedience to His Majesty's Commands; signified to Us by your Letter of the 14th of June last, We have prepared a Plan of General Concert to be entred into by His Majesty's several Colonies upon the Continent of North America, for their mutual and common Defence, and to prevent or remove any Encroachments upon His Majesty's Dominions, which Plan We here-with inclose to you, together with Our Representation to His Majesty upon it, which We desire you will be pleased to lay before His Majesty.

We are, Sir,

Your most Obedient and most humble Servants,

DUNK HALIFAX	AND: STONE
JAM: GRENVILLE	JAM ^s OSWALD
FRAN: FANE	RICH [?] EDGECUMBE
THO ^s PELHAM	

TO THE KING'S MOST EXCELLENT MAJESTY,

May it please your Majesty,

In Obedience to your Majesty's Commands signified to Us by Sir Thomas Robinson, one of your Majesty's Principal Secretaries of State, in his Letter dated the 14th of June, last, We have prepared and herewith humbly beg leave to lay before your Majesty, the Draught of a Plan or Project of General Concert to be ent'red into by your Majesty's several Colonies upon the Continent of North America, for their mutual and common Defence, and to prevent or remove any Encroachments upon your Majesty's Dominions.

This Plan consists of three distinct Parts or Propositions, viz^t

1st That a certain and permanent Method be established for maintaining such Forts as are already built upon their Frontiers, or may be further necessary to be built, for supporting proper Garrisons in such Forts, for defraying the expence of the usual and necessary Presents to the Indians, and other contingent Charges, and for establishing and subsisting Commissarys in such of the Forts as shall appear to be necessary for the management of Indian Services.

2^d That upon any Attack or Invasion upon any of Your Majesty's Colonies, Provision be made for raising such a Number of Troops over and above those upon the ordinary Establishment as may be necessary to oppose and repel such Invasion or Attack.

3^d That the Command of all the Forts and Garrisons and of all Forces raised upon Emergencies, and the sole Direction of Indian Affairs, be placed in the hands of some one single Person as Commander in Chief to be appointed by Your Majesty, who is to be authorized to draw upon the Treasurer or other proper officer of each Colony, for such Sums of Money as shall be

necessary as well for the ordinary as extraordinary Service, according to the Quota settled for each Colony.

The two first Points are proposed to be established by the mutual Consent and Agreement of the Colonies themselves to be finally ratified and confirmed by your Majesty, it appearing to Us that this Method might be liable to the least objection, and perhaps the speediest in point of Execution.

With regard to the manner in which the Colonies are to proceed in deliberating upon and settling such parts of it as depend upon them, the view and object of the Measure, and the general Plan of it is precisely stated to them, the Points upon which they are to deliberate, and for which Provision is to be made on their part, the method of Proceeding in settling those points, and of finally ratifying and confirming them, when settled are ascertained, as the Preliminaries upon which they are to proceed.

The Necessity of this Union and the Security and Advantage which will arise to the Colonies from it are so apparent, that, We hope no Difficulty will occur on their part: If however it should be found upon Trial, that this Measure should be defeated by any of the Colonies either refusing or neglecting to enter into a Consideration of the Points referred to their Deliberation, or, after they are settled, by refusing to raise such Supplies as are proposed by this Plan to be the Fund for the Execution of it, We see no other Method that can be taken, but that of an Application for an Interposition of the Authority of Parliament.

The Execution of the third and last Proposition of this Plan, so far as regards the Power which the Commander in Chief will have over the Forts and Garrisons, and over all Troops raised in the Colonies, and in the management of Indian Services, depends singly upon your Majesty, who may, as We humbly Apprehend, legally and by virtue of your own Authority, invest

any Person your Majesty shall think proper with such Power.

In order however to the proper and effectual Exercise of this Power, it is proposed, that it should be agreed and settled by the Colonies, that he should be authorized under certain Regulations and Restrictions to draw upon the Treasurer or other proper Officer of each Colony, for such Sums as shall be settled to be paid by them, for the ordinary as well as the Extraordinary Services.

We shall not take up your Majesty's Time in entering into any Arguments to prove the Propriety and Necessity of an Appointment of this kind, as We humbly apprehend it will evidently appear to your Majesty, that circumstanced as the Colonies are, divided into separate and distinct Provinces, having little or no Connexion with, or Dependence upon each other, neither this, nor any other Plan of Union could be effectual unless the Command of the Forts and Troops and the Management of Indian Affairs and Services should be put under one general Direction.

These are the principal Observations which have occurred to Us, as necessary to be submitted to your Majesty upon this Plan, to which however your Majesty will permit Us to add, that as it is proposed, that, in order to settle the several Points, the Commissioners nominated by the Colonies should meet at such time and place as your Majesty should appoint. We humbly submit it to your Majesty, whether it may not be adviseable, that the City of New York should be the place of meeting as being the most central, and therefore the most convenient in point of situation.

Upon the whole however, We must observe to your Majesty that from the delay which must necessarily attend the Execution of any new Plan for an Union of the Colonies, it cannot be made to answer the purpose of a present Exigency: whatever Circumstances there-

fore of Danger or Exigency may subsist at this time, such Danger must be guarded against, and such Exigency provided for, by an Application of such means of Strength and Force, as can be procured in the most expeditious and most effectual manner under the direction of some proper Person to be appointed by your Majesty Commander in Chief of all your Majesty's Forts and Garrisons in North America, and of all Forces raised therein or sent thither, and likewise Commissary General for Indian Affairs, which for the Reasons We have already given, appears to Us to be absolutely necessary and expedient for your Majesty's Service.

All which is most humbly submitted

DUNK HALIFAX	AND ^y STONE
JAM ^s GRENVILLE	JAM ^s OSWALD
FRAN: FANE	RICH ^p EDGCUMBE
THOS ^s PELHAM.	

WHITEHALL Augst 9th 1754

The Draught of a Plan or Project for a General Concert to be ent'red into by His Majesty's several Colonies upon the Continent of North America for their mutual and common Defence, and to prevent or remove any Encroachments upon His Majesty's Dominions.

It is proposed, That a circular Letter or Instruction be forthwith sent to the Governors of all the Colonies upon the Continent of North America, to the following purport and Effect viz^v

To set forth the Danger, to which they are exposed from the Encroachments and Invasions of a foreign Power .

That the only effectual method of putting a stop to these Encroachments and Invasions and preventing the like for the future, will be forthwith to agree upon a Plan for maintaining and supporting a proper Number of Forts upon the Frontiers, and in such other

Places as shall appear to be necessary for the general Security of the Colonies, For raising and subsisting regular Independent Companies for Garrisoning such Forts; For making provision for defraying the Expences of Presents for the Indians, and for the other contingent Charges of that Service, and for putting Indian Affairs under one general Direction, and for raising and maintaining Troops for the general Security, Service and Defence of the whole upon any attack or Invasion.

To state the urgent Necessity there is of an immediate Union of the several Colonies upon the Continent for this purpose.

To direct the Governors forthwith to recommend these points to the serious Consideration of their respective Councils and Assemblies, and to propose to them to appoint proper Persons, (one for each Colony) subject to the Governors Approbation, to meet at such time and Place as His Majesty shall appoint, in order to treat and deliberate upon this Matter.

That the Persons appointed to be the Commissioners for this purpose, be instructed to consider in the first place of the Number of Forts necessary to be maintained and supported, and what Number of regular Forces will be sufficient for Garrisoning such Forts, and to prepare an Estimate of the Annual Expence thereof, And of the Expence of Presents for Indians and other contingent Charges attending this Service.

That Provision be likewise made in such Estimate for maintaining Commissaries to be establish'd by His Majesty, in such Forts as shall be thought proper for the Regulation and Management of Indian Affairs.

That in order to Settle these Estimates with the greater exactness, the Commissioners be furnished with Authenticated Accounts of the particular Expence which each Colony has been at for twenty Years last past for these Services, and in what manner the Money has been applied and disposed of.

That when the Estimates shall have been settled, the Commissioners do agree upon the Quantum of Money to be supplied by each Colony for defraying the Expence of this Service.

That in settling such Quantum regard be had to the Number of Inhabitants, Trade, Wealth and Revenue of each Colony, for which purpose the Commissioners are to be furnished with very full and authenticated Accounts of these particulars, and of the state of each Colony respectively.

That the said Commissioners do agree, that, in case of any Emergency by Invasion or otherwise, whereon it may be necessary to raise Troops for the general Defence of the whole, beyond the Number upon the ordinary Establishment, the Expence thereof shall be defrayed by each Colony, according to the Proportion each Colony is to bear of the ordinary established Charge for Forts &c^a

That the Governors do signify to their respective Councils and Assemblies, that His Majesty will appoint a proper Person to be Commander in Chief of all His Majesty's Forts and Garrisons in the Colonies in North America, and of all Troops already raised there or which may hereafter be raised or sent thither upon any Emergency, and also Commissary General for Indian Affairs, and that Provison be made in the Estimate for the ordinary established Service for a proper Salary for such Commander in Chief.

That it be settled and agreed by the Commissioners at the General meeting that the said Commander in Chief, and Commissary for Indian Affairs be impowered, from time to time as occasion may require, to draw upon the Treasurer, Collector, Receiver or other proper Officer appointed to receive the Taxes or Duties levy'd and raised in each Colony respectively, for such sums of Money as shall be necessary for maintaining and supporting the several Forts and Garrisons, making

Presents to the Indians, and all other contingent Charges, according to the general Estimate agreed upon for the ordinary establish'd Service, and in proportion to the Quantum settled for each Colony, taking care to transmit annually to each Colony a particular Estimate, expressing the particular Service for which such Draughts are made.

That in all Cases of Attack or Invasion, whereon it may be necessary to raise Troops for repelling such Invasion or Attack beyond the Number on the ordinary Establishment, the Estimate of the Charge of such Troops, of extraordinary Presents to the Indians, and of the other Contingent Expences shall be formed by the Governor, Council and Assembly of the Colony invaded or Attacked, and immediate notice thereof transmitted by the Governor of such Colony with a Copy of the Estimate so prepared as aforesaid, to the Governors, Councils and Assemblys of the other Colonies upon the Continent, and that it be settled and agreed by the Commissioners at the General meeting, that upon such Notice so sent, a Commissioner shall be forthwith nominated and appointed by each Colony respectively to meet at such Place as the Commander in Chief shall appoint, in order to take into Consideration and deliberate upon the afore mentioned Estimate so prepared by the Colony invaded, with full Power to alter the same in such manner as shall be thought expedient, and that when the same shall have been agreed upon by the Majority of the Commissioners who shall be there present, any five of which shall make a Quorum, the Commander in Chief shall be empowered by them to draw upon the Treasurer or other proper Officer of each Colony for the respective quotas each Colony is to bear of such Expence, in proportion to the Ordinary Established Estimate for Forts &c^a.

That the Draughts of the Commander in chief, as well for the ordinary as extraordinary Service, be paid

by the Treasurer &c^a of each Colony respectively, out of any Money lying in his hands, in preference to all other Services whatever, and that in case it shall so happen, that the Treasurer of any Colony shall not have in his hands a sufficient Sum to answer such Draughts, he be empower'd by the general Agreement to borrow such a Sum as shall be necessary, for repayment of which, Provision is to be forthwith made by the Assembly.

That it be signified, that the said Commander in Chief will be directed to transmit to each Colony once in every Year, an Account upon Oath of all his Disbursements for the publick Service, and that he will be obliged to account in His Majesty's Exchequer for all Money received and disposed of by him.

That each Colony may appoint a Commissioner to view and inspect from time to time as they shall think proper, the state of the several Forts and Fortifications and of the Repairs made thereon, and to make Report thereof to the Governor, Council and Assembly of such Colony respectively: and that each Colony may likewise make Representations from time to time to the Commander in chief of the state of such Colony, and propose to him such measures as shall occur to be necessary for the general Good of the whole.

That when the Commissioners have deliberated upon and settled the foregoing Points, they do transmit to His Majesty's Secretary of State and to the Commissioners for Trade and Plantations to be laid before His Majesty, attested Copies of all their Minutes and Proceedings, and that they do prepare a Project or Draught of a general Convention upon the foregoing points and transmit Copies thereof to the respective Colonies, to be forthwith laid before the Governors, Councils and Assemblies, who are to take the same into immediate Consideration, and having made such Alterations therein or Additions thereto, as they shall think nec-

essary, shall return them to the Commissioners within two Months, and when all the Copies shall have been returned, the Commissioners shall resume their Deliberations; and having finally settled the whole, the Convention shall be fairly drawn up and signed by each Commissioner, and transmitted hither, in order to be laid before His Majesty for his Approbation.

And in case it shall so happen, that any of the Colonies shall neglect to appoint a Commissioner to be present at the general meeting, or such Commissioner, when appointed, shall neglect or refuse to attend, such Neglect or Refusal shall not prevent the Commissioners present, (any seven of which to be a Quorum,) from proceeding upon the Consideration of the foregoing Points, but that the Convention shall be proceeded upon and finally settled and agreed by a Majority of the Commissioners, and when so settled and ratified by His Majesty, shall be binding upon the whole.

That the Governors be directed to signify to their respective Councils and Assemblies, that His Majesty does not intend to withdraw that part of the Expence which the Crown has been usually at, for the Security and Protection of the Colonies, but that he will be graciously pleased to continue to maintain and subsist such a Number of his Troops as shall appear to be necessary to be stationed in America, and does also consent, that whatever Sums of Money have been usually given by His Majesty for Indian Services, shall be deducted from the generall Estimate, as the share His Majesty is willing to bear of the ordinary Establishment for this Service, and that upon any great Emergency they shall receive such Support from His Majesty, as shall be thought reasonable upon a due Consideration of the Nature of the Case, and of what the Circumstances and Conditions of the Colonies shall seem to require.

*Letter from Governor Belcher to Colonel Schuyler—
informing him that the Assembly had voted an
additional £15,000 for the support of his Regi-
ment.*

ELIZ. TOWN Aug^t 23: 1754.

Sir

I have your several Letters of July 9 & of 6th & 7th present the first from Schenectady which I laid before the Assembly the last Week when I urged them to raise an additional number of men which they considered but did not come into—however they chearfully voted fifteen thousand Pounds as a further Provision for your Regiment untill the Month of May next and the Commissioners will take Care to be sending you the necessary Supplies.

I shall endeavour the Shoes may be made where you desire.

I observe what you say about your Adjutant, & when you make an Acc^t of his Pay I will join with you in recommending him to the Assembly who I doubt not will allow that Charge and not suffer it to lie upon you.

As it will be necessary for his Majesty's Service and Interest and to the advantage of you and your Regim^t I shall be expecting to hear from you as often as you can.

I am glad that you and your Regiment are in so good Health and Spirits in which may God keep you—protect & bless you with Success against the Enemy—I am Sir

Your Assured Fr^d & Serv^t:

Col^l Schuyler

J BELCHER

*Letter from Governor Belcher to the Lords of Trade—
transmitting some public papers and informing
them of the choice of a new Assembly, and his ex-
pectations therefrom.*

[From P. R. O. B. T., New Jersey, Vol. 7, H. 53.]

ELIZABETH TOWN (N J) August 14: 1754.

TO THE LORDS OF TRADE

My Lords

My last to Your Lordships was on the 14: of May past, & covering the publick Papers of this Province, & to which I ask Your Lordship's Reference.

And I now have the Honour to cover to Your Lordships, what passed in a Session of the general Assembly of this Province, from the 3^d to the 21st of June, viz^t the Laws past by the whole Legislature,—

Transcripts of the Journals & Minutes of His Majesty's Council,—

And the printed Journals of the Assembly,—all which will fully inform your Lordships in the Affairs of this Government, to that Time, since which there has been a Choice of a new Assembly, & as I am to meet His Majesty's Council the 21: Instant, I shall take their Advice when It may be most for His Majesty's Service & Interest, to convene this New Assembly, & I shall then urge them to come into an Union with the rest of the Colonies, for defending His Majesty's Honour & Interest in His Provinces on this Continent, & according to the best Judgement I can make, I think they are likely to fall into the practice of their Duty, in what I have mentioned, & I shall not fail to acquaint Your Lordships as soon as possible, of the result.

I have lately reciev'd from M^r Secretary Pownall

His Majesty's Royal Instruction in Consequence of a Petition of the Assembly here, for an Emission of 60,000 Pounds in Paper Money, which I shall communicate to the Assembly when they meet, altho' I believe they will not accept of any Emission on the Conditions mentioned in the said Instruction.

I am with the greatest Respect My Lords

Your Lordships Most obedient & Most humble
Servt: J. BELCHER.

*Affidavit of Samuel Finch, of Minisink—complaining
of his having been taken prisoner by a warrant
from a New Jersey Justice.*

[From N. Y. Col. MSS. in Secretary of State's Office, Albany, Vol. LXXIX, p. 14.]

CITY OF NEW YORK, S. SAMUEL FINCH one of the Constables of the Precinct of Minisinch In the County of Orange being duly sworn deposes and Saith that on Fryday the Sixteenth of the Instant month of August, While he was at work in his shops F . . . In the County of Orange about three quarters of a mile from the Line of Usher County and sixteen Miles from the Lower End of great Minisinch Island he was taken by Cornelius Westfall, Solomon Cartwright, Petrus Westfall, Jacobus Westfall & Urian Westfall by virtue of a warrant from Richard Gardner a New Jersey Justice as they Informed this deponent and upon his refusal to Obey said Warrant was dragged from his shop by force by the said Cornelius Westfall, Solomon Cartwright, Petrus Westfall Jacobus Westfall and Urian Westfall near a Quarter of a mile through bushes and Swamps by which means he was greatly bruised in Several parts of his body and verily believes that had he not been rescued by Jacobus * * * *

one of his Majesties Justices of the Peace In the County of Orange In the Province of New York that they would have Carried him Sussex Gaol In New Jersey unless he could have got security for his Appearance at the next Court of Sessions to be held In the County of Sussex aforesaid In East New Jersey and further this deponent Saith not

SAMUEL FINCH.

Sworn the twenty first Day of August 1754—

Before me

JAMES LIVINGSTON

Justice.

Petition of the House of Representatives of New Jersey to the King—relation to the Bill for making amount of £70,000 in bills of credit.

[From P. R. O. B. T., New Jersey, Vol. 7, H. 50.]

TO THE KINGS MOST EXCELLENT MAJESTY.

The Petition of the House of Representatives of the Colony of New Jersey in General Assembly met.

Most Humbly Sheweth

That nothing but the pressing necessity of the times and the Impossibility of complying with Your Majesty's late Instructions to His Excellency Your Governor could have induced us to have given Your Majesty this additional trouble on the Subject of a Paper Currency.

Sensible of the many blessings We enjoy under Your Majesty's benevolent reign, and determined to Act as become a gratefull People it is a matter of no small concern to be thus obliged to renew our application, but not

doubting the continuation of Your Majesty's paternal regard and calling to mind the gracious reception which the complaints of a needy People have always hitherto met with, We are encouraged humbly to lay before your Majesty, that the making the Bills of credit intended to be emitted, no lawfull tender would as We conceive entirely defeat their Intentions, the nature of their emission being such as require land or other real security of double and treble the value to be first given before they can be taken out of the respective Loan offices, and the freeholders of this Colony in general, quite unacquainted with the Nature of bank Bills or any currency of that Kind would not We apprehend mortgage their Lands for a specie which it is uncertain that they can ever Part with.

As it is chiefly the merchants of New York and Philadelphia that give life to our trade, our money must consequently sometimes Pass through their hands, and would (We conceive) be very unlikely to give credit to a currency from Us, which is so unusual in the Colonies, Around us, and not obligatory on the Inhabitants to be mutually taken between man and man in our own government, for these and other reasons a Paper currency on the footing prescribed in Your Majesty's Instructions, We humbly conceive would not be practicable, and therefore have been necessitated to have recourse to another expedient, which that your Majesty's royal Intentions might be as nearly complied with as possible, we have agreed upon the draught of the annexed bill for making current Seventy thousand pounds in Bills of credit upon the footing of those heretofore emitted in this Colony, saving only, that the whole Interest thereof is now Appropriated to Your Majesty's use, Excepting the necessary charge Attending the Emission, and so much as will sink the sum of Thirteen thousand seven hundred, seventy one Pounds sixteen shillings and three Pence

half Penny, now outstanding in this Colony in Bills of Credit, being Part of what were made current for Your Majesty's service in the late War, Ten thousand Pounds of the first money to be struck by the said Bill is immediately to be applied as Your Majesty shall please to direct for Assisting the neighboring Colonies in dispossessing the French from Your Majesty's Lands on the Ohio, which is afterwards to be sunk as the Interest Money from the remaining Sixty thousand Pounds will come in, and when those two sums are sunk, there will annually arise a considerable sum of Interest money for Your Majesty's use, subject only to future appropriations for the defence of the frontiers of this and the Neighbouring Colonies.

May it therefore Please Your Majesty in Consideration of the premises and to encourage a Spirit of Industry among us to enable the Inhabitants to go on with their Improvements and pay their taxes towards the necessary and honorable support of the Government, that Your Majesty would be graciously pleased to signify Your royal Approbation of the Bill hereto annexed for making current the sum of Seventy thousand Pounds, and give leave to the Governor of this Colony to enact the same.

october the 17th 1754,

Signed by order of the House of Representatives,

ROBERT LAWRENCE, Speaker.

A true Copy Examined & Compared with the original, by
ROBERT LAWRENCE, Speaker.

Circular letter to the Governors in America, from Sir Thos. Robinson, Secretary of State—urging enlistments in four new regiments to be raised.

[From P. R. O. Am. & W. Indies, No. 74.]

WHITEHALL, Oct^r 26th 1754.

Circular to the Governors in North America.

Sir,

Having informed you, in my Letter of July 5th, that the King had under His Royal Consideration the State of Affairs in North America: I am now to acquaint you, that amongst other measures, that are thought proper for the Defence of His Majesty's just Rights, & Dominions, in those Parts, The King has not only been pleased to order Two Regiments of Foot, consisting of 500, Men Each, besides Commissioned, & non Commissioned Officers, commanded by Sir Peter Halkett, & Col^o Dunbar, to repair to Virginia; & to be there augmented to the Number of 700., Each; but, likewise, to send Orders to *Gov^r Shirley*,¹ & Sir William Pepperell, to raise Two Regiments, whereof *They*¹ are respectively, appointed Colonels, of 1000. Men Each; And, also, to sign Commissions for a Number of Officers to serve in the said Two Regiments, & who will forthwith, repair to North America, for That purpose.

Whereas there will be wanting a considerable Number of Men to make up the designed Complements of the said Four Regiments; It is His Majesty's Pleasure that you should be taking the previous Steps, towards contributing, as far as you can, to have about 3000. Men in Readiness to be enlisted; And It is His Majesty's Intention, That a General Officer, of Rank, & Capacity,

¹ In Circular to Governor Shirley. the word "you" inserted instead.—ED.

to be appointed to Command in Chief all the King's Forces in N^o America, a Deputy Quarter Master General, & a Commissary of the Musters, shall set out, as soon as conveniently may be, in order to prepare Every Thing for the Arrival of the Forces abovementioned from Europe, & for the Raising of the Others in America.

You will receive from that General, & the other Officers just mentioned, a full & exact Account of the Arms, Cloathing, & other Necessaries, to be sent, upon this important Occasion, as likewise of the Ordnance Stores, & of the Officers, and Attendants, belonging thereto. All which being ordered for this Service, are such Proofs of His Majesty's Regard for the Security, & Welfare of His Subjects in those Parts, as cannot fail to excite You to exert yourself, & Those under Your Care, to take the most vigorous Steps to repel your common Danger; & to shew, That The King's Orders, which were sent you, last year, by the Earl of Holderness, & were renewed to you, in my Letter of the 5th July, have, at last, roused that Emulation, & Spirit, which Every Man owes, at this Time, to His Majesty the Publick, & Himself: The King will not, therefore, imagine, That Either you, or the Rest of His Governors, will suffer the least Neglect or Delay, in the Performance of the Present Service, now strongly recommended to you: particularly, with regard to the following Points: viz^t that you should carefully provide a sufficient Quantity of fresh Victuals, at the Expence of Your Government, to be ready for the Use of the Troops, at their Arrival.

That you should likewise, furnish the Officers, who may have Occasion to go from Place to Place, with all the necessaries for Travelling by Land, in Case there are no Means of going by Sea. And

That you should use your utmost Diligence, & Authority, in procuring an exact Observance of such Orders, as shall be issued, from Time to Time, by the

Commander in Chief, for Quartering Troops, Impressing Carriages, & Providing all Necessaries for * * such Forces, as shall arrive, or be raised, within your Government.

As the Articles abovementioned are of a Local & peculiar Nature, & arising entirely within Your Government, It is almost needless for me to acquaint you, That His Maj^{ty} will expect, That the Charge thereof be defrayed by His Subjects belonging to the same. But, with regard to such other Articles, which are of a more general Concern, It is the King's Pleasure, That the same should be supplied by a Common Fund, to be established for the Benefit of all the Colonies, Collectively, in N^o America; For which purpose, you will use your utmost Endeavours to induce the Assembly of your Province, to raise, forthwith, as large, a Sum, as can be afforded, as their Contribution to this Common Fund, to be employed, provisionally, for the general Service of North America, (particularly for paying the Charge of Levying the Troops to make up the Complements of the Regiments abovementioned,) until such Time as a Plan of general Union of His Maj^{ty}'s Northern Colonies, for their Common Defence, can be perfected.

You will carefully confer, or correspond, as you shall have Opportunities, upon Every Thing, relative to the present Service, with the said General: Sir William Pepperell, & *Gov^r Shirley*,¹ or Either of Them; & as It is the King's Intention to give all proper Encouragement to such Persons, who shall engage to serve upon this Occasion, You will acquaint all such Persons, in the King's Name, that They will receive Arms & Cloathing from hence, & that They shall be sent back (If desired) to their respective Habitations, when the Service in America shall be over.

¹ See note on page 17.

As the several Governors, in all The King's Provinces, & Colonies, in N^o America, will receive, by this Conveyance, a Letter to the same Effect, with This, which I now send you, They will be prepared, at the same Time, to obey His Maj^{ty}'s Commands:—And I am to direct you, To correspond with all, or Either of Them, occasionally, as you shall find it expedient for the General Service.

I am &c^s

T. ROBINSON.

Report of the Committee of the Assembly of New York on Border disturbances.

[From N. Y. Col. MSS. in Secretary of State's Office, Albany, Vol. LXXIX, page 68.]

ASSEMBLY CHAMBER THE 29th October 1754.

M^r Nicoll from the Committee to whom was Referred the Memorial of sundry of the part owners & proprietors of the Patents Minisink and Wawayanda and the other Patents within this Province bounded on the Jersey Line in behalf of themselves & the other part owners and proprietors of the said Patents; Complaining of all the Hardships the people of this Province, living near the said Jersey line labour under from the Encroachments of the people of that Province; reported.

That it appeared to them that in the year 1686, two Stations were fixed as the Terminating Points of the line of Division to be Run (tho the same as far as they can discover was never run) between the Provinces of New York and New Jersey, viz', The one on the Northward most Branch of Delaware River in 41^d 40^m north Latitude & the other on Hudsons River in 41° North Latitude which is due west from the lower Yonkers Mills.

That the stations so fixed as aforesaid, were settled & adjusted by the Surveyors of both Provinces, by virtue of the Authority of their Respective Governments, and with the Consent & approbation of the Proprietors of East New Jersey. That as to the stations on Hudsons River it appears so certainly designated by names of places well Known as may easily be found As to that on Delaware River notwithstanding it appears to have been fixed in 41^d 40^m North Latitude, on the most northwardly Branch of Delaware River; yet which is the most Northwardly Branch of that River or what part thereof is in the Latitude of 41^d 40^m they Cannot Certainly discover. However they find that Minisink (a place well known) and the Lands to the Northward thereof have been held under this Province by Patents granted by the Government thereof for near seventy years, and which are bounded south by New Jersey.

That the Governments & Inhabitants of both Provinces esteemed the southward bounds of those lands, both at the time of their being granted, and for many years after to be Bound between them

That the Government and inferior Civil and Military officers of this Province in the Extention of their Jurisdiction & Command and the Inhabitants of this province in the Extention of their possessions have ever since the settlement of the stations aforesaid in the Year 1686 advanced Southward as far as and limited themselves as near as possible by the Bounds aforesaid.

That the people of New Jersey for many years after the Fixation of the said stations in the settlement of their Lands did not extend northward beyond the said bounds; nor did the Government of New Jersey or its inferior officers ever till of late years, pretend to Exercise Jurisdiction to the Northward of the said Bounds.

That the people of New Jersey have from time to time, for a considerable time past Collected themselves in large Bodies and with violence have ousted divers

of his Maj^{ty}s Subjects holding Lands under this Province to the Northward of the said Bounds and taken possession of their Lands; and do now forceably hold the same.

That the Government of New Jersey hath within a few years past erected a new County Called Sussex a great part of which they have Extended many miles to the Northward of the Bounds aforesaid.

That Justices of the peace & other officers both civil & Military have been and are from time to time appointed in the said County; and do from time to time Exercise Authority and Jurisdiction over the Persons & possessions of a great number of his Maj^{ty}s Subjects holding their Lands under and paying a submission to the Government of this Colony.

That in Consequence of the Exercise of Such authority & Jurisdiction, His Majesties Justices of the Peace and other Subordinate officers and Ministers in & for Orange County, have been repeatedly beaten, insulted, prevented in the Execution of their Respective offices taken prisoners and Carried in to parts of New Jersey Remote from their Habitations and the opportunitie of Being Relieved and have been thrown into Goal and to Excessive Bail and Prosecuted by Indictment and that others of his Majestie's Subjects belonging to Orange County have also met with the same Treatment.

That the people of New Jersey have also from time to time and as often as they are able possessed themselves of the Vacant Lands in Orange County.

That they frequently beset the Houses of His Maj^{ty}s Subjects in Orange County by night and attempt to Seize and take Prisoners such of his Majesties Subjects; and are Encouraged to do this by the offer of Rewards made to them, and are also actually kept in pay for that purpose by the proprietors of East New-Jersey.

That the Commissioners of Highways for the said

New County have laid out a Highway through Minisink aforesaid; which now by the abovementioned Conduct of the people of New Jersey is almost if not entirely reduced to a Subjection to the Government of New Jersey.

That the Publick officers of New Jersey assess and Raise Taxes upon the People dwelling to the Northward of the said bounds, by which means many have been prevented from Paying their Proportion of the Taxes of Orange County for more than a year past, some of them have been obliged to desert their possessions & retire into the more Northwardly parts of Orange County; while a few, more Resolute than the rest are Reduced to the Necessity of Converting their Dwellings into places of Defence, and go armed for fear of some sudden attack. That tho' the Committee could produce many Instances of this Kind they Chose to Confine themselves to one, which has happened very lately. Thomas Deckey Colonel of the Militia & a Justice of the Peace of Orange County, whose plantations are Claimed by New Jersey to be within the aforesaid New Jersey Northward of the said Bounds, tho he and those under whom he Claims have held them, and been settled upon them under New York nigh fifty years, finding himself Extremely vexed, disturbed, and disgusted, by the People of New Jersey went to James Alexander Esq one of his Maj^{ty}s Council for this province, and also for New Jersey Province and who is one of the proprietors of the Eastern Division of New Jersey of great Interest there and Esteemed one of the most active persons among them to endeavor to come to some agreement with him in order that he might remain in quiet untill the line between New York and New Jersey should be finally settled. But the said Alexander absolutely Refused to consent to any thing of that kind unless the said Deckey would agree to hold his Lands under New Jersey, become a Jersey man and fight (as he Expressed it) for New

Jersey against New York People: and told him at the same time if he would do so he should neither want money nor Commissions; and that if he would not do so he should soon be disposed of his Plantations. This Col^l Deckey refusing to Comply with, some short time after a number of armed men from New Jersey came to the House of the said Col. Deckey, who observing them approach in such a manner, shut himself up in his house, on which they drew up before his Door and some of them Cock'd their Guns and presented them towards the windows where Coll Dekey Stood swearing they would shoot him thro' the Heart, that they would starve him out, or Burn the House over his head; and if Man, Woman or Child attempted to Escape they would shoot them down that they had strength enough to take all Goshen and would do it in time. However they then withdrew without further violence; and upon their departure, one of them said to Col. Dekey take Care of yourself for we will have you yet.

A true Copy taken from the Journal of the House and Examined by me

ABR^m LOTT JUN. Clk.

Letter from Governor Belcher to Sir Thomas Robinson, Secretary of State—unsatisfactory Proceedings of the Assembly, without manifesting a more dutiful disposition than the provinces owe.

[From P. R. O. America & West Indies, Vol. 67.]

ELIZABETH TOWN (N J) Nov^r 5th, 1754.

SIR THOMAS ROBINSON

S^r

The 26: of the last Month, I rec^d the Honour, of your Letter of 5: of July last, wherein you are pleas'd, to tell me you had laid my Letter, of 10: of Nov^r last, before the King: since which, I have in duty to His

Majesty, kept up, an exact Correspondence, with all such, of His Majesty's Colonies, from whence, I have had any Informations, of the Hostilities of the French, upon the River Ohio; & have accordingly (once & again,) call'd together, the Assembly of this Province, & laid before them, the urgent Necessity, of their Aid, & Assistance.—& I some Months agoe, dissolv'd an Assembly, because they would not come, into proper Measures, for answering, His Majesty's just, & reasonable Expectations, upon the Present Emergency, & extraordinary Circumstances, of the King's Colonies, on this Continent; and as soon as the Time wou'd allow, I order'd the Election, of a New Assembly, which I met the 3^d of the last Month, & then press'd upon them, the Danger, of His Majesty's Colonies, by the violent Incroachments, Depredations, & Murders, committed on them, by the French, with their Indians; and their Answer to me, with the whole Proceedings, of the Assembly, I have directed, the Secry: of this Province, to prepare, in the most Authentic Manner, & to bring me, without Delay, when I shall, by the very first Opportunity, in obedience to His Majesty's Royal Order, of the 16: of April 1752, transmit them, to the Right Honourable, the Lords Commissioners, for Trade & Plantations, in Order to be laid before the King. When I think it will appear, that this Province, has done nothing, in present Relief, of the Extraordinary Situation. & Circumstances of the Neighbouring Colonies:—And yet the Present Assembly, of this Province, seems to have shewn, a more dutifull disposition to His Majesty's Royal Orders, than the last.—And I shall be hoping, to recieve the King's determinate answer, to a Petition, this Assembly have sent, to his Majesty, in which they have propos'd, the aiding, & assisting, the Neighbouring Colonies, on the Present Emergency:—upon which, when I have the Honour to

recieve, the King's further Orders, I shall carry them, into Execution, with all Duty, & obedience, to the utmost of my Power, & am with great Respect.

Honourable Sir,

Your most obedient & Most humble Serv^t,

J. BELCHER.

Letter from Governor Belcher to the Lords of Trade—relating to the action of the New Jersey Legislature upon various subjects—the boundary difficulties with New York, etc.

[From P. R. O. B. T., New Jersey, Vol. 7, H. 54.]

ELIZA: TOWN (N J) Nov^r 6: 1754

To the Lords of Trade

My Lords

The 26: of the last Month, I rec^d (by the Way of Virginia,) the Honour, of Your Lordship's Letter, of the 5: of July last, & for which, I humbly thank your Lordships, as it confirms in me, my own Opinion, of the present state, & Situation, of the Affairs of this Province, & of the male Conduct, of the late Assembly, in such a critical Juncture, & your Lordship's Letter, will also serve, for the better Guidance of my Administration.—& Your Lordship's will see, in the Course, of all my Letters, to this Time, how much & how often, I have urg'd, upon the Assembly, to give a helping hand, in Defence, of the Neighbouring Colonies, which are so barbarously treated, by the perfidious Incroachments, Depredations, & Murders, committed by the French, & their Indians, upon His Majesty's Lands, & upon His good Subjects; but after waiting, too unreasonably, on the late Assembly's Deliberations, they did but turn, a deaf Ear, & obliged

me, to dissolve them; & I immediately issued, the King's Writt, for the Choice, of a new Assembly, which I met, the 3^d of the last Month, & by their Present Complexion, they seem to be better disposs'd to His Majesty's Honour, & Interest, & to the Common, & their own particular Safety, than the last.—the Secry: is preparing Authentic Copies, of all things, that past, in the last Session, of this new Assembly, & I hope, to have them ready, to transmit to Your Lordships, by a Ship, that will be going, from N York, in about three Weeks, from this Time, & when they get to Your Lordships Hands, you will make Your own Judgment, how much, what the Assembly has propos'd, may tend, to His Majesty's Honour, & Interest, & to the common Defence, & Safety, of His Colonies, on this Continent, but on this head, I shall be more particular, when I send away, the Publick Papers.

Your Lordships will be pleas'd, to allow me to say, that I have no Expectation, even from this new Assembly of their falling in, with the King's Instruction, relative to the Revisal, of their Laws.

His Majesty's Council, are to meet me, the 21: of this month, when I shall lay before them, what of Your Lordship's Letter, respects the Prosecution, of all such Rioters, as have been apprehended, & are now lying, under Bonds, & again take their Advice, in giving proper Directions, to the Kings Attorney General, for the Prosecution of them.—& I am still, fully of Opinion, that these things, must go through, the whole Course of the Law, here, before there can be, a dernier resort, to His Majesty, upon them; I shall therefore urge this Point, upon His Majesty's Council, (some of whom are large Proprietors,) in the strongest manner, I can—

My Lords

As to the Dispute, that has been, so long depending, between the Government of N:York, & that of this

Province, relative to their Boundaries; I believe the Controversy, to be still as strong as ever, & altho' I have been for near twelve Months Past, urging the Government of N: York, from time to time, to coincide with this Government upon a Temporary Line, of Jurisdiction, yet I am sorry to say, they seem to shew; no hearty Disposition, towards it:—& I am afraid Riots, & Outrages will still break out, on this Head, even to fatal Consequences, unless His Majesty, shall be pleas'd, to send, His Royal Orders, to the Government of N: York, in this Matter, for N: Jersey, seems fully inclin'd, to a Temporary Line, untill the true Line of Property, can be ascertained.

I have the Honour, to be with great Respect,

My Lords, Your Lordships,

Most obedient, & Most humble Servant,

J. BELCHER

Extract from the Minutes of the New York Assembly—referring to the Report of 29th of October.

[From N. Y. Col. MSS. in Secretary State's office, Albany, Vol. LXXIX, p. 74.]

Assembly Chamber.

Die Veneris 9h. A. M. the 8th November, 1754.

The Order of the Day being Read, for taking into Consideration the Report of the Committee on the Memorial of Sundry of the Partowners & proprietors of the Patents of Minisink & Wawayanda and the other Patents within this Province bounded on the Jersey Line in behalf of themselves and other Part owners & proprietors of the said Patents; Complaining of the Hardships the people of this province living near the said Jersey line labour under from the Encroachment of the People of that province"

And the Said Report being Read;

Ordered that Col^l Beekman & Capt Winne wait upon his Honour the Lieu^t Gov^t and lay before him the said Report with the Evidences, Relating to the Outrages & Insults—Complained of and desire that he will be pleased to use the best means in his power for protecting his Majesties subjects of this Province & their Possessions from such insults & outrages and to Exercise the Jurisdiction of this province as far Southward as the Bounds described in the said Report untill a final settlement can be made & his majesty shall be pleased to declare his pleasure with Respect to the future Jurisdiction of this Province.

By order of the Gen^l Assembly

ABR^m LOTT JUN Clk,

Orders for settling the rank of the Officers of his Majesty's forces, when joined, or serving with the Provincial forces of North America.

[From P. R. O. America & West Indies, Vol. 74.]

GEORGE R.

Whereas some Doubts have arisen with regard to the Rank and Command, which Officers and Troops raised by the Governors of Our Provinces in North America, should have, when joined, or serving together with Our Independent Companies of Foot, doing Duty in Our said Provinces. In order to fix the same, and to prevent for the future all Disputes on that Account, We are hereby pleased to declare, that it is Our Will & Pleasure that all Troops serving by Commission signed by Us, or by Our General commanding in Chief in North America; shall take Rank before all Troops, which may serve by Commission from any of the

Governors, Lieutenant or Deputy Governors, or President, for the time being, of Our Provinces in North America: And it is Our farther Pleasure, that the General & Field Officers of the Provincial Troops, shall have no Rank with the General and Field Officers, who serve by Commission from Us; But that all Captains, and other inferior Officers of Our Forces, who are, or may be employed, in North America, are on all Detachments, Courts Martial, or other Duty wherein they may be joined with Officers, serving by Commission from the Governors, Lieutenant or Deputy Governors, or President for the time being of the said Provinces, to command & take Post of the said Provincial Officers of the like Rank, tho' the Commissions of the said Provincial Officers of the like Rank, should be of elder Date.

Given at Our Court at St James's this 12th Day of November 1754. in the Twenty Eighth Year of Our Reign.

By His Majesty's Command

T: ROBINSON.

*Letter from Governor Belcher to the Lords of Trade—
transmitting papers relative to the boundary question
between New Jersey and New York.*

[From P. R. O. B. T., New Jersey, Vol. 7, H. 55.]

Right Hon^{ble} Lords Commiss^{rs} for Trade &
Plant^{ns}

ELIZA: TOWN (N J) Nov^{br}: 23^d: 1754.

My Lords

I beg leave to inclose to Your Lordships, Copies of two Letters, which I send this day, to the LGov^r of N: York; the Propositions whereof, if complied with, on his part, I make no doubt, will preserve the Peace;

but if not, it does not appear to me, how its possible, that the Peace can be preserv'd, between the two Provinces.

I send herewith also to Your Lordships, a printed Copy, of the Memorial, of the Proprietors, of East Jersey, of Nov^r: 20: 1753 with sundry Papers, annex'd from N^o: 1: to 17:, inclusive, containing a full Acc^t: of the Dispute, concerning the Bounds between N: York, & N: Jersey, which I beseech Your Lordships, to Consider.

I send Your Lordships also, a Copy of some Remarks, made this Day, by the *Council* here, on those Papers; & on the Proceedings of N: York, since the Publishing there of; by which Your Lordships will percieve, a further Proof, of the Reality of the Scheme; of N: York, against this Province, set forth in Page 50: of N^o: 16:

If Gov^r: De Lancey, will not agree to the Proposals, in my s^d: Letter, I expect no less, than an actual War, by N: York, upon this Province, pursuant to the Votes of Credit, by the Assembly of N: York, of the 8: Inst^t: to their L:Gov^r: to make it, & I expect much Bloodshed, & Murders, in the carrying it on; & know of nothing, that can so soon, put an end to it, as an Order from His Majesty to L:Gov^r: De Lancey, to join in the measures propos'd, to him, in my s^d: Letters; or otherwise, His Majesty's Order to issue, that the Line run, & mark'd in 1719, (as set forth in Articles 12 & 43, of said Memorial) shall be Temporary Line, or that Your Lordships, will still recommend, the Act mention'd in Article 32, for the royal Assent, which Order I doubt not, will immediately restore Peace, & preserve it, till the Bounds between the two Provinces, be settled by His Majesty's Commission, to be obtaind, for that Purpose.—I have the Honour to be, with great Respect,

My Lords,

Your Lordships most obedient, & most humble
Serv^t:

J. BELCHER.

*Letters from the Governor of New Jersey to the Lieut.
Governor of New York inclosed in the Papers.*

Sir

On the twelfth day of Sept: last, I wrote to Your Honour, since which I have receiv'd no Answer from you.

I have a Letter before me, from the Lords Commissioners, for Trade & Plantations, dated the 5: Day of July last, Copy of one Paragraph whereof, I send you, in which their Lordships, recommend the Preservation of the Peace, of the Provinces of N: York, & N: Jersey, upon their present Disputes, concerning the Line, of Division; which I shall do my utmost, to comply with, consistent with my Duty, to His Majesty, & the Trust he has reposed in me, for the Protection of the People, of this Province, committed to my Care.

I am heartily sorry, that the Agreement of February 2^d last, No: 8, annex'd to the Memorial of the Proprietors, of East Jersey, was not approv'd off, by you, & the Council of N: York, as it was by me, & the Council of N: Jersey, as appears by N^o 9:, & that the Irruption of 17: May last, by People of N: York, shoud have been made, into this Province, in Breach of the said Agreement, as appears by N^o 17:, Page 55:; it also gives me no small Concern, that the People of your Province, still continue, to decline their joining, in Endeavours, to obtain His Majesty's Commission, for determining that Dispute, as was requested by N^o 15, which Delay, adds not a little, to the Presumption, that such a Scheme was projected, & is still carrying on as is set forth, in Page 50:, of N^o 16:.

There seems so much Difference, in Opinion, concerning what shall be, the temporary Line, that I have little Hopes, that the Peace of both Provinces, will be

preserv'd, without entering into an Agreement, of the Nature of that of February 2: by which both Parties, were to remain in Quiet, under the Laws of their respective Provinces, & unless they do, also consent to join, in obtaining the Commission, as was propos'd, by N^o: 15, both which Matters, as they have been heretofore, so they are now ready, to be agreed to, on the Part of N: Jersey, which, with noli prosequis mutually to be granted, & actually carrying Commission, bona Fide, into Execution, seem to me, the most probable Means, of restoring & preserving the Peace, of both Provinces, especially, as the running a streight Line, from either of the disputed Places, on Hudsons River to any part of Delaware, will affect, & greatly injure, many of the honest Purchasers, & Settlers, near the Line, & to run to the southward of Minisinck, on Delaware, will include may hundreds of Families, in N: York Government, who have long held, & possess'd their Lands, under N: Jersey Title: I beg your Honour, will consider, of the above Matters, & give a speedy Answer to;—

Sir, Your most humble Servant

J BELCHER

ELZA: TOWN (N J) Nov^r: 23: 1754

L: Gov^r: De Lancey—

A Paragraph of the Opinion & Advice of the Council of N: Jersey, to His Excellency Jonathan Belcher Esq^r., Governour &c^a: Nov^r: 23: 1754

And whereas the pretences of N: York, as to the Bounds of N: Jersey, on Delaware River, are so various, as by the N: York Attorneys, to be pretended, to little Minisinck Island, above thirty miles below the Lattitude 41: 40:, discover'd in 1719; by the Council of N: York, to some Place, they know not where, but so that it includes Minisink, a Country of large Extent, whereof the greatest Part of it, in N: Jersey, which smallest Part, extends above 50 Miles, on Delaware,

below the Lattitude 41: 40: discovered in 1719, & they have desired, the L: Gov^r: of N: York, to exercise the Jurisdiction, of N: York, as far southwards, as those Bounds; as by their Votes, of Oct^r: 29:, & Nov^r: 8: last, appears.

And whereas by the Memorial, & other Publications, of the Council of Proprietors, of East N: Jersey, long since published, & particularly by N^o: 16:, it appears, to be averred, & not hitherto deny'd by N: York, that from the Lattitude 41: 40: discover'd on Delaware, in 1719, along a Line, to the Lattitude 41:, on Hudsons River, by the Observations of 1719, all the Settlements, southwards of that Line, were originally made, under N: Jersey Titles; & so have been, ever held, with a very few Exceptions, & for 45 miles thereof, from Delaware, without any Exception, now but of two Plantations, whereof, one was taken from the N: Jersey Owner, by Force, & the other was settled but last Year, & for other 16: miles, of the s^d: Line, viz: a Breast of Cheesecoaks Patent, without any Exception, which with 45 Miles, makes 61 of the 75 Miles, the whole Length of that Line, & shou'd the Desires of the Assembly, of N: York, be put in Execution, many hundreds, if not Thousands, of Families, of N: Jersey, may be subjected to N: York, to their utter Ruin. And whereas the Protection, of the People settled under the Jurisdiction of N: Jersey, is by His Majesty's Commission, committed to Your Excellency, & there we humbly concieve, (as far as in your Power is,) they ought to receive, that Protection, against the Invasion, desired, as aforesaid And whereas, we have great Reason, to believe, as well from the above Proceedings, of N: York, as from the Affidavit of Colonel Dekay, of Oct^r: 24:, that one, or more Invasions, will speedily be upon the People, settled under, & yielding Obedience, to this Province, southwestwards of the s^d: Line, by the Observations of 1719; wherefore we are

humbly of Opinion, that Your Excellency, shoud acquaint Abraham Van Camp, Colonel of the Regiment of Militia, & Judge of the County of Sussex, with the Premises, with Orders to him, to acquaint all Officers, civil & Military, within the said County, with the same, & that they be diligent, in their several Duties, for the Protection of the People, settled under, & yielding Obedience, to N: Jersey, southwestwards of the s^d Line, by the Observations of 1719; but at the same time, that they be carefull, not to disquiet, any Persons settled under N: York, northeastwards of the said Line, & do yield Obedience, to N: York, tho' within this Province, untill further Orders.

And we are further of Opinion, that your Excellency send, to the L: Gov^r of N: York, a Copy of Your Excellency Order, to Col^o Van Cam, hoping that he will give the like Orders, to Orange County, & that thereby, the Peace of both Provinces, may be preserv'd, which in our Opinion, according to the Advice, of the Lords of Trade, to Your Excellency, is the most "prudent & Legal method, to preserve Peace & "Quiet, among His Majesty's Subjects."

ELIZA TOWN Nov^r 23: 1754

S^r

Above you have a Copy, of the Advice of the Council to me, relative to the Disputed Line, between this, & the Colony of N: York, & I desire, & order you, to conduct yourself agreeable, to the Matters therein recommended, for your Care & Management.—

J. BELCHER

To Abraham Van Camp Esq^r Col^o of the Regiment for the County of Sussex—

S^r

Above you have, agreeable to my Letter herewith, to you Honour, a Copy of my Orders, & Directions to Col^o Van Camp.—

L Gov^r De Lancey

J BELCHER

Bill making current £70,000 in Bills of Credit, transmitted to the Lords of Trade by Governor Belcher, November 26, 1754.

[From P. R. O. B. T., New Jersey, Vol. 7, H. 60.]

AN ACT for making current Seventy Thousand Pounds in Bills of Credit, for Assisting his Majesty and the Neighbouring Colonies to dispossess the French from His Majestys Lands on or near the River Ohio, and for Providing a Fund for the Defence of the Frontiers of this and the Neighbouring Colonies hereafter, and for Sinking the Sum of Thirteen Thousand Seven Hundred & Seventy one pounds Sixteen Shillings & three pence half penny, yet Outstanding in Bills of Credit made Current for his Majestys Service in the Late War.

Whereas the Currency of the Bills of Credit emitted on Loan in this Colony is now expired According to the Tenor of the Respective Acts which gave them Emission, By which means, and the Exportation of Gold and Silver from Amongst us to Great Britain and Else where, the Inhabitants of this Colony are Reduced to Great extremities for want of a Sufficient Currency to Carry on the Necessary Trade with their Mother Country, to honestly discharge their Contracts, To Improve their Lands, or to Answer Even the Common Necessaries of Life, and it being expedient in this time of Common Danger, from the encroachments of a Powerful Enemy, That a fund be provided to assist his Majesty and the Neighbouring Colonies in Remov-

ing the French from his Majesty's Dominions. For these Reasons, and for Sinking Such of the Bills of Credit yet outstanding in this Colony as were made for his Majesty's Service in the Late War, against France and Spain, We the House of Representatives do pray that it may be Enacted.

And Be it Enacted by the Governor Council and General Assembly and it is hereby enacted by the Authority of the Same, that Bills of Credit to the Value of Seventy Thousand pounds Current money of America, According to an Act of Parliament made in the Sixth year of the Reign of the late Queen Anne, Entitled an Act for Ascertainin^g the Rates of foreign Coins in her Majesty's Plantations in America Shall be printed made and prepared as followeth viz^t one Thousand Seven Hundred and fifty Bills each of the Value of Six pounds, or Seventeen ounces ten penny weight of Silver, Three Thousand five Hundred Bills each of the Value of Three pounds or Eight ounces fifteen penny weight of Silver, Seven Thousand Bills each of the Value of one pound Ten Shillings, or four Ounces Seven penny weight Twelve Grains of Silver, fourteen Thousand Bills each of the Value of fifteen Shillin^{gs} or two Ounces three penny weight eighteen grains of Silver, Twenty one Thousand Bills each of the Value of Twelve Shillings, or one Ounce fifteen penny weight of Silver Twenty one Thousand Bills each of the Value of Six Shillings or Seventeen penny weight Twelve Granes of Silver, Twenty eight Thousand Bills each of the Value of Three Shillings or Eight penny weight Eighteen Grains of Silver Thirty five Thousand Bills each of the Value of one Shilling & Six-pence, or four penny weight nine Grains of Silver and Forty five Thousand five hundred Bills each of the Value of one Shilling or two penny weight Twenty-two Grains of Silver.

And Be it Further Enacted by the Authority Afore-

said that the Whole Number of the Bills aforesaid shall be printed on good paper and Impressed with the Arms of Great Britain on the Left Side near the bottom thereof, and near the Top and Bottom the Value of Each Bill so hereby made Current shall be Expressed in Proclamation, and the said Bills Shall be Indented and Contain the words following viz^t This Bill by Law Shall Pass Current in New Jersey for———Ounces ———Penny weight and———Grains of Silver. March 25. And for preventing any fraudulent practice during the Printing of the said Bills the printer thereof, Shall before his printing them have a Copy of the following Oath or Affirmation delivered to him by the Inspectors herein after appointed.—“I, A: B do Declare that from the Time the Letters were Set and fit to be put in the Press for the Printing the Bills of Credit now be me delivered to you untill the Bills were printed, and the Letters unset and put into the Boxes Again, I went at no Time out of the Room in which the said Letters were without Locking them up so as they could not be come at, Without Violence, a false Key, or Other Art then Unknown to me, and therefore to the best of my Knowledge no Copies were Printed of but in my Presence and that all the Blotters and Other Papers whatsoever Printed by the said Letters whilst set for Printing the said Bills to the best of my Knowledge are here delivered to you together with the Stamps for the Indents & Arms and that I have not at any time been privy or Consenting to any or more Bills being Struck than I now Deliver to you, and that in all things Relating to this Affair I have and Shall Demean my self according to the true intent and meaning of the said Act, to the best of my knowledge and understanding.

And after the said Printer Shall Print the said Bills he shall take the Same Oath or Affirmation if one of the People called Quakers, that he may Govern him-

self Accordingly. Provided always that if any Unforeseen Accident has happened, he may have the Liberty of making an Exception thereof in his Oath he Declaring fully how it was, and he is hereby Directed to Confine the Bills so to be made not to exceed two Inches in Breadth and four Inches in Length so that there may be no Necessity of folding to wear them out.

And Be it Further Enacted that the said Sum of Seventy Thousand Pounds in Bills of Credit as aforesaid when Printed, Shall be by the Printer thereof delivered together with the Stamps for the Indents and Arms, unto John Johnston, John Stevens, Samuel Smith, and Hugh Hartshorne Esq^{rs} or any three of them to be Numberd Signed and Indented as fast as they are printed of, and the said Signers as Soon as they shall have finished the Sum of Ten Thousand Pounds, shall pay the Same to the Treasurers of this Colony or Either of them to be applied as his Majesty Shall Direct for the Dispossessing the French from his Lands on or nigh the River Ohio, and for Keeping Possession of the same; and the said Treasurers or Either of them are hereby Impower'd to pay the Same Ten Thousand Pounds (or such part thereof as Shall be drawn for) to any Person or Persons Whatsoever, who Shall Produce to them or Either of them his Majestys Order under his Royal Sign Manual, and the Receipt of Such Person so Producing the said Order, with the said Order Shall be Sufficient to Discharge them the said Treasurers or Either of them their or Either of their Heirs Executors, Administrators or Assigns for the Sum so paid, and the said Treasurers Respectively are hereby Directed and Commanded not to pay the said Ten Thousand Pounds nor any part thereof out of the Treasury without such Order under his Majesty's said Sign Manual together with a Receipt for the said Sum or so much thereof as shall be received being Delivered to him or them,

And Be it further Enacted by the Authority Aforesaid that in Case it Should so happen that the said John Johnston or John Stevens should happen to die refuse or Otherwise be disabled before the Bills of Credit Aforesaid Should be Signed that then and in that Case John Smith Esq^r is hereby Appointed a Signer in lieu of Such Person so dying refusing or being Disabled and if any two of the said three Signers should refuse die or Otherwise be Disabled, then Thomas Barton Esq^r is hereby Appointed a Signer of the said Bills of Credit. And in case of the death refusal or Other Disability of Samuel Smith or Hugh Hartshorne then Abraham Houlings Esq^r is hereby Appointed a Signer in the place or Stead of the said Person so dying refusing or being disabled. And if any two of the three last named Signers should refuse die or Otherwise be Disabled then Joseph Hollingshead Esq^r is hereby Appointed a Signer. Which Signers so Appointed in Case of the Refusal or Disabilities before mentioned happening Shall be and are hereby vested with all the powers and Authorities which by this Act are Vested in the first named Signers.

And Be it further Enacted by the Authority Aforesaid that the Printer on delivery of the said Bills to the Signers when printed Shall take the Oath (or Affirmation if a Quaker) herein before directed in the presence of the said Signers or any two of them And Before any of the said Signers Shall begin to Sign any of the Said Bills, they Shall take an Oath (or Affirmation if Quakers) before any one or more of the Inspectors hereafter Mentioned (to Administer which Oath or Affirmation the said Inspectors are hereby Impowered) for the true Signing of the said Bills of Credit, and that they will Sign no more than by this Act is directed; and that to the best of their Skill they will perform what by this Act they are enjoined as their duty.

And Be it further Enacted by the Authority aforesaid that so soon as the said Bills to the Value of Sixty Thousand Pounds (being the Remaining Sum after the Ten Thousand Pounds is Applied as aforesaid) are Signed the said Signers shall deliver to the Commissioners of the County of Bergen for the use of the said County the Sum of Three Thousand Nine Hundred and fifty four pounds.

To the Commissioners of the County of Essex for the use of the said County the Sum of four Thousand Six Hundred and Seventy two Pounds.

To the Commissioners of the County of Middlesex for the use of the said County the sum of Two Thousand four Hundred and thirty Eight Pounds.

To the Commissioners of the County of Monmouth, for the use of the said County the Sum of Seven Thousand Eight Hundred & Eighty Six pounds.

To the Commissioners of the County of Somerset for the use of the said County the Sum of Six Thousand Seven Hundred Pounds.

To the Commissioners of the County of Sussex for the use of the said County the Sum of Eleven Hundred and Twelve pounds.

To the Commissioners of the County of Morris for the use of the said County the Sum of Two Thousand two hundred and twenty two Pounds.

To the Commissioners of the County of Hunterdon for the use of the said County the Sum of Eight Thousand five hundred & Six pounds.

To the Commissioners of the County of Burlington for the use of the said County the Sum of Seven Thousand and five hundred pounds.

To the Commissioners of the County of Gloucester for the use of the said County the Sum of four Thousand Six hundred and ninety pounds.

To the Commissioners of the County of Salem for the use of the said County the Sum of four Thousand One hundred and ninety-two pounds.

To the Commissioners of the County of Cumberland for the use of said County the Sum of two Thousand one Hundred and Twenty Six pounds.

To the Commissioners of the County of Cape May for the use of the said County the Sum of One Thousand and two pounds.

For which respective sums, the Commissioners of the respective Loan Offices to whom the said Bills Shall be Delivered shall give their receipts to the said Signers, which receipts to them their Heirs Executors and Administrators shall be Sufficient Discharges for the Bills so delivered.

And Be it further Enacted by the Authority Aforesaid that as soon as may be Conveniently After this Act takes place the Secretary of this Colony is hereby required to notify the same to some three Justices of the Peace of each County in this Colony of which one of the said Justices in each of the Countys shall be of the Quorum who on the receipt of the said Notice are hereby required forthwith to Issue their precepts to the Constables of the respective Townships or Precincts in each County Commanding them to give notice to the Other Justices in each of the said Counties, and to Summons all the ffreeholders Chosen for that year in the said Townships & Districts, to meet together at some day and place in the said precept to be Appointed in the said County not exceeding twelve days, nor to be Less than eight, then and there by the Majority of the Voices of the said ffreeholders in each respective County *in concurrence with three of the said Justices Quorum Unus* to Chuse and they are hereby commanded so to meet and Chuse Two Substantial Freeholders to be Loan Officers in every County of this province who are to have the management thereof in the County for which they are respectively named & Appointed; and After they have taken their Qualifications According to the Directions of this Act, they

shall be and are hereby declared to be Bodies Politick and Corporate in Succession, in Fact & in Law, that is to say

The Commissioners chosen as aforesaid for the County of Bergen shall be one Body Politick and Corporate by the Name of the Commissioners of the Loan Office of the County of Bergen.

The Commissioners Chosen as aforesaid for the County of Essex Shall be another Body Politick and Corporate, by the name of the Commissioners of the Loan Office of the County of Essex.

The Commissioners Chosen as aforesaid for the County of Middlesex shall be another Body Politick & Corporate, by the name of the Commissioners of the Loan Office of the County of Middlesex.

The Commissioners chosen as aforesaid for the County of Somerset shall be Another Body Politick & Corporate, by the name of the Commissioners of the Loan Office of the County of Somerset.

The Commissioners Chosen as aforesaid for the County of Monmouth Shall be another Body Politick & Corporate, by the name of the Commissioners of the Loan Office of the County of Monmouth.

The Commissioners chosen as aforesaid for the County of Sussex Shall be another Body Politick and Corporate, by the name of the Commissioners of the Loan Office of the County of Sussex.

The Commissioners Chosen as aforesaid for the County of Morris Shall be another Body Politick and Corporate, by the name of the Commissioners of the Loan Office of the County of Morris.

The Commissioners Chosen as aforesaid for the County of Hunterdon Shall be Another Body Politick & Corporate by the name of the Commissioners of the Loan Office of the County of Hunterdon.

The Commissioners Chosen as aforesaid for the County of Burlington shall be another Body Politick

and Corporate, by the name of the Commissioners of Loan Office of the County of Burlington.

The Commissioners Chosen as aforesaid for the County of Gloucester shall be another Body Politick and Corporate by the name of the Commissioners of the Loan Office of the County of Gloucester.

The Commissioners Chosen as aforesaid for the County of Salem shall be another Body Politick and Corporate by the name of the Commissioners of the Loan Office of the County of Salem.

The Commissioners Chosen as aforesaid for the County of Cumberland shall be another Body Politick & Corporate, by the name of the Commissioners of the Loan Office of the County of Cumberland.

The Commissioners Chosen as aforesaid for the County of Cape May Shall be another Body Politick and Corporate, by the Name of the Commissioners of the Loan Office of the County of Cape May.

With full power to every of the said Bodies Politick to use a Commom Seal, & by & in the Name thereof as aforesaid to Grant Receipts receive Mortgages, and Again to Grant the Same away, to Sue and be Sued, and Generally with all Such Powers as are necessary to be used for the due Execution of the Trust reposed in the Said Commissioners by this Act.

And Be it further Enacted by the Authority aforesaid that before the said Commissioners of the respective Loan offices that shall be so chosen within this province or Either of them, do enter upon their said office of Commissioners, every of them shall take the following oath or affirmation if a Quaker before some one Magistrate of the respective County * * * "I, " A B will According to the best of my Skill & Knowledge, faithfully Impartially & truly demean myself " in discharge of the Trust committed to me, as one of " the Commissioners of the Loan office for the County " _____ According to the purport true Intent

“& meaning of this Act of General Assembly, so as
“the Public may not be Prejudiced by my Consent
“Privity or Procurement.”

And Be it Enacted by the Authority Aforesaid that the Magistrate who shall Administer to the Commissioners aforesaid the Oath or Affirmation herein directed by them to be taken Shall give to them respectively a Certificate under his hand that the said oath or Affirmation has by him been Administered to & taken by them, and the Clerk of the County shall Likewise give them respectively a certificate that such Commissioner has given Bond with Security Approved as by this Act is hereafter directed, therein mentioning the date sum & names of the Securities, and that the same is filed with him, which Certificate together with the receipt of the said Commissioners Shall Sufficiently Warrant the Signers aforesaid to Deliver to each of them the said Commissioners their proportional parts of their Quotas Assigned to the Several Counties for which they are Respectively named.

And Be it Enacted by the Authority Aforesaid that each of the said Commissioners shall give Bond to his majesty his Heirs and Successors with Such Sufficient Security as shall be Approved of by any three or more of the Justices of the Peace of the County Quorum Unus, together with three of the Freeholders of the Same County Elected by Virtue of an Act Entitled an Act for Raising of money for Building & repairing of Goals & Court Houses in Each respective County of this province in the full Sum by this Act Committed to his Charge with Condition for the true and faithful performance of his office & duty & that without favour Malice or Partiality which Bond being taken & Approved of as Aforesaid Shall be Lodged with the County Clerk, and in case of the forfeiture thereof Shall by the Justices and freeholders of the County be put in Suit & on recovery thereof the monies re-

covered shall be Applied to the use of the County in Consideration of the Counties making good the Deficiency of the Borrowers in the same as in this Act is hereafter directed.

And Be it Enacted by the Authority Aforesaid that when the said Commissioners respectively have Qualified themselves as by this Act is directed, and received the said Bills of Credit Such Bills of Credit shall be let out to such as Shall Apply for the Same & can and will give Security to the said Commissioners by Mortgage on Lands Lots Houses or other Valuable Improvements Lying in the Same County they the said Commissioners first giving Publick Notice (as in other Cases directed by this Act for Notices) by Advertize-ments set up that on a Certain day at least Ten days after Setting them up and at a Certain place therein Mentioned, they will be ready to receive Borrowers Qualified According to the direction of this Act, and as on that day Borrowers do Offer their Names and Sums they Demand Shall be Orderly Entered down in the minute Book of proceedings and every one Shall be Served According to the Priority of their demand if reasonable objection be not Against the Title and Value of the Lands offered to be Mortgaged or some other Sufficient reason, which shall be entered Also in the minute Book of Proceedings.

Provided Always that if upon the first day so many Borrowers do offer as to demand a greater sum than the whole Sum in that County to be Lent out, Then and in that Case every Such Borrower Shall be Abated of the Sum he Demanded proportionally.

And Be it Enacted by the Authority aforesaid, that the said Commissioners respectively before they Accept of any Land Lots Houses or Other Improvements in Mortgage for any of the said Bills; they Shall first view what is so offered in Mortgage or make due Enquiry into the Value thereof, and then Shall Examine

the Titles thereto by perusing the Deeds Patents Surveys & Other Writings & Conveyances by which the Same is held, And the said Commissioners respectively are hereby Also Impowered & required to Administer to all persons applying for any of the said Bills as Aforesaid, the following Oath or Affirmation if Quakers to wit.

“I A: B. am bonafide Seized of the Lands Tenements & Hereditaments by me proposed to be Mortgaged in my own right & to my own Use and the Same were not Alienated in trust to me for the use of any Person nor with intent to raise any Sum or Sums of money upon the Same by way of Loan or other wise for the use of any other Person or Persons whatsoever and the Premises are free and Clear from any Other or former Gift Grant Sale Mortgage Judgment Recognizance or other Incumbrance whatsoever to my Knowledge except the rent Issuing thereout to our Lord the King & the Proprietors Quit rent if any there be.”

And Be it Enacted by the Authority Aforesaid that the Commissioners for each of the said Counties respectively upon finding Borrowers Qualified and they the said Commissioners being Satisfied as aforesaid are hereby required and by Virtue of this Act have full power to let out the Value of the said Bills to them Delivered as Aforesaid at the Interest of five per Cent per Annum for the Term of Sixteen years from the date of the said Bills, in Sums not exceeding One Hundred Pounds to any one Person, and not under Twelve pounds Ten shillings to any one Person, The said Commisssioners for each of the said Counties respectively taking Security for the Same by way of Mortgage as aforesaid in at Least double the Value in Lands Tenements & Hereditaments Appearing clear of Incumbrances except Rents as aforesaid and in at Least three times the Value in Houses within the said re-

spective Counties as aforesaid and administering an Oath or Affirmation to the borrower as aforesaid. which Mortgage when Executed before two or more Lawfull Witnesses, and the Substance thereof Minuted in a Book to be by the the said Commissioners provided & Kept for that purpose in each respective County at the Charge of the Mortgager, the Charge not exceeding Eight Shillings, an Attested Copy of which Deed so minuted & Certified under the hands of the said Commissioners Shall and is hereby declared to be matter of Record & shall be good Evidence of the said Mortgage any Law usage or Custom to the Contrary Notwithstanding.

And Be it further Enacted by the Authority aforesaid that the Several Sums of money Lent out in pursuance of this Act Shall be paid in Again in manner following, (that is to Say) each Borrower Shall Annually and Every year After the Time of his Borrowing on the Twenty fifth day of march in each year pay into the Loan office one Sixteenth part of the Sum borrowed, together with the Interest of so much of the Principal as was the year past remaining in the Borrowers Hands Computed at the Rate of five pounds per Centum per Annum untill the whole Sum borrowed with the Interest Annually Computed at the rate aforesaid Shall be paid in. Provided always that it shall and may be Lawfull for any Such Borrower at any of the Annual Times of payment Aforesaid, to pay in the whole Sum borrowed if such Borrower shall so think fit in the Same manner as they used to do by Virtue of former Acts of this Colony, and the money so paid in Shall again be Let out by the said Loan Officers to any Person or Persons who may incline to borrow the Same at the Interest aforesaid, so that such Borrower or Borrowers shall pay in Such equal and proportional parts of the Sum borrowed, that the whole Sum so again Let out may be repaid

with Interest Computed as Aforesaid at the Expiration of the Time Limited for the Currency of the said Bills.

And be it further Enacted by the Authority aforesaid that all the Sums of Principal money that shall be so paid in by the Borrowers during the first Eight years of the Time Limited for the Currency of the said Bills of Credit, but not After may and Shall be Annually re-emitted by the said Loan officers respectively upon Loan to any person or persons Whatsoever, and at the Interest Aforesaid they the said Loan officers in Re-emitting or Lending out again the said principal Sums so paid in taking Such Security & observing the Like Rules as are directed in relation to the first Lending thereof, so always that care be taken therein from time to Time that the whole Sum so Re-emitted Shall be again paid in in Equal Proportional Parts that the whole thereof and the Interest Annually Shall be Repaid at the Time Limited for the Currency of the said Bills.

And be it further Enacted by the Authority Aforesaid that in Case any Commissioner or Commissioners of the Loan offices Aforesaid do or Shall Neglect delay or Refuse, or by death or removal omit performing the duties enjoined him or them by this Act or Shall behave him or themselves in his or their office with favour Affection or Partiality whereby the Publick or any Private Person may be injured; upon Report or Complaint made thereof to any three of the Justices of the Respective Counties to which they belong (Quorum unus) the said Justices are hereby required and Comanded to Issue out their Precepts According to the Direction of this Act to Call together the Justices and freeholders chosen in each Town or Precinct to meet at such Time & place as by the said Justices in their Precept Shall be appointed to hear and Determine Summarily the said Complaint, and

upon Sufficient proof made to any three of the said Justices (Quorum Unus) with the major part of the said Freeholders in and for the said County of any failure or neglect in his or their said Office as Afore^{sd} then & in that case the said Majority of the said ffreeholders with Concurrence of three Justices as afore-said, Shall proceed to Elect & Choose and are hereby required & Commanded to Elect & Chuse a Person or Persons in the room and Stead of Such Defaulter or Defaulters, which Commissioner or Commissioners so Chosen by the Justices and ffreeholders as before having entered into Bond & been Qualified in like manner as the Other Commissioners as in and by this Act is Directed, Shall have all the Powers Privilidges & Advantages, and be Subject to all the pains Penalties and forfeitures which any of the said Commissioners of the County for which he is so Appointed are Vested with Entitled to Charged with or Subject to by Virtue of this Act.

And be it further Enacted by the Authority Afore-said that if any of the Commissioners to be Chosen by Virtue of this Act Shall at any Time hereafter desire to be Discharged of and from the said Office he or they Applying him or themselves to the Justices of the Peace of the County or any three of them whereof One to be of the Quorum and the Majority of the Freeholders before mentioned, and rendring an Account of his or their Proceedings in the said Office and it Ap-
pearing upon Examination that the said Commissioner or Commissioners hath or have faithfully demeaned him or themselves in the Discharge of the said Office According to the true intent & meaning of this Act, then and in such Case Such Commissioner or Commissioners Shall be by the said Justices & freeholders Discharged off and from the said Office, and another or Other fit Person or Persons Appointed to Supply that place or places who Shall take the Same

Oath or Affirmation, give the like Security, be under & Subject to the same restrictions & regulations, and receive the Same Salaries & Advantages whatsoever as the Other Commissioners for that County may or ought to do by Virtue of this Act.

And be it Enacted by the Authority Aforesaid that if Any Person or Persons who shall borrow money out of the Loan Office of any of the respective Counties of this Province Shall neglect to bring in and pay or Cause to be brought in & paid yearly and Every year on the Last Tuesday of March or within thirty days thereafter on one of the days which the Commissioners Aforesaid are hereby directed to attend the respective Loan Offices, the part or parts of the Principal and Interest become due by the Mortgage or Mortgages given as aforesaid then & in such Case the Commissioners of the Loan Office to which the Same Mortgage or Mortgages were Granted Shall be Seized of an Absolute and Indefeizable Estate in the Lands, Houses, Tenements and Hereditam^{ts} thereby Mortgaged to them their Successors and Assigns to the uses in this Act mentioned, and the Mortgagor or Mortgagors, his her or their Heirs and Assigns Shall be utterly fore Closed and barred of all Equity of redemption, of the Mortgaged Premises Any Law usage custom or practice in Courts of Equity to the Contrary Notwithstanding.

And be it Enacted by the Authority Aforesaid that the said Commissioners respectively Shall forthwith after the thirty days before mentioned yearly & Every year give Sufficient directions which they are to take Care Shall be Observed for fixing up advertizements at three of the most publick Places in at least three or or more Distinct Towns or precincts of the County where the Premises are Situate of all the Lands Contained in the Mortgages whereof the Equity of Redemption is foreclosed as aforesaid Describing the

Quantities & Situation of the Same, and that on the Second Tuesday of June thereafter they are to be sold at the Court House of the respective County where the Lands lie by way of Publick Vendue to the Highest Bidder.

And be it further Enacted by the Authority Afore-said that the Commissioners of the respective Counties, Shall on the Second Tuesday of June yearly expose the Lands Contained in the Mortgage or Mortgages (Whereof the Equity of redemption is foreclosed as afores^d) to Sale by Way of Public Vendue and upon Sale Shall Convey them to the buyer or Buyers thereof, who shall pay for their Deeds no more than five Shillings which Deed Shall be in the form following.

This Indenture made the — day of — in the — year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King, defender of the faith &c Anno. Dom: One Thousand Seven Hundred and — Between the Commissioners of the Loan Office of the County of — of the One part, and — of the Other part Witnesseth that the Commissioners of the Loan Office of the County of — for and in Consideration of the Sum of — to them in hand paid, whereof they Grant the receipt and Discharge of the said — his Heirs Executors and Administrators thereof for ever Have Pursuant to an Act of the General Assembly of this province, entitled an Act for making Current Seventy Thousand pounds in Bills of Credit for Assisting his Majesty & the Neighboring Colonies to dispossess the french from his Majestys Lands on or near the River Ohio, and Other purposes therein mentioned, Granted bargained Sold released enfeoffed & Confirmed; and by these Presents do Grant Bargain sell release enfeoff and Confirm unto the said — his Heirs and Assigns forever, All that — together with all & all manner of woods under woods Trees Mines Minerals Quarries

Hawkings Huntings fowlings fishings Buildings fences Improvements Hereditaments and Appurtenances whatsoever to the Same belonging or in any ways Appertaining, and all the Estate Right Title Interest Claims possession property and Demand whatsoever of the Commissioners of the Loan Office of the County of — and their Successors, to the Above bargained premises and every part thereof, to Have and to Hold the Above Bargained premises and every part thereof, with the Appurtenances to the said — his Heirs and Assigns to the sole and only proper use benefit and behoof of the said — his Heirs and Assigns forever. In Witness Whereof the Commissioners of the Loan Office of the County of — have hereunto Set the Seal of their Corporation together with their Hands the day & year Above Written.

Sealed & Delivered In the Presence of ———

And when the said Lands & Hereditaments Shall be Sold as aforesaid the Person or Persons to whom they shall be Sold Shall and may Hold and Enjoy the Same with their Appurtenances for such estate as they were Sold, Clearly discharged and freed from all Benefit & Equity of Redemption and all Other Incumbrances made & Suffered by the Mortgagor his or her heirs or Assigns, and Such Sales Shall be Available in Law & Equity.

And be it further Enacted by the Authority Aforesaid that the Money or price for which the said Lands shall be sold, upon the Sale thereof Shall be paid in to the Said Commissioners, out of which they shall retain in their Hands what has not before been paid in of the whole principal Lent together with the Interest that has become due thereon untill the day of the Sale thereof, as also the Expence of the Advertisements & of the Sale, the sum not Exceeding fifteen Shillings and the remainder (if any be) the Commissioners Shall pay to the Mortgagor his or her Heirs or assigns and

in Case such Sale Shall happen during the first Eight years Currency of the said Bills but not after, the said principal Sums so received on the Sale Shall be re-mitted in the manner herein before directed in Respect to the Sums of money paid in to the said Loan Officers during the first Eight years Currency of the said Bills.

Provided Always that in Case the Buyer or any Other Person or Persons have then an Inclination to borrow the whole or any part of the Principal so paid in (which ought not to have been sunk before that Time) upon the Terms herein before mentioned the Commissioners being Satisfyed of the Security to be given by him or them in manner Aforesaid may either Lend him or them the Same or let the buyer retain it in his hands upon giving Security by Mortgage as Aforesaid.

And be it further Enacted by the Authority Aforesaid that if after any Lands Tenements or Hereditaments are Mortgaged to any of the Aforesaid Commissioners of the Respective Loan offices in this Province According to the directions of this Act, it Shall Appear to the Same Commissioners upon Good Sufficient Grounds which they Shall insert in the Minute Book of their proceedings that the Mortgagor had no good Right or Title to the Lands Tenements or Hereditaments or any of them so Mortgaged as Aforesaid so that the Publick may be in danger of Loosing the monies or any part thereof Advanced in Loan upon the Credit of the said Premises it shall & may be Lawfull to and for the said Commissioners & they are hereby required & Impowered to Commence any Action or Actions of debt or Covenant upon the said Mortgage against the said Mortgagor his or her Heirs Executors or Administrators, & the Same to Prosecute to Judgment & Execution in any Court of Record within this province or any Other of his Majesty's Governments for the recovery of the whole monies Lent upon the said Mort-

gage and Interest become due with Cost, & Charges by all Lawfull ways and means whatsoever. In which Action or Actions the Defendant Shall be held to Special Bail, and the Court or Courts in which the Same Action Shall be brought are hereby Authorized and Directed to give Such Short days for the Rules of pleading therein, that Judgment, or a Trial & final determination of the said Actions may be had the first Court After the Court before which the Defendant Appeared to the Same Action, and Such Actions (if the Defendant can be found within this Province) Shall be brought in the County where the Cause of Action Arises.

And Be it further Enacted by the Authority Aforesaid that the Bills of Credit by this Act to be made Shall be & continue Current for and during the Term of Sixteen years from the date of the said Bills between Man & Man but shall be received by the Commissioners aforesaid & the Treasurers of the Respective Divisions of this Colony for the Space of Six months thereafter & no Longer. Which said Bills so made Current Shall be received and paid for the Value Expressed upon each Bill, for Lands, Goods, Chattles or any Other thing bought or Sold by all Persons whatsoever residing in or passing through this Colony, and a Tender of the said Bills at any Time during their Currency made to any person or persons whatsoever in the said Colony for the payment or Discharging of any debt or debts Bargains Sales of Land or Other things Bonds Mortgages Specialties and Contracts Whatsoever Already made, or hereafter to be made either for Sterling money Silver money of America or any Other Species of Gold Silver or any Other Quantity of plate or Gold, Shall be as Effectual in Law to all Intents & Purposes as if the Species Contracted for had been Tendered for the Same.

And Be it Enacted by the Authority Aforesaid that

if any Person or Persons Creditor or Creditors, Obligee or Obligees, Any Party or Parties to any Contract, Covenant Bargain or Agreement Whatsoever already made or hereafter to be made at any time during the said Sixteen years, that said Bills are made Current for Shall upon Tender made before Two Lawfull Witnesses of all or any their debts dues & Demands whatsoever (Provided the said Tender be made of the whole debt or Demand that is due from any One Person, and not of a part) in the Bills of Credit made Current by this Act, refuse to Accept or Receive the said Bills of Credit in Discharge of the said Debts dues or Demands According to their Values or rates, he She or they so refusing to accept the said Bills of Credit in Discharge as aforesaid, Shall Loose the said debt or Debts, Sum or sums of money so refused, and they and Every of them, they and Every of their Heirs Executors and Administrators shall for ever be barred from bringing his her or their Actions for Recovery of the said Debt or Debts Sum or Sums of money so refused as aforesaid, and the Defendant may plead this Act in barr to any Action or Actions that shall be so Commenced.

And be it further Enacted by the Authority Aforesaid that if any Person who is an Inhabitant in this Province Shall in any Other Government Sue or Arrest Another Inhabitant of the Same for any Debt Contracted in this Province it Shall & may be Lawfull for the party Sued to make a Tender in Bills made Current by this Act, which Shall be deemed good & Lawfull, and the party refusing said tender shall be Liable to the penalties of this Act as in Case of a Tender made in this province.

And be it further Enacted by the Authority Aforesaid that if any person or Persons Whatsoever shall Counterfeit or be Aiding or Assisting in Counterfeiting or Altering any of the said Bills of Credit made Current by this Act so as to make them pass or Appear to

be of Greater Value than they were made Current for, or utter or Cause to be uttered any Bill or Bills Knowing the Same to be Counterfeit or Altered as Aforesaid and be thereof Legally Convict he she or they so offending Shall incur the Pains and Penalties of Felony without Benefit of Clergy, and shall Suffer Death Accordingly.

And to the end the Intents of this Act may not be eluded, Be it Enacted by the Authority Aforesaid that if any Person or Persons Shall at any Time hereafter be Apprehended or taken into Custody on Suspicion of having Counterfeited any of the Bills of Credit now Current in this Colony or which by this Act Shall be made Current, in such the Prosecutor on the part of the Crown in the Indictment Exhibited against the said Person or Persons Shall Alledge the fact or facts to be done, where in Truth the Same was done; and if upon the Tryal thereof Sufficient Proof doth appear that the same was done in the place where it is so alledged in Such Indictment or Indictments, or in any Other Place, the Party or Parties duly Convict thereof shall Suffer in Such and the Same manner as if the Same were Alledged & proved to have been done in Some County of this Colony, and the Juries on the Tryals of all Such foreign Issues Shall be Returned from the Bodies of the Counties of Burlington or Middlesex or one of them, Any Law Usage or Custom to the Contrary Notwithstanding.

And Be it further Enacted by the Authority Aforesaid that the respective Loan Officers of this Colony shall be kept at the Court House of each respective County or at some Other Convenient place near the same (or in Such Counties where there is no Court House nigh the place where the same is to be fixed: but if that cannot be Agreed on then as three Justices (Quorum Unus) in Conjunction with the Major part of the Freeholders Chosen for said County Shall Di-

rect; and the said Commissioners Shall so soon as the Bills are Signed & Delivered to them, set up Advertisements of the first day of their Attending the Loan Office as aforesaid, and Shall duly Attend the Same on that first day and on every Tuesday and Wednesday in each week for the Space of two months thereafter if there be Occasion for their Sitting so long, and Afterwards they Shall Attend the said Loan Office every year to receive the Monies by this Act Directed to be paid in to them upon the Last Tuesday in March & thereafter on the Tuesday in each Week for the Term of three weeks, and it Shall and may be Lawfull for the Several Loan Officers to Keep and Retain in their Hands out of the Interest money Arising on the Bills hereby made Current so much thereof as will pay them the Salaries Annually due and Appointed by this Act and the Residue Shall be Annually & Every year within three months After the receipt thereof paid unto the Treasurers of the respective Divisions of this Colony for the Time being to be disposed of in manner following that is to say, the Whole Interest Money Arising from the said Sixty Thousand pounds, after paying the Several Charges Attending the Sum made Current by this Act Shall be Applied as follows, (to wit) the sum of Ten Thousand pounds towards Sinking & Cancelling so much of the Bills of Credit now made Current for Assisting his Majesty to dispossess the French from his Lands on the Ohio; Also the Sum of Thirteen Thousand Seven Hundred & Seventy one pounds Sixteen Shillings & three pence half penny towards Sinking & Cancelling the Bills of Credit made for his Majesty's Service in the Late war and yet out Standing, and the Whole of the Remainder of the said Interest Money as the Same Shall arise, Shall be given to his Majesty his Heirs & Successors, to be Applied hereafter by the Governor, Council and General Assembly for the Defence of the Frontiers of this & the Neighbouring Colonies on the Continent of America.

And the said Treasurers on Receiving the said Interest money from the Respective Loan Officers Shall give a receipt for the Sum or Sums received which Shall be Sufficient to discharge them the said Loan Officers their Heirs Executors & Adm^{rs} for the said Interest money; and in Case the said Loan Officers Shall Neglect delay or Refuse to pay the said Interest money unto Them the said Treasurers at the Several days & times herein before Appointed the said respective Treasurers are hereby required & Comanded, on any such Neglect delay or Refusal forthwith to Prosecute the Defaulter or Defaulters, and on Conviction each Loan Officer so Offending Shall for each Offence forfeit the Sum of Twenty pounds, to be Recovered with Costs of Suit by the said Treasurers of the Respective Divisions, who shall Sue for the same to Effect by Action of debt, Bill plaint or Information in any Court of Record in this Colony where the Same shall be Cognizable, one half to the use of the Lord the King that now is his heirs and Successors for the Support of his Government to be disposed off as the Governor Council & General Assembly Shall hereafter direct, the Other half for the use of him the said Treasurer.

And be it Enacted by the Authority Aforesaid that the said Treasurers respectively shall Lay the said Interest money by them so received yearly & Every year before the Justices & ffreeholders of the Counties of Middlesex or Burlington to be by them Inspected cancelled, Bundled up tyed Sealed, and a Certificate of the Quantity so Sealed left with the Treasurer of the respective Division to be by him laid before the General Assembly in Order that the said money may be finally Sunk and Destroyed.

Provided Always that the said Treasurers shall Lay no more of the said Interest money before the said Justices and ffreeholders than will make up the Sum of Twenty three Thousand Seven Hundred & Seventy

one Pounds Sixteen Shillings & three pence half penny but Shall Keep the remainder as it is paid in to be hereafter Applied as before Directed.

And be it further Enacted by the Authority Aforesaid that the Act of Assembly of this Province Entitled an Act for Levying a fund at Different Periods by Provincial Taxes for Sinking the Sum of fifteen Thousand three hundred & two pounds & four pence Now Out Standing in Bills of Credit made Current for his Majesty's Service in the Late War, Be and is hereby repealed made null & Void to all intents & purposes Whatsoever.

And be it further Enacted by the Authority Aforesaid that the yearly Salaries of the said Commisioners of the said Loan Offices for the Services required by this Act Shall be as follows.

To each of the Loan Officers of the County of Bergen Chosen as Aforesaid the Sum of fifteen Pounds.

To each of the Loan Officers of the County of Essex Chosen as Aforesaid the Sum of Sixteen pounds Eleven Shillings & Eight pence farthing.

To each of the Loan Officers of the County of Middlesex Chosen as aforesaid the Sum of Nineteen Pounds Six Shillings & one penny.

To each of the Loan Officers of the County of Monmouth Chosen as aforesaid the sum of Twenty Seven pounds Nineteen Shillings & ten pence half penny.

To each of the Loan Officers of the County of Somerset Chosen as aforesaid the Sum of Twenty three pounds fifteen Shilling & eight pence farthing.

To each of the Loan Officers of the County of Sussex Chosen as Aforesaid the Sum of Ten Pounds.

To each of the Loan Officers of the County of Morris Chosen as aforesaid the Sum of Ten Pounds.

To each of the Loan Officers of the County of Hunterdon Chosen as aforesaid the Sum of Thirty pounds three Shillings & Eleven pence.


To each of the Loan Officers of the County of Burlington Chosen as aforesaid the Sum of Twenty Six pounds twelve Shillings & Six pence.

To each of the Loan Officers for the County of Gloucester Chosen as aforesaid the sum of Sixteen pounds Twelve Shillings & Eleven Pence three farthings.

To each of the Loan Officers of the County of Salem Chosen as aforesaid the Sum of Seventeen Pounds.

To each of the Loan Officers of the County of Cumberland Chosen as aforesaid the Sum of Ten Pounds.

To each of the Loan Officers of the County of Cape May Chosen as Aforesaid the Sum of Ten Pounds.

And be it Enacted By the Authority Aforesaid that the said Commissioners on the Second Wednesday in May Yearly before the Justices of the peace of the Respective Counties or any three of them (Quorum Unus) and the Majority of the freeholders Elected for the Same County by Virtue of an Act of the General Assembly of this Province entitled an Act for Raising of money for Building and Repairing of Gaols and Court Houses within each respective County of this province Shall Lay the whole Accounts of the Bills of Credit Aforesaid by them to be Inspected & Considered of together with Such parts of the principal Lent as aforesaid which are directed to be paid in yearly in Bills of Credit which Accounts and Bills being Carefully Examined Inspected and Counted, the bills Shall be Cancelled by Laying some Number of them Orderly one above Another, and Cutting a Triangle from the Top of them, which Separated from the Bill will appear in this form  and all the Bills aforesaid being so Cut, the Triangles cut out Shall be burned & Destroyed in Presence of the said Justices & freeholders & the remaining part of the said Bills Shall be Carefully put up and tied & Sealed with the Seals of

the Said Justices ffreeholders and Commissioners, and the Sum in each Bundle and the day & year the Same were Cancelled with the Name of the County endorsed thereon and a Certificate under the Hands of the said Justices and ffreeholders of the Sum of the Bills so Cancelled Shall be Sufficient for the Commissioners to Account with the General Assembly in that Affair, and which bundles so tied & Sealed as aforesaid shall be by the said Commissioners yearly Delivered to the Treasurer of the Division to which they belong, at the Time they pay to him the Interest money Arising by this Act; Which Treasurer Shall give his receipt for the Same Mentioning therein the Number and Marks of the Bundles and Shall Carefully preserve them in Order that they may be Inspected by the General Assembly of this Colony, and Compared with the Certificates Aforesaid of the Justices & ffreeholders; And if any Suspicion Should thereafter Arise of fraud or of Counterfeits, that the Same may be detected and Such Course taken therein as to the General Assembly Shall Seem meet.

And be it Enacted by the Authority Aforesaid that in Case the Sum of Bills so Cancelled as Aforesaid do happen to be less than the Sum of Bills by this Act directed to be at or before that Time paid in & Cancelled in the Respective Counties as aforesaid, the said Justices and ffreeholders are hereby Strictly Charged & Commanded to Cause the Sum that is wanting to make up the Same to be Levyed of the Inhabitants of such County in Such manner, and According to Such Methods as are directed by an Act, Entitled an Act for Raising of money for building and Repairing of Gaols Court Houses within each respective County of this province, and the Same being so Levyed, Shall Cause to be Cancelled in manner Aforesaid on that day twelve months, on which it should have been Cancelled. And in Case the Justices and ffreeholders

Aforesaid Shall on any Pretence whatsoever Neglect Causing the whole Sum that is wanting to be Levied, Every of them Neglecting their duty herein Shall forfeit to his Majesty the Sum of Ten pounds to be recovered in any Court of Record within this province, one half to the use of such Justices & ffreeholders of the Same County endeavoring to perform their duty herein who will Sue and Inform Against the Rest and Prosecute their Suit to Effect; and the Other half to be Applied towards Cancelling the Bills of Credit in Such manner as Shall be Directed by the Governor Council and General Assembly. and in Case none of the Justices and ffreeholders Aforesaid Shall within three months After Such Neglect Sue and Inform Against the rest or Shall by Coven or Collusion delay prosecuting their said Suit to Effect, then every of the said Justices and ffreeholders are hereby Declared to be equally Guilty of the said Neglect and Every of them Shall forfeit the said Sum of Ten pounds to be Recovered by Any Person or Persons who will Sue for the Same in any Court of Record within the Colony, One third part to the use of the Prosecutor; and the Other two thirds to be applied towards Cancelling the Bills of Credit.

And in Case the Interest of the said Sixty Thousand pounds to be hereby emitted on Loan Should After Deducting the Salaries and Charges attending it, for want of borrowers or by any Other means fail of being paid fully into the Treasury: It is hereby Enacted and Declared that the Counties respectively Shall make up the Deficiencies of the Interest of their Quotas in the Same manner and under the Same pains and penalties as before directed.

Provided Always that no Sum or Sums of money Shall be Levied to make good Deficiencies upon the Inhabitants of any County or Counties, before a Sale or Sales Shall be made of the Premises Mortgaged

(cases where it appears the Mortgagers or any of them have no Title to the Premises Mortgaged only Excepted) pursuant to the Directions of this Act and upon Such sale or Sales at any time made, and any Deficiency or Deficiencies happening, the Commissioners of the Loan Offices Shall forthwith Acquaint the Justices & freeholders thereof to the end Such Deficiency or Deficiencies may then be Levied on the Inhabitants of the said Counties respectively, so as that the money may be ready to pay unto them the said Commissioners on or before the twenty fifth day of March Next following such Sale or Sales.

And be it further Enacted by the Authority Aforesaid that Wheat if Offered in any of the payments Aforesaid, Shall be received at the rate of four pence less in Value for Every Bushel, than the Market Price. which wheat when so paid into any of the said Loan Offices Shall be Sold for the Bills of Credit hereby to be made Current, and the money disposed of in Such Manner as if the payment had first been made in the said Bills. And also all Gold and Silver Coins mentioned in the Aforesaid Act of the Late Queen Anne for the Ascertaining the Value of the said Coins, Shall and may be received at the rates in the said Act Mentioned, if paid in the first eight years Currency of the said Bills to be let out at Interest in Such manner as if the Same had been paid in the Bills of Credit aforesaid; and if paid in after that Time then to be paid in to the Treasury in Order to Exchange for Bills of Credit or be otherwise Disposed off as the Governor Council and General Assembly may hereafter direct and Appoint.

And be it further Enacted by the Authority Aforesaid, that not any of the money or bills by this Act directed to be Let out at Interest Shall be Let out in Sums Exceeding One Hundred pounds Nor less than Twelve pounds Ten Shillings to any one person unless

it should remain in the hands of any of the said Loan Officers for the Space of Six months, for want of borrowers; in which Case it Shall and may be Lawfull to let out the Same on good Security as aforesaid to any Person who will borrow the Same in Sums not exceeding Two Hundred pounds to any one person.

And to prevent frauds that may happen by Executors or Administrators in their non payment of any part of the money borrowed as aforesaid by the respective Testators or Intestates, Be it further Enacted by the Authority Aforesaid, that if any Person or Persons Shall borrow any of the Bills of Credit which by Virtue of this Act Shall become Current, and Shall After make his or their Last Will and Testament in due form of Law, thereby Devising the Premises so Mortgaged to any Other person or persons leaving personal Estate Sufficient to pay his or her Debts, with an Over plus not Otherwise in the said Will Disposed of, and not Expressly providing in Other manner by the said Will, in Such Case it Shall be understood that the Devisor intended that the Mortgage money in Arrear at the Time of his death should be paid out of his personal Estate and his Executor or Executors Shall be Accordingly compelled the Same thereout in Aid of Such Devisee or Devisees, But in Case the Last Will was before the premises were Mortgaged, then it Shall be understood that the Testators Intent was (unless Otherwise Expressed in Such Will) the Devisee or Devisees Should pay the Residue of the Mortgage money in Arrear at the Time of Such Testators Death; and in Case any Executor or Executors contrary to the Intent of this Act having Effects Sufficient Shall permit a Sale to be made of the premises Mortgaged, Such Devisee or Devisees may Immediately have his her or their Action either in proper person, or by Guardian or next friend if under Age Against Such Executor or Executors and recover double the Damages

Sustained with Costs of Suit, and in Case any Executor or Executors Shall in Such Case be a purchaser of the premises so mortgaged or Any Other in Trust for him or for his use, he or they Shall be Deemed duly Seised of the Premises for the use of the said Devisee or Devisees and Such Executor or Executors are hereby Disabled from making any Conveyance thereof from Such Devisee or Devisees, and if any Such Conveyance Should be made the Same is hereby Declared fraudulent and Void Against Such Devisee or Devisees.

And be it further Enacted by the Authority Aforesaid that in Case any Such Mortgagor shall die intestate the mortgage money aforesaid or any part thereof being in Arrear and unpaid and Leaving personal Estate Sufficient to pay his debts with an Overplus, his heir at Law being under age when any part of the said Mortgage Money shall become due, in such Cases the Mortgage money shall be paid out of the Personal Estate if Sufficient, and the profits of the premises Mortgaged Shall be Applied towards the repayment of the said money to Such person or Persons as may be Entitled to the Same where it so happens that the part of the Said personal Estate coming to the Said Heir at Law is not Sufficient to discharge such Mortgage. and in case the profit of the said Mortgaged premises Shall not be Sufficient to make Such repayment, the Heir at Law Shall be compelled to make it up with Interest when he she or they comes of age: and where any Such Sales Shall happen to be made pursuant to the Tenor of this Act After the Death of the Testator or Intestate because of the Deficiency of the Personal Estate of the Intestate or Testator his or her Heirs or Devisees being then under Age in Such Case the money Arising by such Sale After the Deduction of the Principal Interest & Costs due to the Loan Office Shall be placed out at Interest by the Executors or Administrators for the benefit of such heir or Devisee or Persons Entitled to such Land. .

And be it further Enacted by the Authority^r Aforesaid that the Loan Officers Aforesaid before they Lend out any of the Bills by this Act to be made Current, Shall be provided with Books of Blank Mortgages Printed & bound up in the form following Viz.

This Indenture made the — Day of — in the — year of the Reign of our Sovereign Lord George the Second of Great Britain France & Ireland King Defender of the ffaith &c Anno Dom, One Thousand Seven Hundred and — Between — of the County of — of the one part, and the Commissioners of the Loan Office of the County of — of the Other part Witnesseth that the said — for and in Consideration of the Sum of — by the Commissioners of the Loan Office of the County of — to him well and Truly in hand paid whereof he grants the receipt and acknowledges himself to be therewith contented, and for himself his heirs Executors and Administrators Releases and Discharges the Commissioners of the Loan Office of the County of — and their Successors thereof for ever, Hath Granted bargained Sold Released Enfeoffed and Confirmed, and by these Presents does Grant Bargain Sell Release Enfeoffe and Confirm to the Commissioners of the Loan Office of the County of — and their Successors and Assigns forever, all that — Together with all and all manner of woods under woods Trees, Mines, Minerals Quarries hawkings huntings fowlings fishings Buildings fences Improvements Hereditaments & Appurtenances whatsoever to the Same belonging or in any ways Appertaining, and all the Estate Right Title Interest possession property Claim and Demand of the said — and his Heirs to the above Bargained premises and every part thereof To have and To Hold the Above Bargained premises and every part thereof, with the Appurtenances to the Commissioners of the Loan Office of the County of — their Successors and Assigns forever, to the Uses

yield the principal and Interest Aforesaid remaining unpaid at the time of Such Sale; together with the Charges of Such Sale. In Witness Whereof the Parties to these present Indentures have Interchangeably set their Hands and Seals the day & year above Written.

Sealed & Delivered In the presence of——

Which Mortgages shall be by them respectively filled up as Occasion shall require and for the filling up and taking of each Mortgage the said Commissioners of the Loan Office Shall take the Sum of three Shillings and no more, and the said Commissioners Shall in like manner be provided with Books of Clean Paper Bound up to minute their proceedings and Accounts relating to the Bills by this Act to be made Current, in Such manner and form as heretofore hath been Customary in this Colony, together with a Sufficient Number of Spare Blank Mortgages in the form aforesaid; which Books so to be provided shall be printed and Bound up by the same person who Shall print the Bills of Credit by this Act to be made Current.

And be it further Enacted by the authority aforesaid that John Wetherill Henry Fisher William Forster & Joseph Yard Esq^{rs} or in Case of either of their Refusal Death or Other Disability then Joshua Bishpham & Thomas Barton Esq^{rs} shall with the Others not dying or Refusing, be Inspectors of the press, and they or any three of them are to take care that the printer of the Bills of Credit doth duly perform the duty hereby enjoined him, and that the Books of Mortgages & Books to minute the proceedings of the said Loan Officers and Keep their Accounts relating to the said Bills are made of fit Size, & printed Bound up and Delivered to the said Loan Officers.

And be it further Enacted by the Authority Aforesaid that it Shall and may be Lawfull for Samuel

Nevill, Charles Read, Jacob Dehart, and Joseph Noble or any three of them, and they are hereby required to Agree with a printer for printing the Bills of Credit and Books aforesaid at as Reasonable a Rate as they can, and at Such place as any three of them shall see meet.

And Whereas it is Necessary that some provision Should be made for Defraying the Expences that may Arise on the Bills of Credit to be made Current by Virtue of this Act.

Be it Enacted by the Authority Aforesaid that the Treasurers of this Colony or Either of them Shall pay out of the first Interest money that Shall be paid into the Treasury by Virtue of this Act Viz: To the Signers who are to sign the Bills of Credit as aforesaid to be made Current by this Act, each the Sum of Seventy Pounds Money Aforesaid for Numbering Signing and Indenting the said Bills. To the Inspectors, for Inspecting the press when the said Bills Shall be printed each the Sum of fifteen pounds. To the Printer who Shall print the Bills of Credit the Books of Mortgages & Other Books directed to be provided and Bound up for the Commissioners of the Loan Offices by this Act so much money as Samuel Nevill Charles Read Jacob Dehart and Joseph Noble Esq^{rs} or any three of them Shall agree with the Printer for doing the said Services, for which they Shall each receive the Sum of five pounds, All which Sums Shall be paid out of the Interest money as abovesaid, by the said Treasurers or Either of them by Virtue of Warrants to be passed in Council; and the said Warrants when Produced and Indorsments thereon Made by the Persons to whom the same may be respectively made payable Shall be Sufficient Vouchers for the said Treasurers or Either of them their Executors and Administrators for so much of the said Interest money.

October the 17th 1754. This Bill was proposed and

Agreed to by the House of Representatives, to be passed into a Law, If his Majesty Should be pleased to give his Governor of this Colony leave to Enact it.

Signed by Order of the House.

ROBERT LAWRENCE, Speaker.

A True Copy from the Original Draught.

Compared by,

ABRA: CLARK JUN^r Clerk of the Assembly.

Letter from Governor Belcher to the Lords of Trade, transmitting some public papers and requesting action relative to the boundary questions with New York.

[From P. R. O. B. T. New Jersey, Vol. 7, H. 58.]

ELIZA: TOWN (N J) Nov^{br} 26th 1754.

Right Hon^{ble} Lords Commiss^{rs} for Trade & Plantations.

My Lords

I had the Honour of writing Your Lordships, 23: Inst^t, by the Way of N: York, with a Number of papers relative to the Dispute, between this Governm^t & that of N: York, about the Bounds, between the s^d Provinces; to which I humbly pray Your Lordships, speedy Attention, for Matters in that Affair, seem to be come to a Crisis; & I am in much pain, least there shou'd be Bloodshed, among the Borderers, before the King's Orders, can arrive; which I humbly hope, will be dispatch'd, as soon as possible.

Altho' the Governm^t of this Province, is in a ready Disposition, to come into a temporary Line, for establishing Peace, & good Order, between the two Prov-

inces; yet the Governm^t of N:York, seem to shew no Inclination, towards it. I now inclose to Your Lordships, the following papers in the Publick Affairs of this Province; past in a Session, of the General Assembly of this Province, the last Month * * * * these things my Lords, will give you a very full & particular Acc^t, of what has been transacted, since my last.—& I am sorry this Assembly, cou'd be brought, into any Aid or Assistance of the neighboring Colonies, in their present distress'd Circumstances.

In duty to the King & from a just Regard to His People committed to my Care, I think proper to say, to Your Lordships as to the Bill, for a future Emission, of a paper Currency.

That large Emissions, of Paper Currencies, have always proved very injurious, to the People of the Colonies; as the Bills are constantly depreciating,—& if this Bill shoud pass into a Law, there will be a Circulation, of near double the Value, of paper Currency, to what has generally been at any one time in this Province—

I wou'd therefore humbly propose, in order to prevent the Depreciation of it, that there shou'd be, an effectual Clause added to the Bill, that it shou'd be absolutely confin'd, to the Act of 6: of Queen Ann, for ascertaining the Rates, of foreign Coins, in Her Majesty's Plantations; & that if the Bills of Credit, shoud at any Time depreciate, from what they are, at the first going out, that the Province, should be obliged to make good, at all Times, such Deficiency, to the Possessors of them:—& this being done, I think there can be no Injury, or Injustice, in making the Bills, a Tender in all Payments, (publick & Private)—I hope Your Lordships, will, as soon as possible, in the Spring, let me have His Majesty's Determination, on the Petition of the Assembly, in this Matter;—for till it arrives, I have not the least hope, of the Assembly's

taking another Step, to answer His Majesty's just Expectation, of their joining with the other Provinces, for driving the French from the Ohio, &c^a

I have the Honour to be, with great Respect,
My Lords, Your Lordships
most Obedient, & most humble Serv^t;

J BELCHER

ELIZA: TOWN (N J) Nov^r: 26: 1754

Right Hon^{ble} Lords Commiss^{rs} for Trade & Plantations.

Letter from Lieutenant Governor De Lancey, of New York, to the Lords of Trade, referring to the boundary question with New Jersey.

[From N. Y. Col. Docts., Vol. VI, p. 925.]

15 Dec^r 1754

My Lords

(Extract).

* * * * * I should be glad if the observations I have made on the disputes between New York and New Jersey can be of any service; His Majesty is greatly concerned in that controversy, and I am surprised, that the construction I put on the Duke of York's grant of Jersey, had not been taken notice of before, since it appears so very obvious. I hope a temporary line of Jurisdiction will soon be settled by His Majesty's authority, that so the Mischief which is justly apprehended from the heat and violence of the Jersey Proprietors may be prevented. I inclose your Lord^{pp}s a printed copy of the Report of the Council on the steps taken by the Jersey Proprietors, to whom I had referred the consideration of these matters and your Lord^{pp}s will find in pages 20 and 21, of the printed proceedings of the Assembly, the Report of a Committee of that house on the Jersey line, and in

page 37, the Message of the house to me on that subject; which seems to me to evince the necessity of the speedy settlement of a temporary line; and from these papers it will appear, that both the Council and Assembly advise me to exercise the Jurisdiction of this Govern^t. up to the supposed line of the year 1686, which I shall endeavour to do in the best manner I can, yet so as to avoid if possible any mischief.

By an Act of this Colony passed so long ago as the 13th of William the 3^d. it is enacted that Waghackemack,¹ and great and little Minisink should be annexed to the County of Ulster, and that the Inhabitants thereof should give their votes for Representatives in the County of Ulster, so that it evidently appears that these places were settled above fifty years ago under this Province; and can anything be more unreasonable than that the Proprietors of Jersey should remove these ancient settlers upon a bare claim, and before any proof of rights. This Act 13. Will^m 3^d is entitled: "An Act for the more regular proceedings in the Elections of representatives for the several cities and Counties within this Province" and was not made with a view to any dispute with the Jerseys, but on disputes which had arisen between the County of Orange, which lies next to Jersey, and the County of Ulster which lies to the Northward of Orange. Your Lord^{pps} will see the readiness of this Province to come to a final Decision of the Controversy by the Act inclosed. * * * * *

I am My Lords Your Lord^{pps} most obedient and most humble servant

JAMES DE LANCEY.

¹ The Patent of Waghaghkemick was granted to Thomas Swartwout and others in 1697. It lies on the Neversink River, in Orange County, N. Y.—*Dr. O'Callaghan.*

*Letter from Governor Belcher to Sir Thomas Robinson,
Secretary of State—about affairs of the Province.*

[From P. R. O. America and West Indies, Vol. 68.]

SIR T. ROBINSON

S^r: ELIZ^a: TOWN (N J) Dec^r: 17: 1754

I wrote you the 5: of the last Month, by way of N: York, & Duplicate of which, is since gone; both committed to the Care, of M^r: Partridge; & was as full & particular, an Answer, as I could give, to yours of 5: of July preceeding.

I am now, S^r:, to own the Honour, of yours of 25: & 26: of Oct^r: past, which came to my hands, Yesterday, by the way of Boston,—& I shall now answer, according to the best Information, & Judgment, I have had, or can make, of the Circumstances of the Affairs, of this Province, relative to your Letters, above mentioned; & in which I shall with all care, practice my Duty, to His Majesty, to the utmost of my Power.

I observe, the King has been pleased, to appoint James Pitcher, Esq^r: to be Commissary, of the Musters, of all His Majesty's Forces, that are, or shall be employ'd in His Majesty's Colonies, & Provinces, in North America.

I shall therefore, in Obedience to His Majesty's Orders, on my Part, be aiding & assisting, to the s^d: James Pitcher Esq^r:, in the Execution of his Duty.

I have read yours, S^r:, of the 26: of Oct^r: past, with the most sedate Attention, to every Article, contain'd in it,—& I shall summon, His Majesty's Council, to meet me here, as soon as they can; most of them, being at Distances, of 20 to 50 Miles, & the Roads very difficult in the Winter season; when they come, I shall communicate to them, the Letters I have rec^d:

from you, & ask their Advice as to what can be done, at present, for his Majesty's Service, & Honour, in such an important Exegency, & whether it may be expedient, & of any Utility, in the Affair, to call the Assembly together, who have been lately sitting, on this very affair.

As to my own sentiments, I must in Duty & Fidelity, to His Majesty, say, I have little or no hope, or Expectation, that the Assembly of this Province, will afford any Aid, or assistance, till they receive a full answer, to the Petition they lately sent, to be laid before His Majesty in which they propose, to grant to His Majesty's Use & Service, in this Matter, the Sum of about Six thousand Pounds St^l.

I shall therefore, be impatiently expecting, His Majesty's Determination on the said Petition, & His further Orders, in this great Occasion.—& I shall in the mean Time, be punctually corresponding with the King's Governours, of the neighbouring Provinces, in every way & Manner, that may contribute to His Majesty's Honour, & Interest.

I have, S^r!, the quickest & strongest sense of His Majesty's Paternal Regard, for these Parts of His Dominions, so that I need no stimulating, for pressing this Assembly, to their Duty; but after all, the Grant of Money & Supplies, is with them.

As anything new & material, may occur, in this capital Affair, in this Province, I shall be duly writing you.

I have the Honour to be, with great Deference and Regard, Honourable Sir,

Your most obedient, & most humble Servant,

J. BELCHER.

*Letter from Governor Belcher to the Lords of Trade,
with answers to certain queries relating to the
present state and condition of New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 8, I. 4.]

TO THE LORDS OF TRADE

ELIZ^A TOWN (N J) Dec^r 28 1754

My Lords

I have for several Months past, had lying before me, a Number of Queries, rec^d formerly, from Your Lordships Board, respecting the State & Circumstances, of this Province, & into which, I have been inquiring with all the Care and Thought, I possibly cou^d, of such Persons, in the several Parts of the Province, as I judged capable, of giving me, the best Information; & to this, joining my own Observations, for several Years past, I have now made Answer, to each Query, in the most Intelligent, & best manner I can, & have the Honour to inclose them, to your Lordships.

I am with great Respect,

My Lords, Your Lordships

Most Obedient, & most Humb^l Serv^t

J BELCHER.

Queries From the Board of Trade. to Jonathan Belcher Esq^r, Governour of New Jersey.

Query 1 What is the Situation of the Province. under Your Government? The Nature of the Country? Soil? & Climate? the Lattitude and Longitude, of the most considerable Places in it? or the neighboring French, or spanish Settlements? have those Lattitudes been settled by good Observations, or only by common Computation? and from whence are the Longitudes computed?

Answer The Bounds express'd in the Deed from the Duke of York, to the Proprietors of New Jersey, in the Year 1664, 1674, 1680, & 1682-3, best answer this Question, & they are these,

“All that Tract of Land, adjacent to New England, & lying & being, to the Westward of Long Island, & Mannhattans Island, & bounded on the East part, by the main Sea, & Part by Hudson's River, & hath upon the west Delaware Bay, or River, extending southwards, to the main Ocean as far as Cape May, at the Mouth of Delaware Bay & to the Northward, as far as the Northermost Branch, of the said Bay, or River, which is in 41° 40' of Latitude & crosseth over thence, in a streight Line, to Hudson's River, in 41° of Latitude.”

The southermost Part of New Jersey, to wit, much the greatest Parts, of the Counties of Cape May,—Gloucester,—Cumberland, Burlington, & Monmouth are Pine & barren, sandy Lands, also a considerable Part, of Middlesex County, is of the same Nature; tho' each of those Counties, have a considerable Quantity of good Arable Land; the Counties of Bergen, Essex,—Somerset,—Salem,—& Hunderton, & the northermost part of Middlesex, & Burlington, are generally good arable, & meadow land, yielding great Quantities of Grain, of all kinds, & Cattle.

The County of Morris was lately divided, into two Counties, viz.; Morris & Sussex, are chiefly mountainous, rocky Land, which yields plenty of Iron Ore, & Timber; & there are now three Furnaces within them, which yield, a considerable Quantity, of Pig Iron, & a great Number, of Forges, for melting Bar Iron, of the Pigs, & a considerable Number of Forges, or Bloomeries, which make Bar Iron, out of the Oar; These Counties, are so well timber'd, that they can supply Coal enough, for a long Time, for those, & many other Iron Works.

The Line between N: York, & N: Jersey, cuts whats call'd, the drowned Lands, esteemed about 20,000 Acres, leaving about three Miles thereof, in N: York, and about ten Miles thereof, in Sussex County, in N: Jersey; which, by Reason of the Disputes, about the Line, have hitherto, been of no Use, to either Province, but were the Line settled, & those Lands drained, (which its suppos'd might be done for about £1000 Charge, in widening and deepning the Mouth of the River, that runs thro' them,) its suppos'd they would be fit, for raising Hemp, which with the Iron, that Sussex County can make, might greatly enlarge the Exportation of those Commodities, to Great Britain.

The Climate of N: Jersey, is good & healthy, tho' some Places there are, subject to Fevers & Agues, in the Fall of the Year, & to Plurisies, in the Spring; but as the Country has been clear'd, & Marishes drain'd, it has grown more & more healthy.

By the 6: Vol:, of the Abridgement of the Philosophic Transactions, Pag: 414 2^d, *the Latitude of N: York, is said, to have been formerly determined, 41° 40'*, but that is esteem'd only a round Number, from many Observations, that have been made, it is nearest 40° 42'; & in the same Book, pag: 414, & in the following page, (call'd 413) the Longitude of N: York, is by Observations, computed to be 4^h 56 $\frac{1}{4}$ or 74° 4' west from London; N: York is situated on the southermost Part, of Manhattan's Island, in Hudson's River, which is Part of the East Boundary, of N: York; & from N: York, N: Jersey may extend 18 Northward, upon Hudson's River.

In the year 1719, the Latitude of 41° 40', upon Delaware, was settled by Commissioners, & Surveyors, appointed by N: York, & N: Jersey, by Virtue of Acts of Assembly, of both Provinces, & certified by them, by Tripartite Indentures, under the Hands & Seals, of

all, as the north Partition Point, between East N: Jersey & West N: Jersey, and a Line was run, & mark'd by order, of the Commissioners, & Surveyors, to Hudson's River, & many Observations, were then taken, by several Surveyors, for discovering the Latitude of 41 on Hudson's River, & tho' the Surveyors, had Observations enough for discovering & Settling it, yet it was finally settled, by Deed, as the north Partition Point was, & it remains unsettled, to this Day; as to the other Parts of N: Jersey, the Longitudes & Latitudes thereof, Lewis Evans's Map points them out.

2. What are the reputed Boundaries? & are any parts thereof, disputed? what Parts?—& by whom?

1. The Reputed Boundaries, of N: Jersey from the Year 1664, untill this last Year were according to the Bounds, describ'd in the Deeds thereof, under the Answer, to the first Question; always esteem'd to extend, from the Latitude of $41^{\circ} 40'$, on Delaware River, to the Latitude 41 on Hudson's River; but last Year, & this, the Owner of two N: York Patents, of Minisink & Wawaganda, have made sundry Pretences, to the contrary, to justify some Incroachments, they had made, on N: Jersey; by which Pretences, they denied the Latitude $41^{\circ} 40'$, to be a mutual Limitation, on Delaware, between the two Provinces, of N: York & N: Jersey, & as by one of these Pretensions, on the Part of New York, it was endeavour'd to carry New York, above 80 Miles down, into New Jersey, so in Answer, on the part of N: Jersey, it was endeavour'd to show, that laying aside, the Limitation of the Latitude of $41^{\circ} 40'$, as attempted on the Part of N: York, the Words of the Deed, of N: Jersey, must carry it, to the Head of Delaware; which is above 80 Miles, above the Latitude of $41^{\circ} 40'$, especially as the Deeds, of New Jersey, are all from one Subject, to other Subjects;—the Proprietors of New Jersey, have expended several thousands of Pounds, in endeavouring to have the Line settled; &

on the other Hand, the Assembly of N: York, has expended, near as much, of the Money of that Province, in obstructing the Settlement, of the Line; the Endeavours of both Sides, appear by a Memorial, of the Council, of the Proprietors of East N: Jersey, of Nov: 20: 1753 & by sundry Papers, annex'd to it, from N: 1, to 17 Inclusive, all printed in 59 Pages, folio; to which I refer, for the Reasons of this dispute; I having already sent s^d Papers, to Your Lordships.

3. What is the Constitution of the Government?

A. Its nearly the same, as that of N: York, viz. A Governour and twelve Councillors, appointed by the Crown; & twenty four Representatives, chosen by the People, to represent them, in the Legislature.

The Proprietors of New Jersey, exercised the Government, from 1664 to 1702, when they Surrendered their Government, to the Crown; & before the Surrender a Sett of Instructions were settled, & agreed on, between the Crown, & the Proprietors, for the better Preservation, of their Properties: which Instructions, have been duly continued, to all Governours, of N: Jersey, ever since the s^d Surrender; & the Difference, between the Constitution, of N: York, & N: Jersey, chiefly consists, in those Instructions.

4. What is the Trade of the Province? The Number of Shipping?—Their Tonnage?—And the Number of Seafaring men?—with the respective increase, or Diminution, within ten Years past?

A. The Exports in Trade, are in Provisions & Lumber, exported to Europe, & the West Indias; carried on by about twenty Vessels; their Burthen about fifteen hund^d Tuns; & navigated by about, one hund^d & sixty Men; very little Increase, in the Trade, for ten Years past.

5. What Quantity, & Sorts, of British Manufactory do the Inhabitants annually take from hence?

A. It is computed, that the Province takes from

Great Britain, in Woollens,—Cutlary,—Haberdashiry, —Braisery,—Hats,—East India Goods,—annually, to the Value of twenty five thousand Pounds Sterling; but this is guess Work, & a certain, for an uncertain Sum.

6. What Trade has the Province, under your Government, with any foreign Plantations? or any part of Europe, besides Great Britain?—How is that Trade carried on?—What Commodities do the People under your Government, send to, or receive from foreign Plantations?

A. The Trade except to Great Britain, is chiefly (carried on, by N: York, & Phil^a;) is confined to Lisbon, Cadiz, Gibraltar, the western and Canary Islands, & to Ireland; & the Commodities sent from hence, are as in the Answer to the fourth Query;—there is no Trade, carried on from hence, with foreign Plantations, but what is illicit, & clandestine; & I believe, very little of that.

7. What Methods are there used, to prevent illegal Trade?—and are the same effectual?

A. His Majesty has three Collectors, of the Customs, viz. at the Ports of Burlington—Perth Amboy, —& Salem, who, (by all I can learn) are faithfull & diligent, in their duty; & yet, as there are many Creeks, & Rivers, at Distances from them, illegal Trade may be carried on, beyond their Power, to prevent it.

8. What is the natural Product of the Country? Staple Commodities, & Manufactures? & what Value thereof, in Sterling Money, may you annually export?

A. The natural Product, & Staple Commodities, of the Province, are Timber, (as Oak,—Pine,—Cedar Walnut, & many other Sorts;) Beef,—Pork,—Mutton; Flaxseed,—Rye,—Wheat,—Barley, & Oats, & of these things, may be exported Annually, perhaps about thirty Thousand Pounds Sterling.

9. What Mines are there?

A There are many valuable Mines, both of Rock, & bog Iron Ore, & three very valuable Ones, of Copper; & of these Sorts of Mines, new Discoveries are made, every now & then.

10. What are the Number of Inhabitants, Whites & Blacks?

A It is computed, there may be, of Whites nearest Eighty Thous^d Souls; of Blacks, scarce fifteen hund^d; but as to these things, Your Lordships must imagine, they are pretty much, conjectural.

11 Are the Inhabitants increased or decreased within the last ten Years?—how much?—& for what Reasons.

A It is thought by the best Judges, the Inhabitants of the Province, are increas'd, in the last ten Years, above fifteen thousand Souls, —& which may be attributed, to the healthyness of the Climate, & to the Province's being safeguarded, northeastward with N: York, & west with Pennsylvania, & therefore the less expos'd to the Indian Enemy; & so the Inhabitants, not drawn out. (as from other Provinces,) in Times of War.

12 What is the Number of the Militia?

A This I judge may be upwards of ten Thousand, effective men, (from sixteen to sixty,) there are eleven Regiments, in the Province; to the several Colonels whereof I have lately issued, my Orders, for a General Muster, & a strict Scrutiny; & am expecting, their several Returns, whereby I may be enabled, to give Your Lordships, a more certain, & particular Answer, to this Query.

13 What Forts & Places of Defence are there, within your Government?—& in what Condition?

A Not one Fort, or Place of Defence, (that I know of) in the whole Province, nor ever has been.

14 What Number of Indians have you?—& how are are they inclin'd?

A The Indians are mostly retired, back into the

Wilderness; but very few remaining, in this Province, I believe hardly one hundred Families, & they in small Divisions, & at remote Distances, one from another; what there are, behave peaceably, & in good Order.

15 What is the Strength, of the Neighbouring Indians?

A The Six Nations, (Allies of the Crown of Great Britain) are the most Neighbouring Indians, to this Province; but with whom, we have no Trade, or Commerce, so that it wou'd be only guess Work, for me to say, their Numbers, but of this, Your Lordships may have the best, & most particular Acc^t, from the Governm^t of N: York, who are constantly conversing, & commercing with them.

16 What is the Strength, of your Neighbouring Europeans?—French or Spaniards?

A There are no French, or Spaniards, bordering on this Province, which (as before) is inclos'd between N: York, on the northeast and Pensylvania, on the west, so that this Query, can be more properly ans^d, by them, but I humbly concieve, the just state of that Matter, made by the Commissioners, at the Congress at Albany, in July last, renders all other Answers, to this Question, needless.

17 What Effect, have the French, or Spanish Settlements, on the Continent of America, upon His Majesty's Plantations?—especially on your Province?

A What I have said, in answer to the immediately preceding Query, may serve in Part, for an Answer to this; but the continual Incroachments, made by the French, on His Majesty's Territories, in North America, as on the River Ohio, & the cruel Depredation & Murders, committed there, & in other Places, may serve as an additional Answer; altho' indeed, these Things, have at present but distantly affected this Province, (in a particular Manner).

18 What is the Revenue, arising within your Governm^t? And how is it appropriated?

A There is not at present, (or ever has been, that I can learn,) any stated Revenue, to the Crown, in this Province, but the Gov^r., Council, & Assembly make a fresh Grant every Year, to His Majesty for the Support of the Government, and it is rais'd, by a Tax.

19 What are the Ordinary & Extraordinary Expenses of your Government?

A The Expenses of this Government, (ordinary & extraordinary) from my Arrival, to this Time, (upwards of Seven Years,) have not been (communibus annis) eleven hundred Pounds Sterling.

20 What are the Establishments, Civil & Military, within your Government?—& by what Authority, do the Officers hold their Places?

A The Civil Officers, are appointed thus,—

The Secretary by Letters patent, under the great Seal, of Great Britain.

The Collectors, for the Kings Customs, by Warrants, from the Lords Commissioners of the Treasury.

The other Civil Officers, of the Province, by the Governour & Council, under the Seal of the Province, tested by the Governour.

There are no regular Forces, or Military Establishments, in this Province;—but only Regiments, of common, or ordinary Militia; the Officers whereof, are appointed, by Commissions, from the Governour, under his Hand & Seal, at Arms.

The foregoing, is humbly offer'd, to your Lordship's (Inspection & more particular Information,) by

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ELIZth TOWN (NEW JERSEY)

Decem^{br}: 27: 1754

To the Right Honourable, The Lords Commissioners,
for Trade & Plantations.

Opinion of Counsellor Belcher—as to Bills of Credit being made Legal Tenders in New Jersey.

[From P. R. O. B. T. New Jersey. Vol. 7, H. 52.]

Objec: agst the Act relating to Bills of Credit in Tenders for paym^{ts} being obligatory.

REPLY The Clause relating to Tenders is of absolute consequence to the Credit & currency of the Bills of New Jersey for to make the Bills current & yet to leave all psons at liberty to accept or refuse them in Tenders as they think proper, is in effect to establish y^e End without the means & altho' y^e Act has a retrospect to all past Contracts, yet it obliges y^e Creditor to no more than what he w^d have been bound to, even at Common Law by former Acts of that Province, & by y^e reasons & policy of every civil Gov^{mt}, it must be granted that Parties have no Original Right to stipulate contracts in contradiction & defiance of the Laws of a whole Comunity, for its a Universal Maxim & must extend to all Political Constitutions *Conventio privatorum Juri Publico nunquam potest derogare :*" & its plain that Contracts of this nature fly in y^e face of the Province & y^e Legislature there, for whilst former Acts of Assembly approved by his Maj^{ty} have declared in y^e same manner as y^e Act in question, that y^e Bills of the Province shall have Credit & be current wth every private pson & shall be accepted in all Tenders whatever, These Contracts declare that they shall have no credit, shall not be curr^t & that a Tender & refusal of them shall not be a Legal paym^t. It can hardly be alledged at Comon Law that an obligor to a Bond conditioned for paym^t in Foreign Coin (wth respect to New Jersey all money except y^e curr^t Bills of y^e Province must be deem'd foreign) sh^d not at y^e day of paym^t be at liberty to make Tender *Moneta Legali Anglice*, & that a refusal of such a Tender w^d not

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Tenders for paym^{ts} being obligatory.

REPLY The Clause relating to Tenders is of absolute consequence to the Credit & currency of the Bills of New Jersey for to make the Bills current & yet to leave all psons at liberty to accept or refuse them in Tenders as they think proper, is in effect to establish y^e End without the means & altho' y^e Act has a retrospect to all past Contracts, yet it obliges y^e Creditor to no more than what he w^d have been bound to, even at Common Law by former Acts of that Province, & by y^e reasons & policy of every civil Gov^{mt}, it must be granted that Parties have no Original Right to stipulate contracts in contradiction & defiance of the Laws of a whole Comunity, for its a Universal Maxim & must extend to all Political Constitutions *Conventio privatorum Juri Publico nunquam potest derogare;*" & its plain that Contracts of this nature fly in y^e face of the Province & y^e Legislature there, for whilest former Acts of Assembly approved by his Maj^{ty} have declared in y^e same manner as y^e Act in question, that y^e Bills of the Province shall have Credit & be current wth every private pson & shall be accepted in all Tenders whatever, These Contracts declare that they shall have no credit, shall not be curr^t & that a Tender & refusal of them shall not be a Legal paym^t. It can hardly be alledged at Comon Law that an obligor to a Bond conditioned for paym^t in Foreign Coin (wth respect to New Jersey all money except y^e curr^t Bills of y^e Province must be deem'd foreign) sh^d not at y^e day of paym^t be at liberty to make Tender *Moneta Legali Anglice*, & that a refusal of such a Tender w^d not

amount to paym^t, The Language of y^e Reports & Lawbooks is quite otherwise, & in Daviss Reports p: 18 its expresly declared that if a ffeofm^t upon Condition (or Mortgage) is made at a time when purer or more weighty Metal is curr^t, & before y^e day of paym^t, Coin of a baser Alloy is established by Proclama, ye Mortgagor shall be at liberty to make tender of y^e baser Coin & shall be good, Tho' y^e Contract was made while a more valuable Money was curr^t, & y^e Creditor depended upon paym^t in y^e same Specie. The Law is by no means ex post Facto because former Acts as effectually establish'd y^e Credit of y^e Subsisting Bills & as much oblig'd all parties to accept them in Tenders as y^e present; & if Contracts have been ent^d into since y^e making of former Acts to y^e exclusion of y^e curr^t money of y^e Province in paym^{ts}, such Contracts can hardly be thought valid & originally binding upon y^e Obligor as they are directly opposite to y^e Law of y^e Province, & *Quod contra Legam factum est pro infecto habetur.*" This Clause of Tenders is merely declaratory of former Acts & of y^e Law of New Jersey in other Cases, or rather y^e Clause has no operation at all, since former Acts are still in being, & this Clause makes no new provision & does but express what former subsisting Acts had done before; what is imply'd in y^e very consent of y^e People by their Representatives to y^e currency of y^e Bills or in y^e Authority of y^e Legislature to give them a Credit & circulation: *Expressio eorum quæ Tacite in sunt nihil operatur.*" The Clause cant be said to establish any new Contract between Man & Man or to release parties from Contracts they had ent^d into previous to y^e act it self, but y^e Obligees (doubtless from an Advantage over y^e necessity of their Obligors) have obtained Bonds Conditiond for paym^t in a particul^r Specie to y^e Exclusion of y^e curr^t money of y^e Province contrary to y^e Law of y^e Land to y^e reason & nature of things And w^{ch} sh^d they once bind, must bring their Money into absolute dis-

credit & (from y^e great Scarcity of Silver, Gold & other Coin in the Province) throw y^e debtor into inexpressible difficulties & make it impossible for him ever to discharge his Contract; the nature of y^e contract remains the same (even upon supposition y^t former Acts had not made y^e same provision for Tenders as y^e present) for y^e Clause does not make a direct condition of the Bond collateral to y^e Bond it self, It only requires y^t Parties shall receive Lawful Money in Lieu of Lawful Money; that instead of 17. ounces 10 penny weight of Silver; they shall receive Six pounds equal to 17: ounces 10 penny weight of Silver & if this is to change y^e nature of Contracts, then all Acts of Parliam^t & Proclama^s here that make foreign coin in y^e current & Lawful money of y^e Realm, change y^e nature of previous Contracts, for there can be no doubt y^t a Tender of such money will be good in all paym^{ts} even of Stipulations before those Statutes or Proclama^s. If a refusal of these Bills in private contracts sh^d be allowed it must be destructive of y^e Public Faith, & y^e Medium of Commerce in y^t Province, & render their credit wth y^e Inhab^{ts} intirely precarious & uncertain.

Letter from James Alexander to Ferdinand John Paris—relating to the action of the Council of New York on questions affecting the boundary Line.

[From copies among the manuscripts of W. A. Whitehead, Vol. IV, compared with an original among the Paris Papers in N. J. Hist. Society Library, Bundle K, No. 8.]

TO FERD. JOHN PARIS, ESQ^R. LONDON

NEW YORK January 2^d 1755

Sir

(Extract.)

* * * * * On the 17th of December the Council of New York broke Silence at last as to the many Applications and referrences to them and made

a Report, of which I immediately Demanded a Copy from M^r: Bangor Clerk of the Council but have not obtained it to this day—but I have been more Successfull with the printer and got some Copies from him
 * * * * * whether I shall have time to make proper remarks on this Report before this Ship goes I know not, other than that they agree not to the proposals appearing by the Orders to Coll. Van Camp of November 23^d last for the preservation of the Peace and Advise Vigorous Measures for Subjecting as much as they can of New Jersey to the Jurisdiction of New York, how far they would go they take care not to Limit.—if whats thereby advised be attempted, there will be an actual warr upon the Borders which when once kindled God only knows the End of it the People of New Jersey near the Line are Convinced that they have a Just Cause and many of them will Soon Loose their Lives as give up their Estates to New York which they are Satisfied is the Consequence of Submitting to the Jurisdiction of New York, on the other hand the Majority of the People of New York near the Line believe that the Proprietors of Minisink and Wawganda * * * * * are in the wrong and abhor their proceedings and act only by Compulsion, and heavily Complain of the oppressions they themselves suffer by keeping up a Watch of 25 or 30 Men at Coll. Dekeys house and another Watch at Goshen Goal, from whence we have reason to hope that the People of New Jersey may make them repent the kindling of the Warr, if they Attempt it, as I believe they will.

* * * * * I am now growin Old and by the Course of Nature will before long be disabled to give the Proprietors of East Jersey such Assistance in their Affairs as I have done for many Years past, and when I shall be so, then the care of their Affairs (by

what I now see) must Chiefly Devolve upon Governour Morris' and my Son.

We have talkt Severall times at the Council of Proprietors that you must be well Advanced in Years, and of the Difficulties they should be under were they Deprived of your Assistance in their Affairs and Especially in this Differences with New York wherefore they would be well pleased you should give a handsome fee to some Gentleman you can Depend upon to take the Trouble to inform himself of what you know concerning their Affairs to assist You in case of Sickness and to supply your place in Case of other Disability, for we see little prospect of a speedy End to this New York Dispute, and if even a Commission were ordered at Equall Charge we are apprehensive that as long as our Antagonists can by the Assembly have Command the purse of the whole Province of New York against us that all blocks whatsoever will be laid in the way of a Determination in order finally to weary us out, and by some base Composition to prevail on us to give up great part of our Rights, which neither I nor any other (I believe) of the Proprietors has the least thought of doing because we are fully Satisfied of the Justice of intent we Insist on, which I believe the other side cannot with a good Conscience say.

* * * * *

I am Sir Your most humble Serv^t

Ja. Alexander

¹ Chief Justice Robert Hunter Morris was appointed Governor of Pennsylvania May 14th, 1754, and entered upon his duties in October of that year. See Penn. Archives, Vol. VI.—ED.

Circular letter from Secretary of State, Sir Thomas Robinson, to the Governors in America—notifying them of the King's intention to augment the Regiments in America.

[From P. R. O. America & West Indies, Vol. 74.]

WHITEHALL Janry 23^d 1755.

Circular to the Governors in North America.

Sir,

The King, being determin'd that Nothing shall be wanting, towards the Support of his Colonies & Subjects in N^o America, has commanded me to signify to you His Majesty's Intention to augment the Regiments in British Pay (viz^t not only Sir Peter Halkets, & Col Dunbar's but, likewise those, which are now employed in Nova Scotia,) to the Number of 1000 Men, each; to which End, you will correspond with Major General Braddock, or the Commander of the King's Forces for the time being, from whom you will receive Directions for the sending such Contributions of Men, as shall be wanting, and to such Places where the same shall be quarter'd, or employed, under his Command.

As there is, probably, a considerable Number of Persons, as well among the Natives of America, as among such Foreigners, who may be arrived there from different Parts, particularly from Germany, who will be capable and willing to bear Arms upon this Occasion; the King does not doubt, but that you will be able by Care and Diligence, to effect this intended Augmentation, and to defray the Charge of levying the Same from the Common Fund, to be established for the Benefit of all the Colonies collectively in N^o America, pursuant to His Majesty's Directions, signified to you, by my Letter, of the 26th of October last, for that purpose: And as an Encouragement to all such Persons

who shall engage in this Service, it is the King's Intention (Which you will assure them, in His Majesty's Name) that they shall receive Arms and Cloathing, at the King's Expence, and that they shall not only be sent back, (if desir'd) to their respective Habitations when the Service in America, shall be compleated & ended, but shall be entitled, in every respect, to the same Advantages with those Troops which may be already raised in Consequence of your former Orders.

I am &c^a

T. ROBINSON.

Message of Governor Belcher to the New Jersey Assembly.

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

Gentlemen of the General Assembly.

Since the opening of this Session I have received the following Letters from Mr. Shirley Gov^r of His Majesty's Province of the Massachusetts Bay in New England dated Boston Feb^r 7: 1755. & another from Mr. DeLancy L Gov^r of His Majesties Province of New York dated Feb^r 22^d 1755. both of them enclosing the several Acts of those Provinces for prohibiting the Exportation of Provisions &c^a: to any of the French Colonies in America in this time of imminent danger from the French & which I think are so prudent & reasonable that I have no doubt of your readily falling into an act of the same Nature.

And further I hope you will by an Addition to the Militia Act enable me to send a good number of men to New York f r their Assistance & Relief in Case they should be attak'd by the French who if they should succeed in it will soon make a Prey of this Neighbouring Province

J. BELCHER.

• ELIZ^a TOWN Feby: 26: 1755.

Action of the Assembly thereon.

Ordered that M^r Johston & M^r Holmes do wait on his Excellency & acquaint him that this House having taken the important Matters recomended in his Excellencys Message of the 26: inst: Into their most Serious Consideration are of Opinion that if the City of New York shou'd be attack'd by the French His Excellency may by a legal Construction of the Militia Act now in Being "send a good number of men for their Assistance and Relief," not only from the words of the Act but from the Reason of the thing it being certain that if such an Invasion should succeed, it must greatly affect the Inhabitants of this Province who are therefore in several parts as actually Interested in opposing such an Invasion as if it was attempted on some part of this Province

And that as to the Article relating to the Prohibition of Provisions &c^a: This House had before they received: His Excellencys Message gone into the necessary Measures for making an effectual Bill for the Purposes recomended which with the other Bill that we have passed this Session we hope may receive His Excellency's Assent when laid before Him.¹

By Order of the House

ABR^m CLARK, JUN, Clk.

Feb^r 27: 1755.

¹The Bill at length is on record in Secretary of State's Office at Albany, Vol. LXXX.

Memorial of Richard Partridge to the Lords of Trade, relating to the New Jersey Bill for Emitting £70,000 in Bills of Credit, etc.

[From P. R. O. B. T. New Jersey, Vol. 7, H. 61.]

To the Lords Commissioners for Trade & Plantations

The Memorial of Richard Partridge Agent for the Colony New Jersey humbly Sheweth

That your Memorialist begs leave further to lay before you the following Observations relating to the New Jersey Bill for emitting £70,000 in Bills of Credit which the Assembly of the said Colony conceived to be as nearly conformable to the Terms of the Royal Instruction sent over to their Governor last year for issuing £60,000 as they could well come into.

That the principal Objection which your Memorialist humbly apprehends to the passing the present £70,000 Bill is, that the Bills of Credit are thereby to be made legal Tenders in payment contrary to the said Royal Instruction, & which according to a Resolution of the House of Commons of the 25th April 1740 is “Declared “to be a frustrating the Act of the 6th of Queen Ann “for ascertaining the Rates of Foreign Coin in the “Plantations and to have been a great discouragement “to the Commerce of this Kingdom by occasioning a “Confusion in dealings & a lessening of Credit in “those parts &c.

In answer to which your Memorialist conceives that unless the Act for the Emission now prayed for be made as to the said Bill Stands with the condition in it as usual for the said Money Bills to be lawfull Tenders in payments there will be little or no probability of their being lent out on the Security of the Lands

which is to be double the Value as it is Stipulated by the Act, or if there should; yet on the Terms of the said Bills being restrained as not Legal Tenders, it will tend greatly to depreciate their value & consequently make a wide difference in the Exchange much exceeding what can be imagined, and quite defeat the good purposes intended by the Act, & will not only be a great discouragement to the Inhabitants there, but prejudicial to the British Merchants here, who Trade to those parts

That the aforesaid Resolution of the House of Commons was very probably come into merely on the great Complaints there were at that time against the four Colonies of New England when the difference of Exchange on their Money bills arose to a very extravagant Rate; for altho' the accounts of the State of Paper Currency of all the Northern Colonies were called for by Parliament, yet in looking over the Votes about that time, it appears there was a petition to the House of Commons from Fra^s Wilks & Ch^{re} Kilby the Massachusetts Agents representing the distressed Condition that Province was in for want of a New Emission on diverse occasions, praying to be heard in relation to the State of the paper Currency before the House came to any Resolution therein, and that one of them was examined at the Bar accordingly; But there was not the least Complaint against Pennsylvania or New Jersey on that head whose Money Bills were always of such Credit that their Exchange scarce differ'd 40 p Cent in forty Years, neither was there then any opposition to the proceedings of the House by either of the said Provinces by Petition or otherwise, and therefore is humbly hoped from the known Justice of the House of Commons that they would not intend by their said Resolution to involve the Innocent with the Gilty especially without hearing them in their defence.

That it is presumed the Bills of Credit of New Jersey are of equal Credit & Reputation & maintained as invariable a Currency as those of Pensilvania in all respects, which is a fact acknowledged by every body whom your Memorialist hath conferred with acquainted with those Provinces,—& it is further evident that the aforesaid Resolution of the House of Commons in 1740 could not properly, or in any Degree affect New Jersey as to the following words mentioned therein viz That the said Bills of Credit have been a great discouragement to the Commerce of this Kingdom by occasioning Confusion in delays and lessening of the Credit in those parts. For that the Merchants themselves here in London Trading to Pensilvania &c^o in their Petition to the House of Commons incerted in the Votes of the 22^d March 1748 say expressly (among other matters) “That such paper Bills (meaning Pensilvania Bills) “having been issued there in an advantageous manner and under real Security, & the Fund “not misapply’d, the Petitioners apprehend the same “have greatly Contributed not only to the settling of “that Colony, and to the Convenience of People there “as a Medium in dealings amongst themselves, but “have also enabled them to send hither their Gold & “Silver, & thereby to enlarge their Trade with this “Kingdom, and to take off much greater quantities of “Goods and Manufactures from hence then otherwise “they could have done, & that the said paper Bills “have not as the Petitioners conceive been Injurious “to any person whatever.”

And moreover it is humbly apprehended that the said Resolution of 1740 ought not now to affect either of the said two Provinces because when the State of the paper Money in the Northern Colonies came under their consideration in the year 1748 & 1750 the House of Commons after a more Strict Examination of that Affair in general, they did not fault either of the said

provinces of Pensilvania or new Jersey in the least, but in 1750 passed an Act to Regulate and restrain paper Bills of Credit & to prevent the “same being “legal Tenders in payments of Money; Confirming the “said Act of the four new England Governments only “viz the Massachusetts, New Hamshire, Connecticut, “and Rhode Island.”

That as an other Condition in the said Instruction to the Governor that the Interest arising from Loan of the Bills should “during their Continuance be appropriated to all the Established and contingent Services “of Government, and be issued by warrant from the “Governor and Council only.”

To which your Memorialist would observe that altho the Appropriation of the said Interest money be not mentioned in that manner in the present Bill yet the same is all appropriated for Public Services of the Colony; And that the said established and contingent Services of Government, such as paying the Governors Salary & house Rent, as also the Salaries of the Judges, the Council the Attorney General, the Treasurer, the Several Clerks, their Agent &c^a all which amount to be but about £3000. Currency must undoubtedly of Course be raised by a particular Act by it self, as was done in the 26th year of the present King which commenced from the 21. of November 1752 & ended the 21 of May 1754—And respecting the warrants for issuing the Money for the said Contingent Services to be from the Governor and Council only.

Your Memorialist humbly hopes that the Assembly shall not now be abridged of the Priviledge which they have all along hitherto enjoy'd in that respect of having a Share in the Disposition of the publick Money ever since the Resignation of their Charter to the Crown, Especially in as much as it appears by a Report of the Lords of Trade dated 2 Oct^r, 1701. To the then Lords Justices, that part of the Terms proposed

in the Surrender are “for securing to the proprietors
“and Inhabitants all their properties & Civil Rights in
“as full and ample manner as the like are enjoyed by
“any Plantation under Governors appointed by his
“Majestys imediate Commission.”

That as to the other Condition proposed by the said Royal Instruction for Transmitting a Draught of the Bill before the Governor be allowed to give his assent to it; It is complied with accordingly by the Bill now laid before you at the Board.

That there is a present urgent necessity which the Colony is under for raising a Supply to answer what has been demanded of them by the Royal Order Signified to the Governor by the Earl of Holdernesses Letter and considering the Assemblys chearfulness in a grant to the Crown of Ten Thousand pounds for that purpose—And that this is the only practicable Method of raising the Money, as also for carrying on Trade to encourage a Spirit of Industry amongst the people to enable the Inhabitants to go on with the improvements of their Lands, pay their Taxes to the Government, and their just Debts for the British goods & Merchandize which are consumed among them. That the present Troubles in those parts call aloud for an immediate public Supply—& that there is not now time to send over for any alteration in the Bill.

Your Memorialist therefore humbly prays in behalf of the said Colony of New Jersey that you would be pleased to Commiserate their Case & to report on the said petition to the King in favour thereof as the said Bill now stands for his Royal Approbation

All which is humbly Submitted

RICH^d PARTRIDGE

LONDON 3^d mo: or March 17th 1755

*Representation from the Lords of Trade to the King,
upon the Petition of the House of Representatives
of New Jersey.*

[From P. R. O. B. T., New Jersey Entry, Vol. 15, pp. 437-442.]

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

We have lately received from Mr Richard Partridge Agent for your Majesty's Colony of New Jersey, a Petition of the House of Representatives of the said Colony to your Majesty, humbly setting forth the Reasons for which they have thought it inexpedient to frame a Bill for emitting Sixty thousand pounds in paper Bills of Credit, conformable to the Plan prescribed in the Instruction given by your Majesty in April last to your Governor of the said Colony, and humbly presenting to your Majesty the Draught of a Bill which they have prepared for making current the sum of Seventy thousand pounds in Bills of Credit, and praying that your Majesty would be graciously pleased to signify your approbation of the said Draught, and permit your Governor to enact it. We therefore humbly beg leave to lay before your Majesty the said Petition and Draught of a Bill, and at the same time humbly to represent to your Majesty thereupon,

That in your Majesty's Instruction to your Governor of New Jersey, by which your Majesty was graciously pleased to allow him to assent to an Act for emitting Sixty thousand Pounds in Bills of Credit under certain Regulations therein prescribed, the principal Points in View were,

1st To Take care, that such Emission was made conformable to the Sense of Parliament, with regard to such Bills not being declared to be legal Tenders, so

fully expressed in the Resolution of the House of Commons of the 25th day of April 1740, and in the Act passed in the 24th Year of your Majesty's Reign for restraining Paper Bills of Credit in the four Colonies of New England.

2^{do} To secure to the Province during the Continuance of such Paper Bills a certain Establishment for the ordinary Support of the Government, which was one of the principal purposes for which this Emission was represented to be necessary.

The Assembly however in framing this Bill, tho' fully apprized of your Majesty's Directions to your Governor, have not thought it adviseable to make it conformable thereto; The Bills being, by the express words of the Act, declared to be legal Tenders in all Payments; and the whole of the Interest, except what is applied to discharge a Debt incurred on account of the expeditions to Canada and Cape Breton in the year 1745 and 1746, (which debt was provided for by a Fund establish'd by a former Law, which this Bill if enacted would repeal,) is directed "to be applied *here-* " *after* by the Governor Council and General Assem- " bly for the defence of the Frontiers of this and the " neighbouring Colonies on the Continent of America."

We cannot however omit observing to your Majesty, that the Assembly have in one part of this Bill shewn a proper Sense of their Duty and attention to your Majesty's Commands, by directing the Ten thousand pounds proposed to be emitted over and above the Sixty thousand pounds allowed by your Majesty, to be applied, " as your Majesty shall direct for dispossess- " ing the French from your Majesty's Lands on or " near the River Ohio, and for keeping Possession of " the same."

How far this circumstance may in the present situation of affairs in North America induce your Majesty to permit your Governor or to assent to a Bill, so con-

trary in every respect to the Direction of your Majesty's aforementioned Instruction to him, must be humbly submitted to your Majesty.

Which is most humbly Submitted.

DUNK HALIFAX

J: GRENVILLE

JAMES OSWALD

R. EDGE CUMBE

WHITEHALL March 19th 1755

EX^d

*Representation from the Lords of Trade to the King—
recommending Thomas Pownall, Esquire, as Lieu-
tenant Governor of New Jersey.*

[From P. R. O. B. T., New Jersey, No. 15, Ent. Book D., p. 448.]

TO THE KINGS MOST EXCELLENT MAJESTY.

May it please your Majesty,

Jonathan Belcher Esq^r Governor of Your Majesty's Province of New Jersey being very Old and infirm, and there being no Person upon the Spot appointed by your Majesty to be Lieutenant Governor of that Province, or any Person properly qualified to take the Administration of the Government in case of the Death of your Majesty's said Governor, We humbly beg leave to propose that Thomas Pownall Esq^r may be appointed Lieutenant Governor of your Majesty's

¹ Thomas Pownall, of Everton House, Bedfordshire, was son of William Pownall, Esq., and was born in 1730. He came first to America as Secretary to Sir Danvers Osborne, in 1753. He returned to England in 1755, and through the influence, it is presumed, of his brother, the Secretary of the Lords of Trade, was appointed Lieutenant-Governor of New Jersey, with a view to his succeeding Governor Belcher; but as he did not die as soon as was expected, Mr. Pownall was, in 1757, appointed Governor of Massachusetts, to succeed Governor Shirley. Governor Belcher, however, died the same year, and as Deputy-Governor, Mr. Pownall visited New Jersey in order to assume the government of the province, by virtue of his commission conferred in 1755, but as he found it impracticable to retain the administration of both

said Province of New Jersey, he appearing to Us to be a person every way qualified to serve your Majesty in that Station.

Which is most humbly submitted.

DUNK HALIFAX	FRA: FANE	
J: PITT	R: EDGCUMBE	
J: GRENVILLE	JA: OSWALD	Ex ^d

WHITEHALL April 22^d 1755

*Letter from Governor Belcher to the Lords of Trade—
transmitting several public documents.*

[From P. R. O. B. T., New Jersey, Vol. 8, I. 7.]

TO THE LORDS OF TRADE

ELIZ^d TOWN (N J) April 28: 1755

My Lords

I find I did myself the Honour, of writing your Lordships 28: of Dec^r last past, inclosing Particular Answers to sundry Queries, Your Lordships had sent, relating to this Province, which Letter I hope Your Lordships have rec^d, to which, & to many others preceding: I shall esteem Your Lordships Answers, at your most convenient Leisure.

In Febru^r last I call'd the Assembly of this Province together again, & laid before them, the pressing Necessity, of their Joining with the other Provinces, for

provinces at the same time he returned to Boston. He was subsequently, in 1759, nominated Governor of South Carolina, but it does not appear that he ever entered on the duties of that office. He became a member of Parliament, and filled at different times, several prominent positions. Governor Pownall possessed great knowledge of the geography, history and politics of the several American Colonies and wrote several works bearing thereupon. He was a member of several learned societies, and a contributor for many years to the "Gentlemen's Magazine," principally of papers relating to archæology. He died at Bath, England, on the twenty-fifth day of February, 1805, in the eighty-fifth year of his age. Dr. E. B. O'Callaghan, N. Y. Col. Docts, Vol. VI, p. 1009; Force's Amer. Archives, 4 Series 1, pp. 74, 1600; Minot's Massachusetts, etc.—Ed.

driving the French from their Incroachments, on His Majesty's Territories, on this Continent, and I have now the Honour of covering [conveying] to Your Lordships, the Particulars of what Pass'd in the s^d Session. * * * * *

These things, My Lords, will inform you Particularly of the Publick Transactions, of this Governm^t, to that Time, & by which Your Lordships will see, the Assembly still insisted to have an Answer, to their Petition, & Bill they sent to be laid before His Majesty, before they wou'd take any Steps of Aid and Assistance, with the rest of the Colonies, respecting the French Incroachments, already mentioned; I wou'd therefore humbly Pray Your Lordship, that there may be a particular Answer, in that Matter, as soon as Your Lordships can conveniently do it.

These things, notwithstanding, I am glad to tell you, that in the Session I have lately held for about eighteen days past, this Legislature has come into an Act for raising five hundred men, at their own Charge, & to be under the direction of his Excell^y: General Braddock, & I hope to have the men ready to march, some time the next Month, under the Command of Col^l: Peter Schuyler, a very Worthy Gentleman, & on all hands agreed to be the most capable of such a Service, of any man in this Province.

And Your Lordships may depend, I shall leave no Stone unturn'd, for giving the necessary dispatch, in all things, for His Majesty's Honour and Interest, on this Emergency.

I have ordered the Secr^y to prepare all things, as soon as may be, relating to this Session, that I may transmit them to Your Lordship, to whom, I have the Honour to be, with great Respect.

My Lords,

Your Lordships Most obedient
and most humble Servant

J. BELCHER

Letter from Governor Belcher to Sir Thomas Robinson, Secretary of State—informing him of the action upon several letters received from him.

[From P. R. O. America & West Indies, Vol. 68.]

ELIZ^A TOWN (N J) April 30 1755

SIR THOMAS ROBINSON

Sir,

Since mine of the 17th of Dec^r., I rec^d the Honour of your severall Letters of Nov^r 4.; Dec^r 31.; and two of Janua^r 23: last past, the first via Virginia in favour of Sir John S^r Clair, whom the King has been pleas'd to appoint, deputy Quarter-master Generall, of His Forces in N. America, & have in Conformity to the Kings Pleasure, given S^r John, the Assurance of aiding and assisting him, in the Execution of his duty for the King^s Service.

Your two last letters I rec^d by hands of Gov^r Shirley, with the Printed Copies of the mutiny Bill, pass'd last Year, & the Articles of War founded thereupon, together with Copy of a Clause inserted in the mutiny Bill, by Parliament, this Session, enacting that all Troops in America, whilst in Conjunction with the British Forces, under the Command of an Officer Bearing His Majesty^s immediate Commission, shall be liable to the same martial Law and Discipline, as the British Troops are.

I take a very particular Notice, & (as all the Colonies ought to do,) with the highest Gratitude, that the King has determin'd that nothing shall be wanting, towards the Support of His Colonies & Subjects, in N. America to which End His Majesty intended to augment the several British Regiments, in these Parts, to one Thousand men each, in answer to this, I am oblig'd in duty & Fidelity to His Majesty to say, that in This

Government; where I have the Honour to preside, there is no Money raised for defraying the Charge of the Augmentation, of the British Regiments, the King is so graciously inclined to; nor is there any Likelyhood of the Assembly's raising any Money here towards a Common Fund, till they have rec^d an answer to a Petition sent to His Majesty in Nov^r last, and of which I have before wrote you; nevertheless if any of the British Officers, apply to me, I shall give them Beating Orders, throughout this Province, on this head.

And I am glad, S^r, to inform you that in a Session of the Assembly of this Province, held a few Days ago, I prevailed upon them to raise a Regiment of five hundred men, at their own Expende, to join with the rest of the Forces raised in these Colonies, for assisting in the General Operation, for His Majesty's Service, in the ensuing Summer.—& I shall go on, diligently pursuing His Majesty's Honour & Interest, to the utmost of my Power, in this Governm^t—I am with the greatest Deference and Respect,

Honourable Sir, Your most Faithfull,
most obedient & most humble Servant

J BELCHER

Commission of Thomas Pownall, Esq., as Lieutenant Governor of New Jersey.

[From P. R. O. B. T., New Jersey, Entry. Vol. 15, p. 444.]

BY THE LORDS JUSTICES.

To Thomas Pownall Esq^r

Greeting.—We being well inform'd of your Loyalty, Courage and Prudence do by these Presents, in His Majestys Name, constitute and appoint you to be His Majesty's Lieutenant Governor of the Province of Nova Cæsarea or New Jersey in America; To have,

hold, exercise and enjoy the said Place and Office during His Majesty's Pleasure, with all Rights, Privileges Profits, Perquisites and Advantages to the same belonging or appertaining: And further in case of the Death or Absence of His Majesty's Captain General and Governor in chief in and over the said Province of New Jersey now and for the time being, We do hereby, in His Majesty's Name, authorize and empower you to exercise and perform all and Singular the Powers and Directions contained in His Majesty's Commission to His said Captain General and Governor in Chief, according to such Instructions as are already sent or hereafter shall from time to time be sent unto him, or as you shall receive from His Majesty and from His Captain General and Chief Governor of His Majesty's said Province of New Jersey now and for the time being: And all and Singular His Majesty's Officers and Ministers and other His Majesty's loving Subjects of the said Province whom it may concern, are hereby commanded in His Majesty's Name to take notice hereof, and to give their ready obedience accordingly.

Given at Whitehall the [13th] day of [May] 1755 in the Twenty Eighth Year of His Majesty's Reign.

By Command of the Lords Justices.¹

¹For a summary of Mr. Pownall's public career, with references to authorities, of Mr. O'Callaghan, see New York Col. Documents, Vol. VI, p. 1009.

The Lords of Trade to the Lords Justices — relating to the boundary line between New York and New Jersey.

[From New York Col. Documents, Vol. VI, p. 952.]

To their Excellencies the Lords Justices

May it please Your Excellencies

We have had under our consideration, an Act passed by His Majesty's Province of New York in December last, intituled:

“An Act for submitting the controversy, between the Colonies of New York and New Jersey, relating to the partition between the said Colonies to the final determination of His Majesty”—

And having been attended by M^r Charles Agent for the Province of New York, and by M^r Paris Agent for the proprietors of East New Jersey, and heard, what each party had to offer upon this Act, we beg leave humbly to represent to your Excellencies:

That the controversy between the provinces of New York and New Jersey, concerning the true boundary line between them, from which this Act takes its rise, has subsisted many years, and various Acts and proceedings have at different times been had, and done thereupon, with a view to ascertain this boundary, but without effect. In the year 1748, the Legislature of New Jersey passed an Act, entitled:

“An Act for running and ascertaining the line of partition and division betwixt this Province of New Jersey and the province of New York”—but it appearing to us, upon a consideration of this Act after hearing of the parties interested by their Counsel, that the proceedings on which it was founded, being not warranted by His Majesty's Authority, it could not be effectual

to the ends proposed by it, and the object of it being to set up an ex parte determination it would be unjust: we did in our representation of the 18th of July 1753, humbly lay it before his Maj^{ty} for his Royal disallowance, humbly offering it as our opinion, that the only method, by which the matter in dispute could be properly and effectually decided, would be, a Commission to be issued by His Majesty for that purpose.

It appears from the letters and papers, which we have since received from the Governors of New York and New Jersey, that great outrages have from time to time been committed on the frontiers of the Two provinces, to the prejudice of His Maj^{ty}'s service and the disturbance of the public peace: and although various propositions have been made by persons authorised on both sides, for determining the controversy, yet none of them have had effect, nor is there any room to hope that the parties interested will concur in any effectual measure for deciding the dispute.

The Act, which we now humbly lay before your Excellencies appears to us to be liable to several objections: it is improper as the method of determination which it proposes is unusual and contrary to the constant practice in cases of the like nature: questions of disputed boundary, whereby private property may be affected, having never been determined by the Crown in the first instance but always by a Commission from His Maje^{ty} with liberty to all parties which shall think themselves aggrieved by the Judgement of the Commiss^{rs}, to appeal to His Maj^{ty} from their decision. It is also improper, because, altho' the very object of the Act is to submit the matter in dispute, as far as private property is concerned, to the determination of His Maj^{ty} yet, it previously ascertains in some degree the limits of private Right and property, by declaring that certain patentees, therein mentioned shall not extend their claims beyond a limit therein described; and

if it was not liable to these objections, yet it would be ineffectual, as the Proprietors of New Jersey, have not consented to the method of decision therein proposed. For all which reasons we humbly beg leave, to lay the said Act before your Excellencies, for your Excellencies disallowance

We beg leave further to represent to your Excellencies, that it appears to us to be of the greatest importance to the peace and tranquility of the two Provinces, that some certain line of property and Jurisdiction should be speedily settled between them, which, as we conceive, can only be done by a Commission to be issued in the same manner and under the same regulations as that issued in the year 1737, for running the boundary between the Provinces of the Massachusetts Bay and New Hampshire, with liberty to either party who shall think themselves aggrieved, to appeal to His Majesty in his Privy Council. The Agent for the Proprietors of New Jersey declared himself willing to concur in this measure, and has offered to give ample security, that the said Proprietors shall and will defray one half of the expence of such a Commission, but the Agent of New York, not being authorised by his Constituents has declined entering into such an agreement. We would therefore humbly propose to your Excellencies, that an additional Instruction be given to His Majesty's Gov^r of New York directing him to recommend it to the Assembly of that province to make provision for defraying one half of the expence of obtaining and executing such Commission, as aforesaid, whenever his Majesty shall be graciously pleased to issue it

All which is most humbly submitted

DUNK HALIFAX
J GRENVILLE
JAMES OSWALD
FRAN: FANE

WHITEHALL, June 12 1755.

*Letter from Governor Shirley, of Massachusetts, to
Secretary Sir Thomas Robinson.*

[From N. Y. Col. Docts., Vol. VI, p. 953.]

BOSTON, NEW ENGLAND, June 20th 1755

Sir

(Extract.)

* * * * * After I parted with the General [Braddock in Virginia] I found from the deficiency of Sir William Pepperell's levies that there was no prospect of his raising more than 600 men by the time, that the troops destin'd for Niagara must begin their march, and as two of the Companies of his regiment were order'd to be posted at Oswego upon an expectation that the French would attack it which will reduce them to 1400 men, and that force would in the general opinion as well as my own be too weak an one to secure the pass at Niagara; on my return thro' the Government of New Jerseys, I apply'd to the Assembly there, which was then sitting to permit the Regiment of 500 men which they had lately voted to raise for the expedition against Crown Point, to join their forces under my command in the reduction of Niagara, and prevail'd with them and Gov^r Belcher to pass an Act for that purpose, by which means my troops were augmented to 1900. * * * * *

I am with the greatest regard Sir

Your most humble and most obedient servant

W. SHIRLEY.

The Right Honourable Sir Thomas Robinson one of
His Majesty's Principal Secretaries of State.

*Letter from Governor Belcher to the Lords of Trade—
transmitting public documents and a letter from
Captain Bradstreet.*

[From P. R. O. B. T. New Jersey, Vol. 8, I. 9.]

Right Hon^{ble} Lords Commiss^{rs} for Trade &
Plant^{ns}

My Lords

My last was on the 28: of April, the Original by way of N: York, and its Duplicate by way of Phil^a, carrying in it all the Particulars, relating to this Government, to that Time, & which I hope your Lordships will duly receive.

Since that, (although many Ships are arrived from London,) I have not had the Honour, of any of your Lordships, but which I hope I may, at Your own conveniency. I now cover to Your Lordship, what has lately occur'd in this Legislature. * * * * *

I think it my duty, to say to Your Lordships, that the Regiment raised in this Province, are a Number of as likely men, as (I believe) any that have been rais'd for His Majesty's present Service, & have been for some time past, at Shenectady, the Place of General Rendezvous, & from thence they will be marching, in conformity to General Braddock's Orders, to Niagara, where may God send them well, & give the desired Success.

As anything material comes to my knowledge, relating to His Majesty's Service, in the present Armament on this Continent, I shall do myself the Honour, of keeping your Lordships duly acquainted therewith.

I am in the meantime, & always, with great Respect,
My Lords, Your Lordships^s Most Obedient & Most
humble Servant

J. BELCHER.

ELIZA: TOWN (N J) June 27: 1755

[Enclosed in foregoing.]

LETTER FROM CAPTAIN BRADSTREET TO GOV.
BELCHER.

Sir,

I think it my duty to give you the earliest Notice, that in my Way to this Place, Col! Johnston & I examined a French man, who deserted from Canada, with his wife, who inform'd us, that the French had actually sent nine hundred & fifty men to the Ohio, in four Detachments, the last of which he saw at Cata-raque, & they pass'd this Place about the Time he expected, and that on my Arrival here, the 27: Ins^t, I made it part of my Business, to examine into the Truth of this, from Indians who are constantly coming here, from all Quarters, who agree entirely with his Account; since which the Movements & Activity of the French, make it still more necessary I should lose no time in letting you know what has pass'd, & the accounts I have, viz^t that on the 25: of this Month, twelve Battoes pass'd this place, with men & Provisions; the 27th Eleven, & this day Eleven, which latter had on board nine small Cannon, & they carry one with the other ten men, & I am well inform'd, there are more men preparing to set out from Cata-raque, & others daily expected from Mountreal there; & the French are using all their Power & Artifice, to get as many Indians with them, to oppose General Braddock, as they possibly can, & openly declare to the Indians, they will send the whole Force of Canada, but they will carry their point.

I must also inform you there are many Indians here, & Numbers are daily expected, & they appear to be very attentive to the Proceedings between the French & us, and that I concieve there never was a Time, when the giving Provisions to such as are in real Want, & well chosen Presents to the Principal People,

than at this time, & that great Good might, & I believe wou'd result from it.

I have sent an Express, with these Accounts, this day to the General, across the Country, & have wrote to the several Governours from N:York to Virginia also.

I am, Sir,

Your most obedient humble Servant

OSWEGO 29th May 1755.

JN^o BRADSTREET

To his Excellency Jonathⁿ Belcher Esq^r: Gov^r: of New Jersey.

Proceedings of Privy Council — recommending the repeal of the Act submitting the boundary dispute of New Jersey and New York to the final determination of the King.

[From N. Y. Col. MSS. in Secretary of State's Office. Albany, Vol. LXXXI, p. 42.]

AT THE COUNCIL CHAMBER WHITEHALL.

the 24th day of June 1755

PRESENT

The Lords Justices Lord Chancellor Lord Steward Duke of Dorset Sir Thomas Robinson Lord President Lord Berkeley of Stratton Duke of Queenberry Lord Chief Justice Ryder Earl of Buckinghamshire Sir George Lee.

Whereas by Commission under the Great Seal of Great Britian the Governor Council and Assembly of His Majesties Province of New York, are authorized and empowered to make constitute and ordain Laws Statutes and Ordinances for the Publick Peace Wel-

fare and Good Government of the said Province which Laws Statutes and Ordinances are to be as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom and to be transmitted for His Majestys Royal Approbation or Disallowance.

And Whereas in pursuance of the said Powers, An Act was passed in the said Province in December 1754 and transmitted Entitled as follows. Viz^t—

“An Act for submitting the controversy between “the Colonies of New York and New Jersey relating “to the Partition between the said Colonies to the “final Determination of His Majesty.”

Which Act together with a Representation from the Lords Commissioners for Trade and Plantations, proposing the repeal thereof having been referred to the Consideration of a Committee of Lords of His Majestys most Honorable Privy Council for Plantation Affairs. The said Lords of the Committee did this day Report to the Lords Justices as their opinion, That the said Act ought to be repealed—The Lords Justices taking the same into Consideration were pleased with the advice of His Majesties Privy Council, to declare their Disallowance of the said Act. And pursuance to the Lords Justices Pleasure thereupon expressed, the said Act is hereby repealed declared Void and of none effect Whereof the Governour or Commander in Chief of His Majesties Province of New York for the time being and all others, whom it may concern are to take Notice and Govern themselves accordingly.

W. SHARPE.

Letter from Governor Belcher to Lieutenant-Governor Morris, of Pennsylvania—Indian affairs, etc.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN July 9. 1755

L. GOV. MORRIS

Sir

Last night I rec^d your honours favour of the 4: ins^t and which I have read with Attention & shall take the freedom to extract from your Letter what may be necessary to send to the Officers in the several Ports of this Government to prevent as much as possible the Exportation of Provisions for the present & when our Assembly meets (next month) I shall earnestly recommend to them the making a prohibitory Law in this Affair.

I thank you, Sir, for the Particulars of the latest Intelligence you have of General Braddock^s Motions & which seems to be something Cloudy—may God Almighty succeed him.

I think the Barbarous scalping & Captivating of the poor Virginians, Marylanders & Pensylvanians shou^d raise in them a Spirit of Indignation against the Perfidious French & of Compassion to their Neighbours by exerting all in their Power to raise men & money in Assistance of General Braddock & the keeping open the Communication with him so very necessary to the King's Service.

With mine & Mrs. Belcher's Compliments¹ I am
Sir Your Honours most Obedient &c.

J BELCHER

¹ The "young man" frequently alluded to by Governor Belcher in terms of disparagement to his correspondents in England in 1751-2, having been appointed Lieutenant Governor of Pennsylvania, he is now entitled to all compliments.—Ed.

Letter from Governor Belcher to General Braddock.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ. TOWN July 9. 1755.

General Braddock Cov^d to L. Gov^r Morris.*Sir*

My last was 16: of June cov^d to M^r Dinwiddie & which I hope your Excellency has received.

I am now to own your Favour of the 9: of last month which came to my hands 7: Ins^t by way of N. Y. & Albany the Purport whereof I answered in mine of 5: of June Cov^d to L. Gov. Morris of Pensylvania & which I hope got well to hand—the putting of the Regiment of this Province under the Command of Gov^r Shirley I think a very prudent Step for his Assistance in the Attack to be made on Niagara & yet I shou^d not have done it without your Excell^ys particular Direction.

As you are His Majesty's General of all his Forces in N. America I shall carefully observe such Instructions as I shall from time to time receive from your Excell^y in Employment of any Troops raised or to be raised in this Province. I am with great Respect,

Sir, Your Excell^ys Most Obedient & Most humble
Serv^t. J. BELCHER.

*Letter from Governor Belcher to Secretary Read, of
New Jersey—relating to the reported defeat of the
army under General Braddock.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN (N J) July 19: 1755.

MR SECRETARY READ

The very melancholy Acc^t I have just now rec^d by Express from Phil^a of the killing General Braddock—the intire Defeat of the Army under him—the taking

the Artillery &c. these things I say make it absolutely necessary for the Assembly to meet me as soon as possible to consult what is to be done for his Majesty's Honour & Service & for the necessary & real Safety of this poor Province on whose Frontiers we may expect the French and Indians in Scouting Parties so that a Moment is not to be lost in the Assembly's Coming on this arduous and momentous Occasion and as things will require the greatest Dispatch I am determin'd that the Assembly shall meet me at this Place & in 10 days or sooner if possible so you must send away Expresses directly on rec^d of this—I am

Sir your Assured Friend & Servant.

J. BELCHER.

Letter from Governor Belcher to Mr. Pownall—congratulating him on his appointment as Lieut.-Governor of New Jersey, etc.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

July 21 1755

MR POWNALL

Sir

I just now rec^d your Letter of the 18 & 19 Curr^t by M^r Clopper and as you are entring by his Majesty's Favour into an honourable Station in this government I am glad to see you so ready in your duty to the King in handing to me what occurs for His Majesty's Service & Interest.

The first Account of General Braddocks defeat &c. was very shocking but what you write me alleviates & in Part dissipates the Gloomy Prospect which came by the first Acc^t—and I hope Almighty God will upon this fatal Incident animate & invigorate the Southern Colonies to the raising three or four thousand men and

with all possible dispatch to march and be put under the Command of the brave General Braddock for as the matter is begun it seems to be now or never to make a strong Push that we may know whether King George or the French king is to be finally Master of this Continent.

I have order'd the Assembly of this Province to meet me the next Week when I shall earnestly press them to the raising their Proportion of men and money for the occasion I have mentioned.

I very readily take a just notice of the Honour you do yourself in cheerfully offering your duty to the King in any Services you may be capable of on these extraordinary Occasions & I shall be glad to see you here and to find out anything that I may be able to do for your Service and Interest. * * * While you remain at Phil^a I hope you will not fail of keeping me in a constant Intelligence of all things you can learn at any time for His Majesty's honour & Service & to the Welfare of these Provinces. I am

Hon^{bl}e Sir, your Friend & Serv^t,

J. BELCHER

*Message from Governor Belcher to the Council and
Assembly of New Jersey.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Gentlemen of the Council & of the General
Assembly.

Upon the Advices I have lately rec^d of an Action between the Kings Troops under the Command of the late brave General Braddock & a Body of French and Indians on the Banks of the River Monongahela & upon which the English Troops have been obliged to

retreat and this Extraordinary Event has been the Reason of my Calling you together something sooner than I Intended—the acc^{ts} of this matter have been very various but the most authentick is a Letter from M^r Orme Aid de Camp to General Braddock wrote to Gov^r Morris of Pensylvania which shall be communicated to you and as this matter may Produce fatal Consequences to this and the Neighbouring Provinces I have thought it necessary that this whole Legislature shou'd enter into the Earliest and most Sedate Consultations for preventing the Evils that may accrue & to do all in our Power for the best Defence and Safety of this Province & those of our Neighbours and before I leave this Subject you will give me leave to recommend to you the passing of a Bill for restraining the Exportation of Provisions & warlike stores out of this Province for some reasonable Time.

I think it is storied of the Pelican that she sucks out her own Blood to nourish & support her young.

An uncommon Storgee¹ in Nature! and in a good Degree a fine Pattern of Imitation for all true Fathers and Lovers of their country—how unnatural a Perfidy is it then for any Persons or People from a voracious Thirst after filthy Lucre to be supplying their Enemies with Food and Raiment & warlike Stores thereby enabling them to subsist & to be continually annoying their Neighbours who thus support them and if I am rightly informd this has been the Case, too often, of some of our neighbouring Provinces in supplying the French in the manner I have mentioned or many of their settlements must have been broke up long ago & altho' we have had certain advice of a large Fleet of French Ships and Land Forces arrived at Cape Breton and at Canada yet we are at the same time Inform'd that they are in great Streights for want of Provisions we shall

¹Sic.—ED.

therefore honour our selves in passing such an Act as I have mentioned which may greatly distress the Enemy and have a good Tendency to the better Safety of all the English Colonies.

Gentlemen, I have lately rec^d a Letter from M^r Dinwiddie Gov^r of Virginia relating to the arms with which he supplied us as also a Letter from Col^l Peter Schuyler respecting the Troops of this Province under his Command both which Letters I shall order to be laid before you that you may do upon them what may be necessary in support of the Honour and Justice of this Governm^t.

GENTLEMEN OF THE GENERAL ASSEMBLY

As the raising of monies for defraying all the past Charge of what has lately been thought necessary and expedient to be done together with the usual Support of the Government belongs to you to begin upon I shall not doubt your giving the best dispatch to what may properly belong to be done by your House.

GENTLEMEN OF THE COUNCIL AND OF THE GENERAL ASSEMBLY

If you can think of anything else for advancing the Kings honour & Interest and the Weal and Prosperity of N. Jersey I shall upon your suggesting it to me cheerfully promote it to the utmost of my Power.

J. BELCHER

ELIZ^a TOWN COUNCIL CHAMBER Aug^t 1 1755.

[Message of Governor Belcher to the House of Assembly, sent with the foregoing.]

Gentlemen of the General Assembly

In answer to your message of this day I am well pleas^d that you are come to an unanimous Conclusion to do the necessary Business at this Time as well as to consider duly the important Matters I have recommended to you. You cannot but be sensible as well as

I what a critical Conjunction this is with respect to the Safety and Welfare of the Province you will therefore give all possible Dispatch in all Affairs that lye before you—as to the other Part of your message I must assert the Kings Right and Prerogative and say that the Calling you hither is absolutely Consonant to the Kings Royal Orders to me.

However the old Romans wisely considered that while Hannibal was at their Gates all Dispute and Contention shou'd subside and as I look upon the Province in the Present Situation of Affairs to be attended with much Difficulty and Hazard in answer to your Request I have order'd the Secry to adjourn your House to morrow the 2: Ins^t to meet at P. Amboy.

J. BELCHER

ELIZ^A: TOWN COUNCIL CHAMBER Aug^t 1 1755.

Letter from Governor Belcher to Lieutenant-Governor Dinwiddie—about Military Proceedings.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN Aug 6. 1755

LIEUT GOV DINWIDDIE

Sir

I wrote you very particularly the 16: of June past by the Post and which I hope got to your hands altho' you mention nothing of it in yours of 29: of July which I rec^d this day by Express confirming to me the melancholy acc^t of the defeat of the late brave Gen^l Braddock with the Kings Troops under his Command in the Action between him & the French (the 9: Ult) on the Banks of the River Monongahela.

This unhappy Affair I am afraid will give a great Check to the plan of Operation as to Crown Point & Niagara.

As we have lately no particular Acco^{ts} of the proceedings of the Troops since there being at Skenectady no Judgment can be formed as to their Attempts whither they are destined God grant they may find better Success than what the Troops have hitherto met with.

The Constant good Accounts we receive from the Eastward of the Success of the Kings Ships and Land Forces in some measure alleviate the gloomy Prospect we are entertained with in these Southern Colonies—for the three only Forts the French had in Nova Scotia are reduced and are now garrisoned with English Troops so that that Province is entirely evacuated by the French and His Majesty has a fine Fleet of 20 Ships of the Line Commanded by Admiral Boscawen cruising about Nova Scotia and Cape Breton to watch the motions of the French and to prevent as much as Possible their being supply'd with Provisions or war-like Stores.

Your Letter of the 2: of June I have laid before our Commissioners who have the Care of our Part of the present Armament and they tell me they have made the Remittance to Mr. Hanbury as you directed & shou'd observe your farther Orders in that matter.

As the Assemblies of Pennsylvania and of N. York are now Sitting your honour will doubtless have an Acc^t from the several Gov^{rs} of what they are like to do in this Critical Conjuncture—the Assembly of this Province met here the ^Q Ins^t when I press'd upon them the absolute necessity of exerting themselves to the utmost on this important Occasion for his Majestys honour and Service as well as for their own Safety and Welfare & that of their Neighbours & I really think the Colonies (take them all together) ought immediately to get together a Body of at least 20,000 men in order to their making a Rational Effort in what they have already began or otherwise their poor Inhabitants

must expect to be Continually sacrificed to the Depredations & murders of the mercyless French and Indians from whom may God almighty defend and deliver them.

I remain with much Respect

Sir Your Honours Most Obed^t

& Most humble Serv^t

L. Gov. Dinwiddie.

J. BELCHER

*Letter from The Lords of Trade to Governor Belcher
—in answer to several received from him.*

[From P. R. O. B. T. New Jersey, Vol. 16, p. 1.]

To Jonathan Belcher Esq^r. Governor of New
Jersey.

Sir

Since our letter to you dated July the 5th 1754 We have received yours of August the 14th and 24th, November, the 6th 23^d and 26th, December the 28th 1754, and April the 28th 1755, together with the several Public Papers transmitted with them.

It gave Us great pleasure to find by the last of these Letters, that the Assembly of New Jersey were at length awaken'd from that extraordinary inattention to their own Security, & that of the Neighbouring Colonys, which you had so justly complained of in your former Letters, and that they now seemed disposed to shew a proper sense of His Majestys paternal regard to them, by an exertion of their Strength in Conjunction with the other Colonys for the defence of His Majestys Territorys against the Incroachments and Invasion of a Foreign Power.

It would have given Us great satisfaction, if the Bill prepared by them for the emission of 70000 £ in paper Bills of Credit had been so framed, that We could, consistent with Our Duty, have laid it before

His Majesty for His Approbation; but as it did not in any one Provision of it conform to His Majestys Instructions to you upon that head, We could do no otherwise than report our opinion against it; the reasons for which you will find fully contained in our Report upon it, a Copy of which was sent you some time since, together with His Majesty's Order in Council respecting the Bill.

We have read and considered the Papers you transmitted to Us, relating to the disputes between New Jersey and New York concerning the Boundary Line; and are now clearly convinced, that this Question can never be adjusted or determined but by Commission from His Majesty; the Act passed by New York for submitting the controversy to His Majesty appeared to Us to be very improper and ineffectual for that purpose; and therefore We laid it before His Majesty for His Disallowance, and proposed a Commission; but as the Agent for New York declined entering into any Agreement to pay his part of the Expence of taking it Out, We were under a Necessity of proposing that an Instruction should be sent to the Governor of New York to recommend it to the Assembly to make immediate Provision for that Purpose, and We hope it will have its Effect, and that this dispute will soon be brought to a final Issue: for it gives Us the greatest concern, that the internal peace of His Majestys Colonys shou'd be disturbed by disagreement amongst themselves upon Questions of this kind, at a time when an exertion of their United Strength is necessary in Vindication of His Majestys Rights and in defence of His Territories. So We bid you heartily farewell, and are

Your very Loving Friends and humble Servants,

DUNK HALIFAX

J. PITT

J. GRENVILLE

Letter from Governor Belcher to Mr. Secretary John Read—desiring the Council and Assembly to meet him at Elizabethtown.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

MR. SECRETARY READ.

Aug. 8 1755

Sir

The Advices I have rec^d this morning make it necessary I shou'd see the Council & Assembly here to impart them to them it is therefore my Order that when this Comes to hand you adjourn them accordingly to meet me at this Place tomorrow as what I have to say cannot be so well done by Message.

It is now Eight days since the Opening of the Session a great Part of which time has been spent in passing between this Place and Amboy and the Case must still be so to the great Expence of the Province and to the Delay of the Publick Affairs while the Kings Governour is in the Providence of God disabled from travelling.

You know, Sir, I have been for near twelve months out of Pocket for Expresses sent for the Safety of the Province tho' I know no reason why it shou'd be so or that the Kings Serv^{ts} shou'd advance money while pursuing the weal and prosperity of the People but there shou'd be always a Provision in the Treasury for Contingencies and more especially during the present Crisis of Affairs.

I have been expecting to hear from your House respecting the Choice of a Speaker pro tempore in Mr. Lawrence's Absence. I have particular Matters to lay before His Majesty's Council in which the Attendance of the Sec'ry will be absolutely necessary.

My kind Respects to His Majesty's Council & to the House of Assembly to whom you may Communicate this Letter. I am

Hono^{ble} Sir Your ready Friend
J. BELCHER.

Letter from Governor Belcher to Lieut.-Governor De Lancy, of New York, about Laws to enforce embargoes.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN Aug 8 1755

L. GOV^r DELANCEY

Sir

* * * As the Assembly is now sitting I shall press upon them the passing a Law as mentioned in my last¹ for your Honour is sensible that altho' Governours may issue Proclamations of Imbargo yet without a Law they can impose no mulcts or Fines for the Breach of them.

If the Assembly here finally come into Resolutions of doing what is proper in the difficult Situation of Affairs I agree with you that it will be best to do it by raising of more men & with the greatest Dispatch to be sent to Coll Schuyler for reinforcing Gen^l Shirley. I am with much Esteem & Respect

Sir Your Honours Most Obed^t &
Most humble Servant.

J. BELCHER.

¹ July 30, 1755, he wrote to Lieut. Gov. Delancey: "I am to meet the Assembly of this Province to-morrow, when I shall press upon their doing something effectual for restraining the Exportation of Provisions and warlike Stores for such Time as may be judged necessary."—Ed.

Message of Governor Belcher to the Council and General Assembly of New Jersey.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Gentlemen of the Council & of the General Assembly

Since the opening of this Session by my Speech of the first Ins^t. I have a Letter from L. Gov^r Delancey of N. York with several Papers of great Importance to this and all the English Colonies in North America and these things the Secretary shall deliver you.

As the Province of the Massachusetts are raising with all expedition five hundred fresh Recruits and N. York four hundred I am fully of Opinion the best aid and assistance we of this Province can give will be in the raising of as many men as we possibly can and to send them with the greatest Dispatch to join Coll Schuyler's Regiment under the Command of General Shirley.

We must not sink under the Gloom of the late unhappy event but as becomes true English men our Spirits must rise with our Difficulties and we must make them more strong and vigorous Push to emerge out of them.

Upon reading the Gov^r of Nova Scotia's Letter to the Gov^r of the Massachusett's I think it my Duty to repeat & press upon you the Passing a Law without delay in strict Prohibition of the Exportation of Provisions of any kind from this Province for three Months to come, the Act to be so restricted and qualified as may be the least detrimental to our selves or Neighbours for altho' the Gov^r may issue a Proclamation of Embargo yet it is the Legislature only that can impose mulcts & Fines on such Offenders as shall presume contrary to Nature & Reason to supply our Enemies with Provisions and thereby prevent their falling a Prey into our hands.

Altho' I have once and again recommended to you the revising and amending the Militia Bill yet I must now again recommend it to your serious Consideration as a thing absolutely necessary to defend and save the Poor People of this Province on the Frontiers from the merciless depredations and Cruelties of the French and Indians, for as we have no regular Troops we have (under God) no force or hope but what we may expect from the Militia of the Province and it ought therefore to be put under a better regulation than it might be on common Occasion.

Gentlemen, as any thing new comes to my Hands I shall be communicating it to you and I pray God to direct your Deliberations into the best measures for lengthning out the welfare and Prosperity of the good People under our Care.

J. BELCHER

ELIZ: TOWN COUNCIL CHAMBER Aug^t 9. 1755.

Letter from the Lords of Trade to Governor Sir Charles Hardy, of New York—recommending the appointment of a Commissioner to arrange the boundary difficulties with New Jersey.

[From N. Y. Col. Docts., Vol. VI, p. 960.]

[Tho. Centaur, Hardwicke, C. Granville, T. Marlborough, C. P. S.]

Additional Instruction to Sir Charles Hardy Knight Captain Gen^l and Gov^r in Chief in & over His Maj^{ty}'s prov^{ce} of New York and the territories depending thereon in America; or in his absence to the Lieut^t Gov^r, President

of the Council, or Commander in Chief of the said province for the time being. Given at Whitehall the 12th day of August 1755, in the 29th year of His Maj^{ty's} Reign

Whereas it has been represented unto us, that a controversy has for many Years subsisted between his Majesty's Provinces of New York & New Jersey concerning the true line of partition between the said provinces, on account of which great outrages have from time to time been committed on the frontiers of the said provinces, to the prejudice of His Maj^{ty's} service and the disturbance of the public peace, and whereas it is of the greatest importance to the tranquility and welfare of the said provinces that a line of property and Jurisdiction should be speedily settled between them, which can only be done by a Commission to be issued by His Majesty for that purpose, with liberty to all parties who shall think themselves aggrieved by the Judgment of the Commissioners thereby to be appointed, to appeal from such Judgment to His Majesty in his privy Council; and whereas the Agent for the Proprietors of New Jersey, has declared himself willing to concur on their behalf in this measure, as the only proper and effectual means of determining the matter in dispute, and has offered to give ample security that the said proprietors shall and will defray one half of the expence of obtaining and executing such a Commission: You are therefore hereby authorized and required earnestly to recommend it, in His Majesty's name, to the Assembly of the Province of New York, under your Govern^t, that they do make speedy and effectual provision for defraying the other moiety of the expence of obtaining and executing such commission, as aforesaid, whenever His Majesty shall be graciously pleased to issue the same.

Letter from Governor Belcher to his nephew, Mr. Oliver—about the condition of the forces on the frontier.

[From Belcher Papers in Library of N. J. Hist. Soc.]

Aug 21 1755

MR. OLIVER

Sir

* * * I think a Gloom at Present hangs over his Majestys Colonies on this Continent nor do I conceive any great hopes about Crown Point or Niagara but rather think the Kings Troops for both those Attempts are too short in Numbers and too late to do anything this Year.

The Colonies this way have made strict Prohibitions of the Exportation of Provisions of any kind yet I have but a lean hope of thats bringing forth so great an Event as we wou'd fain feed our selves with especially if what we have by a Vessel at Phil^a of 20: of June from Lisbon be true that a fleet of 24 Sail of French Ships was ready to sail for America and that S^r Edward Hawk was to follow them with a strong Squadron.

The present Complexion of Affairs seems to forbode this Continents being the Seat of War. *Deus avertat!*
I am

Hono^{ble} & dear Sir Your affectionate Uncle.

J. BELCHER

Representation from the Lords of Trade to the Lords Justices, with an account of the number of white inhabitants in the Colonies.

[From P. R. O. B. T. Plantations General, No. 39, Ent. Book K, p. 423.]

An Account of the Number of White Inhabitants in His Majesty's Colonies in North America, distinguishing the Number of the Militia or of Men capable of bearing Arms, taken from the last Returns transmitted to the Lords Commissioners for Trade and Plantations, and, where those Returns are defective, from the best Accounts which can be obtained

Augst 29, 1755

COLONIES.	DATES OF THE RETURNS.	TOTAL NUMBER OF WHITES.	MILITIA.	MEN CAPABLE OF BEARING ARMS.
Georgia.....	1752.....	3,000	5,000	-----
South Carolina.....	1752.....	25,000	-----	13,000
North Carolina.....	1755.....	50,000	-----	-----
Virginia.....	1755.....	125,000	28,000	-----
Maryland.....	1749.....	100,000	12,500	-----
Pennsylvania.....	No Returns since the	*220,000	-----	25,000
Connecticut.....	Year 1730; but accord-	100,000	-----	-----
Rhode Island.....	ing to the best accounts.)	30,000	-----	-----
New Jersey.....	1755.....	75,000	10,000	-----
New York.....	No Returns since the	55,000	-----	12,000
Massachusetts Bay.....	Year 1738; but accord-	200,000	-----	40,000
.....	ing to the best Accounts.)	-----	-----	-----
New Hampshire.....	1755.....	75,000	6,000	-----
Nova Scotia.....	1754.....	4,000	1,200	-----
Total.....	Total.....	1,062,000	-----	-----

* N. B. Of these 100,000 are Germans, & other foreign Protestants.

*Letter from Governor Belcher to Sir John St. Clair
—upon the necessity of driving the French from
America.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZA: TOWN Sep^t 3 1755

SIR JN^o ST CLAIR

Sir

Your Favour of the 12: of Aug^t came to my hands 30th. The unfortunate Affair you mention of the 9: of July has drawn a melancholy Gloom over the Proceedings of the Kings Troops this way and it seems to me that the rest of the Plan & Operation will hardly be carryed into Execution this Summer in any one article and if so the French will have gain'd a vast Advantage. however, I agree with you that our Spirits shoud rise with our difficulties and we must this Winter be redoubling the Number of Troops & early in the Spring to pursue the Plan of Operation as it has been form'd.

But I wou'd carry my thoughts still further & say *Carthago est delenda* Canada must be rooted out or the Crown of Great Britain may soon lose all it at Present Enjoys in these Colonies of N^o America and in Order to this I think it absolutely necessary (& worth the while) for the Several Colonies (from Nova Scotia to Georgia) to raise twenty five thousand men & five thousand more to be sent from Great Britain to be Incorporated with them & thus to pursue the Matter of extirpating the French or they will in the Course of a little Time drive all his Majestys Subjects into the Sea, for they seem already to have drawn a Line of Circumvallation about us confining us to very narrow Limits. I was very sorry to hear you was wounded but rejoiced at same time that you did not meet the same fate with many other brave Gentlemen that fell

on the fatal day. May God Almighty heal your Wounds and restore you to perfect health & Strength for the Service of your King & Country to your still greater honour and if at any time I may be capable of rendering you any Services you may with Freedom dispose of

Sir Your very humb: Serv^t,

J. BELCHER

Letter from Thomas Pownall, Esq., Lieut.-Governor of New Jersey, to the Lords of Trade—expressing his obligations in being recommended by their Lordships for that office.

[From P. R. O. B. T., New Jersey, Vol. 8, I. 14.]

To y^e Right Hon^{ble} the Lords Commissioners
for Trade & Plantations

N YORK Sep^r 7. 1755.

My Lords

I have receiv'd by S^r Charles Hardy, His Majestys Commission appointing me Lieutenant Governor of New Jersey, to which Post & Honor it has pleased Your Lordships to recommend me to His Majesty.

Permitt me, My Lords, to make my Acknowledgements & return my most gratefull Thanks for so high & so undeservd a Favor; And to assure Your Lordship's that what is not in my power, Abilities equal to so great a Trust, I will endeavor to supply by a faithfull Attention to His Majestys Service with Assiduity and Industry. I have y^e honor to be, My Lords

Your Lordships most Obligd most Gratefull &
Obedient Servant

T. POWNALL

*Letter from Governor Belcher to Richard Partridge
—about appointment of Lieutenant-Governor.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ: TOWN Sep^t 17 1755

Bro: Partridge (Extract.)

As to the Appointment of a Lieu^t Gov^r for this Province it is quite a new thing & you must be watchful at the Offices in a silent manner so as to know if any Attempt shou'd be made to my Prejudice to be early with L—C—to prevent any severity or hardship.

When you think it may be of Service it will be well to put my Speeches into the Publick Prints. * * *

Sir, Your loving Brother

J. BELCHER

*Letter from Governor Belcher to Sir Thomas Robinson
—about raising additional troops, etc.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Sepr: 17 1755

SIR THOMAS ROBINSON

Sir

My last was on the 30th of April and I hope it got well to your hands.

I am now to own the honour of yours of 16: of April & 19: of June. * * * In these Letters I observe with duty and gratitude his Majesty's Early and Paternal Care and Goodness in sending a Squadron of Ships of War under the Command of vice Admiral Boscawen in Protection of His Colonies on the Continent of North America & this the said Admiral has

also lately wrote me from Nova Scotia that upon the first advice I shou'd send him of any approaching Danger of the Enemy on the Coasts of these Colonies he shou'd endeavour to give all the Assistance he cou'd for their Defence & Protection and I shall be sedulous and vigilant on all Occasions to get what Intelligence I can of the Motions of the Enemy & transmitt them to the said Admiral so as may best of all conduce to his Majesty's Interest and honour & to the Safety & Welfare of these his Provinces.

I shall, Sir, strictly conform myself to the Purport of Your Letter of 19: of June and not draw any Bills upon the Paymaster General — His Deputy or any other Person nor shou'd I have presumed to have done it without such a Caution unless I shou'd have had His Majesty's special direction of Leave so to do.

I am glad to repeat to you, Sir, that the Assembly of this little Province have in a late Session made ample Provision in Support of a Regiment of five hundred men till May next & this they have done with great Alacrity & Unanimity and I doubt not they will still go on to do their Proportionable Share in further Support of his Majesty's Interest and honour and of the Welfare & Safety of this Colony & those of their Neighbours. And now, Sir, you will give me Leave to say that the Defeat and death of the late brave and Gallant General Braddock at first drew a Gloom over the Operations of the Kings Troops as to the Places they were destined to but God be thanked the several Bodies of the Kings Troops are again roused and in good Spirits pursuing the plan of Operation with all the Prudent Expedition they can & yet I hardly think any great matter of advantage against the Enemy will be obtained this Year for We find the French and their Indians every where more numerous and Strong than we imagined.

Will you then, Sir, indulge me while I say I think unless Quebeck and the whole Canadian Country be reduced to His Britanick Majesty's Obedience the French will in the Course of a few Years be Masters of all North America (& make it a fine Empire) I wou'd therefore humbly propose that there shou'd be raised from Nova Scotia to Georgia (thirteen English Provinces) Twenty five Thousand effective men & His Majesty to send five Thousand British Regulars to be incorporated with them and so to make the whole Body Thirty thousand men & also to send a Strong Squadron of Ships to the Gulph of S^t Lawrence to assist in the Reduction of Quebeck & this whole Armament to be ready by all the Month of May next to proceed upon the Business, *Carthago est delenda*, or we do nothing to the Purpose—but what I propose I believe will not be effected without the *Assistance of the British Parliament* to mark out & ascertain the several Quotas or Proportions of men & Money to be raised in each several Colony or Province.

If I am too forward in what I have suggested I shall humbly hope for his Majesty's Pardon since it springs from an ardent desire that His Majesty and His Royal house may in future Ages sway the Scepter over all N. America.

I am with the greatest Deference & Regard

Honb^{le} Sir, Your most Faithful &c.

J BELCHER

Sep^t 17. 1755

Sir Thom: Robinson.

Letter from the Lords of Trade to Sir Thomas Robinson, Secretary of State — recommending the establishing of packet-boats between England and the Colonies.

[From P. R. O. B. T. Plantations General, No. 39, Ent. Book K, p. 426.]

To the R^t Hon^{ble} S^r Thomas Robinson, one of
His Majesty's principal Secretaries of
State.

WHITEHALL Sept^r 18, 1755

Sir,

Having thought it our Duty humbly to represent to His Majesty the Expediency, arising from the present Situation of Affairs, of establishing Paquet Boats between this Kingdom & His Majesty's Colonies and Islands in America, in order to prevent the Prejudice which must necessarily arise to His Majesty's Service from the precarious and uncertain Method, in which the Correspondence to and from the Plantations is carried on by Merchant-Ships, We beg leave to inclose to you Our Representation to His Majesty upon that Subject, and We desire you will be pleased to lay it before His Majesty. We are, &c.

DUNK HALIFAX.

J. PITT.

J. GRENVILLE.

ANDREW STONE.

Ex^d

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

The great Delays, Miscarriages and other Accidents, which have always, but more especially of late, attended the Correspondence between this Kingdom and Your Majesty's Colonies and Plantations in America from the very precarious and uncertain Method, in

which it is usually carried on by Merchant Ships, have been attended with great Inconvenience and Prejudice to Your Majesty's Service and to the Trade and Commerce of Your Majesty's Subjects; And as it appears to Us to be of the highest importance, that Your Majesty should, in the present Situation of Affairs in America, have early, certain and frequent Intelligence of what is in agitation there, and of the true State of your Colonies, We think it our Duty humbly to propose, that Paquet-Boats should be forthwith established between this Kingdom and the American Colonies and Islands, in like manner as was done in the last War for the Islands; and that there should be two or more, as shall be thought most advisable, established for the Colonies on the Continent, to be employed in going and returning between Falmouth or some other of the Western Ports and New York, which is nearest Centre of Your Majesty's Colonies in North America.

Which is most humbly submitted.

DUNK HALIFAX.

J. PITT.

J. GRENVILLE

ANDREW STONE.

WHITEHALL Sept^r 18. 1755.

Ex^d

Letter from Governor Belcher to Mr. Pownall—congratulating him on being appointed Lieutenant-Governor of New Jersey.

ELIZ: TOWN Sep^r 19 1755

MR POWNALL

Sir,

Yesterday I rec^d yours of that date which gives me the Notice that His Majesty has been graciously pleased to do you the honour of appointing you to the Lieu-

tenancy of this Province on which I hereby send you my Congratulatory Complim^{ts} and agreeable to your Desire I have directed the D: Secry to send Expresses for summoning his Majesty's Council to meet me here as soon as they can on Monday the 22: Ins^t in Order to your Qualification in the said Post before the Gov^r in Council.

My Compliments to Mr. Alexander who I hope will come with you.

I am with Esteem and Respect Hono^{ble}

Sir Your Friend & Most Humble Serv^t

J BELCHER.

Letter from Governor Belcher to Mr. Yard, one of the Commissioners for procuring supplies for the troops.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZTH TOWN Sept 27 1755

Sir

Mr. Johnston of Amboy is now with me & has brought S^r John S^t Clair with him who brings me a Letter from Col^l Dunbar from Phil^a telling me he intends to be at Trenton on Wednesday the first of the next Month with the Troops under his Command being near seventeen hund^d men (officers included) and for which Sir John S^t Clair tells me will be wanting—Thirty seven Wagons for their Baggage—Twenty one horses for drawing the Cannon & Amunition—Waggons—and Ninety Saddle Horses, & for each man a day, a Pound of meat and a pound of Biscuit (or Flower) So that you and Mr. Johnston must with all dispatch possible make this necessary Provision—I say there must be no delay least the King's Service shou^d greatly suffer.

I am Sir your ready Friend & Serv^t

J BELCHER

*Letter from Governor Belcher to Governor Hardy of
New York.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

Oct. 1 1755

GOVERNOR HARDY

Sir

I doubt not but your Exc^y: duly rec^d mine of the 5: of Sep^t as I since did yours of 5: & 14th of the same month and your Exc^y may depend I shall in duty to His Majesty as well as with Pleasure to my self keep an Exact Correspondence with you in all things relative to His Majesty's Service & Interest and to the Welfare & Prosperity of this and the neighbouring Colonies more especially in this critical Conjunction of Affairs.

I thank your Excell^y for the Acco^t you inclosed me of the Action between General Johnston and the French & I return your Compliments of Congratulation on the Success of His Majesty's Troops in that Occasion & as Major General Johnston (when the Recruits get to him) will make up near seven thousand men I hope we shall in due time receive good News from Crown Point. I was heartily glad to find your Excell^y imbarking for Albany where I am sensible your Presence and best Advice must greatly contribute to His Majesty's Service,

If you can at any time point out to me the doing your Excell^y any Personal acceptable Service I shall imbrace it with Pleasure being

Sir Your Excell^y's most obed^t &c.

J BELCHER

*Letter from Governor Belcher to Governor Hardy, of
New York, about the Boundary Line.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Governor Hardy.

Oct 2 1755

Sir

I wrote your Excell^y yesterday in Answer to your last Favours and I now again write you at the especial Request of His Majesty's Council respecting the long Dispute about the Line between this and His Majesty's Province of N. York in which Affair I understand your Excell^y may soon receive his Majesty's Royal Orders and which I doubt not you will execute on your Part with the strictest Justice & Impartiality & you may most assuredly depend on my doing the same that this Controversy may soon be brought to a just and happy Conclusion.

I put this under Mr. Alexander's Cover to be forwarded to you and who will at same time furnish your Excell^y with all the Papers relating to this Affair. I am with much Esteem & Respect

Sir Your Excell^{ys} Most Obed^t &c.

J BELCHER

*Letter from Governor Belcher to James Alexander at
New York.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

Mr Alexander

Sir

Oct. 14 1755

* * I shall not forget to write the Lords of Trade in the affair depending between N. Jersey and N. York p the first Vessel from your Place to London.

As your Governm^t have taken off the Prohibition of the Exportation of Provisions I shall do the like here. I thank you kindly for the Book you have sent me of Doct^r Cheynes on the Gout of which I shall be very carefull and return it in due time. I am Hono^{bl}e Sir

Your^s &c.

J BELCHER

Letter from Governor Belcher to Lieut.-Gov. Dinwiddie, of Pennsylvania—in relation to movements of Troops, etc.

Lt Gov Dinwiddie

Sir

Oct 16 1755

I have now lying before me your Honour's Favour of the 20: of the last month.

As to Col^l Dunbar^s moving from Fort Cumberland to Albany he wrote me from Phil^a it was in Conformity to the Orders he had rec^d from General Shirley & the General himself writes me the same.

I expect the Frontiers of these southern Colonies will be continually harassd and distressd by the barbarous French & Indians and yet as they are very well able to defend themselves I believe the King expects they shou'd do all they can in their own Protection and your Honours raising 1000 men in defence of your own Province sets a handsome Example to your Neighbours.

General Johnston with the Troops under his Command behaved bravely in the late Action between him and the French & which makes us some amends in the unfortunate Affair upon the Monongahela and since that I dont hear our Forces have been in Motion altho' we have at Albany near 2000—at Oswego upwards 2000—with General Johnston 6000 make in all

about ten thousand men & yet I understand all further operations are put off till the next Spring & a poor Campaign to be recorded in History! God grant we may do better the next Year.

When any thing occurs within my Knowledge for the Kings Service I shall hand it to your Honour & be expecting the same from you. I am in the mean time & always Sir Your Honours Most Obed^t &c.

J BELCHER

Letter from the Post Master General to the Lords of Trade—informing them of the establishment of regular monthly Packets to the Colonies.

[From P. R. O. B. T., Plantations General, No. 13, O., 130.]

To the Right Hon^{ble} Lords Commiss^{rs} of Trade
& Plantations.

General Post Office the 21st October 1755.

My Lords,

We have in obedience to His Majesty's Commands, provided Vessells for the carrying on a regular Monthly Correspondence with His Majesty's American Islands, & his Colonies on the Main, and we propose to dispatch one for the Islands in the beginning of next Month, so that the mail to go by her, may be sent from the Office on the 8th. She will take the usual course of Barbados, Antego, Montserrat, Nevis, S^t Christopher's & Jamaica, and so home.

It is intended the Vessel for the Continent shall sail for New York, about the middle of next month, so as the mail may be sent from the Office on the 15th.

These Vessells are to be kept intirely to the Service of correspondence, and on this Account We must give the Publick as early an Account as We can, of this

Establishment. We must therefore desire to be inform'd whether the time propos'd for this first Dispatch will suit that branch of His Majesty's Affairs under Your Lordship's direction, or that a longer time may be requir'd.

It is intended two other Packet Boats, one for the Islands, and one for the Main shall depart in one Month after each of these, and so on, for the support of a regular Monthly dispatch, with which it shall be our endeavour that nothing, except unavoidable Accidents shall interfere, and Your Lordships shall constantly have the earliest notice of every intended Dispatch.

As this is the first step that has been taken in the Establishment of a regular correspondence with the Main of His Majesty's American Dominions, We have made a provision for a longer stay of this Vessell at New York. It is express'd in the Contract, that she shall remain there 20 days, but she is to stay longer if His Majesty's Affairs shall require it, upon a dimorrage stipulated, and We have used all the means which have offer'd, to give our Deputy for the Continent notice of this intended Establishment, that he may make the best dispositions there, the time will admit of, for carrying His Majestys' intentions into execution.

The Vessells contracted for, on the Island Service are to be of 150 Tuns & 26 men Captⁿ & Officers included. The two We have taken at freight for the Continent are of 200. Tuns & 30. men, all are fitted for War. We hope & think this will be found sufficient for the Service.

We are with great truth & respect My Lords

Your most obedient humble Servant

EVERARD FAWKENER.

Letter from Governor Belcher to Rev. George Whitefield — informing him of the erection of Nassau Hall.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A: TOWN (N J. Nov 3 1755

Dear Mr. Whitefield

* * * * *

I humbly thank him [God] & bless his holy Name that he smiles on the Infant College of this Province so far as that Nassua Hall is erected & rooft & is going on to be finished with all Expedition. * * *

If it be the Will of God to waft and bear you as the Eagle does her Young to these obscure Parts of America O how cou'd I embrace you! * * * but I hardly expect it and desire to be resigned to his holy Will in this and all things else. * * *

Rev^d & Dear Sir

Your Bro: in Christ Jesus.

J BELCHER

Circular from the Lords of Trade to the Governours of the Colonies in America—relating to the establishment of packet-boats, etc.

[From P. R. O. B. T. Plantations General, No. 39, Ent. Book K., p. 435.]

To Charles Lawrence Esq^r. L^t Gov^r of Nova Scotia.

WHITEHALL NOV^r 4. 1755

Sir,

The Post Master General having in obedience to His Majesty's Commands provided Vessels for the carrying on a regular monthly Correspondence with His Majesty's America Colonies, I am directed by the Lords

Commissioners for Trade and Plantations to acquaint you therewith, and that the first of these Vessels will be dispatched for the Continent on the 15th of this Month, to go and return between Falmouth and New York, where the first Vessel is to remain twenty days. And as it is of great importance to His Majesty's Service, that their Lordships should have frequent and certain Intelligence of the true State of all His Majesty's Colonies and Plantations in America, their Lordships desire, that you will not fail of acquainting them by the Return of every Paquet with all publick Occurrences, which may happen in the Province under your Government; and likewise transmit to their Lordships all such publick Papers as are required to be transmitted.

I am, Sir, Your

most obedient humble Servant,

JOHN POWNALL, Secry.

A like Letter was writ to all the other Gov^{rs} of His Majesty's Colonies on the Continent of America. And a like Letter to the Gov^{rs} of His Majesty's Islands in the West Indies, except that instead of the Words, "For the Continent on the 15th of this Month, to go and return between Falmouth & New York, where the first Vessel is to remain twenty days," the following Words were used, "For the Islands on the 8th of this Month, and will take the usual Course of Barbados, Antiqua, Montserrat, Nevis, S^t Christophers, & Jamaica."

Letter from Governor Belcher to Sir Thomas Robinson—about military affairs.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Nov. 4 1755

SIR T. ROBINSON

Sir

The last I had the honour to write you was on the 17: of Sep^r and went by way of Boston & its Duplicate by the Way of Phil^a and which I hope have got well to hand & I humbly referr you thereto.

I am now to own the Honour of your Letters of 26: of July & 28: of Aug^t which came to my hands yesterday by the way of Boston the Contents whereof I observe with close Attention—The French Ambassador withdrawing from the British Court in an ineceremonious manner & His Majesty's having order'd the English Sec^y at Paris so to leave the Court of France give Reason to think there may be soon an open rupture between the two Crowns and I shall in Obedience to his Majesty give immediate Notice thereof to all his Majesty's Subjects within this Governmen^t that they may take the necessary Care and Circumspection in the present Conjunction and I shall at all times be diligent in transmitting to you for the King's Information everything material that may come to my Knowledge of the Motions and Proceedings of the French about this and the neighbouring Colonies.

I take Notice the Lords Justices have ordered that Major General Shirley shall take upon him (in the Place of the late General Braddock) the Command of the Kings Troops in N. America with like Powers with which Major General Braddock held the same—I shall therefore Correspond with Major General Shirley in all things as I did with his Predecessor & regularly

observe such Directions as I shall receive from him from time to time and shall look over such Letters as I at any time wrote General Braddock & duly transmit him what may be necessary & material for His Majesty's Service.

I think it my duty, Sir to tell you that I last night rec^d an Express from M^r Morris L. Gov of Pennsylvania with an undoubted Acc^t of the March of Fifteen hundred French & Indians to attack the Frontiers of Virginia & Pennsylvania & which has put all the Inhabitants into the utmost Consternation and Distress & Gov^r Morris seems to be in great Pain and Anxiety with Respect to Pennsylvania where the Assembly seem deaf to the Shrieks and Cries of their Neighbours who are barbarously murdered from day to day nor will that Assembly raise any men in defence of their Country altho' its said they are able to raise twenty Thousand effective men—but if they will obstinately stand still I see no Reason why the French & Indians may not proceed & take Possession of the City of Phil^a the Capital of that Province; but of these things I doubt not Gov^r Morris writes you more particularly.

I have summon'd the Assembly of this Province to meet me the 12th Ins^t when I shall communicate to them your Letters and such others as I have rec^d respecting the Situation of Aff^{rs} in this & the neighbouring Provinces & press them to do all in their Power for their own Safety & in aid and Assistance of their poor distressed Neighbours.

And now, Sir, let me pray your Particular Notice of what I wrote in my last respecting *Quebec* for untill that be reduced with the whole Country of Canada the King's Territories in N. America will be continually subjected to the Rage & Depredations of the savage French and Indians—& its generally thought the Provinces here could raise & spare twenty five thousand men His Majesty furnishing Arms and the money

for paying them & the men being raised here will save the vast Charge of Transportation.

I again ask pardon for thus repeating this Matter & am with the greatest Deference & Regard — Hono^{bl^e} Sir Your most Faithfull &c.

J BELCHER

Accounts of the Treasurer of West New Jersey from fifteenth of April, 1854, to the fifth November, 1755.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 19.]

Account of cancelled money received by Sam^l Smith Treasurer.

4 th mo or April 27 1754	From Cape May by Aaron Leaming Esq ^r one Bundle seal'd said to contain	154. 2.6
5 th m ^o 31 1754	From Salem by W ^m Hancock Esq one Bundle said to contain	416. 7.0
Octo ^r 21 1754	From Cape May by Aaron Leaming one Bundle said to contain	1.17.6
8 th m ^o 19 1755	From Salem by W ^m Hancock Esq one Bundle said to contain	211.11.6

Province of New Jersey to Sam^l Smith Treasurer of the Western Division.

DEBTOR.

4 th 'mo or April 15 1754	To Cha Read Esq his War ^t N. 279 & D ^o N 275	£13.15.0
	To my own War ^t N 278	10. 0.0
	To W ^m Hancock Esq his Certificate	10. 4.0
	To Jn ^o Reading Esq his War ^t N 204	12.18.0
	To Ch Read Esq his Certif.	11. 2.0
	To Rich ^d Saltar Esq his War ^t 284	9.12.0

To Jos Warrell Esq his War ^t N 276	£7.10.0
To W ^m Hancock Esq his Certif	13.16.0
To W ^m Mickle Esq his Certif	11.14.0
To R ^d Wood Esq his Certif	13.16.0
To Jos Ellis Esq his Certif	6.18.0
To Jacob Spicer Esq his Certif	10.10.0
To Sam ^l Nevill Esq his War ^t N 291	40. 0.0
To Ch Read Esq his Certif	12. 6.0
To Jonathan Thomas his War ^t N 304	7.18.0
To Sam ^l Nevill Esq his War ^t N 289	6. 5.0
To Barzillai Newbold Esq his Certif	10.16.0
To W ^m Mott Esq his Certif	10. 4.0
To John Reading Esq his War ^t N 250	6. 0.0
To Rob ^t Ogden Esq his Certif	9. 6.0
To Ditto his War ^t N 321	1. 0.0
To Anth Elton his War ^t N 315	5. 0.0
To Ch Read Esq his War ^t N 300	7.10.0
To D ^o - 312	7.10.0
To D ^o - 290	4.13.0
To my own War ^{ts} N 299, N 310	20. 0.0
To Aaron Leaming Esq his Certif	7.16.0
To Eben ^r Miller Esq his Certif	8.14.0
To my own Certif	7.10.0
To Barzillai Newbold Esq his Certif	7.10.0
To R ^d Saltar Esq his War ^t N 308	7. 6.0
To Joseph Warrell Esq his War ^t N 297	7.10.0
To Henry Paxson Esq his Certif	7.10.0
To Jacob Spicer Esq his Certif	8. 8.0
To John Ladd Esq his Certif	8. 2.0
To Sam ^l Nevill Esq his War ^t N 307	6. 5.0
To D ^o his Certif	4. 4.0
To Joseph Yard Esq his Certif	6.12.0
To Peter Midlagh Esq his Certif	7.10.0
Decem ^r 9 1754 To R ^d Saltar Esq his War ^t N 329	6. 5.0
To John Deacon Esq his Certif	11.14.0
To Jos Warrell Esq his War ^t N 326	7.10.0

To Sam ^l Nevill Esq his War ^t 324	£6. 5.0
To D ^o N 325	20. 0.0
To James Holmes Esq his Certif	11. 2.1
To D ^o Another	6.12.0
To Sam ^l Clement Esq his Certif	6.12.0
To the Gov ^{rs} War ^t N 335 } D ^o 336 }	265. 0.0
To Anth Elton his two War ^{ts} N 332 & 344	5. 0.0
To my own War ^t N 328	10. 0.0
To D ^o 340	10. 0.0
& to my Certificate	4. 4.0
To Jacob Spicer Esq his Certif	6. 0.0
To Aaron Leaming Esq D ^o	6. 6.0
To James Holmes Esq his D ^o	3.12.0
To R ^d Saltar Esq his War ^t N 338 & 349	12.11.0
To Ch Read Esq his Certif	4.16.0
To W ^m Hancock Esq his Certif	8.14.0
To D ^o another	5.14.0
To D ^o another	8. 2.0
To Eben Miller Esq his Certif	9. 0.0
To D ^o another	6.12.0
To Jacob Spicer Esq his Certif	9.16.0
To John Ladd Esq his Certif	5. 8.0
To D ^o another	7.16.0
To Joseph Yard Esq his Certif	8. 2.0
To D ^o another	5. 8.0
To Aaron Leaming Esq his Certif	10. 4.0
To Ch Read Esq his Certif	7.10.0
To my own Certif	5. 2.0
To Henry Paxson Esq his Certif	5. 2.0
To D ^o another	3.12.0
To Rob ^t Lawrence Esq his Certif	3.18.0
To D ^o another	7.10.0
To Sam ^l Nevill Esq his Certif	6.18.0
To Barzillai Newbold Esq his Certif	4.16.0
To D ^o another	3.12.0
To Tho ^s Leonard Esq his War ^t N 350	7. 4.0

To Judge Nevills War ^t N 354	£6. 5.0
To D ^o another 355	10. 0.0
To Judge Leonards War ^t N 76	24.12.0
To Sam ^l Clement Esq his Certif	5. 8.0
To D ^o ano ^r	8. 8.0
To Eben ^r Miller Esq his Certif	9. 6.0
To Aaron Leaming Esq his Certif	8. 8.0
To Jacob Spicer Esq his Certif	9. 6.0
To Henry Paxson Esq his Certif	8. 2.0
To Barzillai Newbold Esq his Certif	8. 2.0
To my own Certif	6.18.0
To the Gov ^{rs} War ^t N 364 N 365	265. 0.0
To James Holmes Esq his Certif	7.10.0
To Cash paid Josep Yard Esq to pay for Transporting &c Col Dunbar & his Horses through the Province	200. 0.0

CR.

4 th m ^o or April 27 1754 By Cash of Aaron Leaming Esq one of the Comrs of Cape May	£1. 0.0
Nov ^r 4 1754 By Cash of Jeremiah Leaming Esq Collector of Cape May in full of their Quota to the Provincial Tax paya- ble 21 st Ins ^t	33. 8.4
Nov ^r 15 By Cumberland Ditto	70.16.9
20 By Morris D ^o	74. 1.8
22 By Salem D ^o	139.14.2
28 By Hunterdon D ^o	283.11.0
Dec ^r 9 1754 By Burlington D ^o	250. 0.9
20 By Gloucester D ^o	156. 7.2

Province of New Jersey in the Sinking Fund
Tax.

DR.

5 m ^o or May 14 1755 To the whole money then in my hands rec ^d on the Sinking Fund Tax then sunk according to Law	607. 0.0
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CR

Nov ^r 4 1754	By Cash from Cape May	In full	
	of their Quota payable y ^o 21 st Instant		25.11. 5 $\frac{3}{4}$
15	By Cumberland Ditto	In full	54. 3.10 $\frac{1}{2}$
20	By Morris D ^o	In full	85. 0. 3 $\frac{1}{2}$
21	By Sussex D ^o	In full	37. 1. 0
22	By Salem D ^o	In full	106.16.11 $\frac{1}{2}$
28	By Hunterdon D ^o	In full	216.11.11 $\frac{1}{2}$
Decem ^r 20 1754	By Gloster D ^o	In part	81.14. 6
Septem ^r 18 1755	By Burlington D ^o	In full	191.15. 1 $\frac{1}{2}$

Province of New Jersey In the first Expedition
Money 1755.

DR

5 th m ^o or May 24 1755	To Cash paid Jos Yard & Jos Hollinshead &c for Bounty Money to Capt Woodward's Comp ^y being 100 men		150. 0.0
26	To Cash p ^d Ab ^r Hewlings for paying Cap ^t Woodward for Leather Breeches		330. 0.0
28	To Cash p ^d Aaron Leaming Jos Hollins- head & Abr ^m Hewlings Esq ^{rs} to pay for Transport ^e Cap Woodward's Company to Amboy & for Cloathing		171.10.0
6 m ^o 7 1755	To Cash p ^d Jos Hollinshead & Jos Yard two of the Comrs to pay for making Cloaths & Shoes		100. 0.0
10	To Cash p ^d Abr Hewlings to pay for Check ^d Linen &c		122.10.0
14	To Cash p ^d Abr Hewlings & Jos Hollins- head for paying for sundry Cloathing bo ^t at Phil ^a & Powder Lead Kettles &c		1,163. 7.0
7 th m ^o 29 1755	To Cash p ^d Abr Hewlings & Jos Hollinshead to pay for provisions &c to the Eastward		1406.10.0

CR

5 th m ^o or May 24 1755	By Cash of Dan ^l Smith Jun ^r one of the Signey		480. 0.0
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28 By D ^o of Abr Hewlings Esq	171.10.0
6 m or June 2 1755 By D ^o of Abr Hewlings & Dan ^l Smith J ^r	441. 0.0
By D ^o at same time	336. 0.0
14 By D ^o of D ^o	608.17.0
7 th m 24 1755 By D ^o of D ^o	1406.10.0

Province of New Jersey in the second Expedition Money 1755.

DR

Sep ^r 27. 1755 To Jacob Spicer Esq One of the Commissioners to pay for Cloaths	768.12.0
Octo ^r 6 1755 To Jacob Spicer Esq to pay for Cloaths	574. 2.6
18 To D ^o for pay for Cloathing &c	55. 7.0
28 To Henry Paxson Esq for signing the Bills	15. 0.0
Nov ^r 5 1755 To Jacob Spicer Esq to pay for Provisions	753.15.0

CR

Sep ^r & Octo ^r 1755 By Cash rec ^d of Henry Paxson Esq	7500. 0.0
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Be it remembered that on this present 5th of Nov^r 1755 Personally appeared before me Rob^t Smith Esq One of the Judges of the Court of Common Pleas for the County of Burlington Sam^l Smith Esq One of the Treasurers of New Jersey, and on his Solemn Affirmation According to Law did declare that these five Sheets of Paper contain a true Account of his receipts & disbursements as Treasurer from the fifteenth day of the 4th mo called Aprill A D 1754. To this time to the best of his knowledge & belief.

SAM^l SMITH

Affirmed to the day & year above before ROB^r SMITH

*Letter from Governor Belcher to Colonel Allen—the
enemy threatening to invade the Province.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN NOV^R 6: 1755

COL^L ALLEN.

Sir

This day at one o'Clock I received yours of yesterday^s Date p the Post with the Inclosed from Col^L Anderson & highly approve your duty to your King & Country in giving me the earliest Acc^t of the Approach of the French & Indians towards this Province upon which & other Intelligences I have order'd Col^L Stout to muster His Regiment immediately to be in a readiness upon the first Notice that shall be had of the Enemy's entring this Province and the said order I now inclose you and hereby direct you to carry it immediately to your Col^L who will communicate to you its Contents & in which I order and Direct you to be aiding & assisting with your utmost Power for His Majesty^s Service & honour and for the Safety of this Province and tell Col^L Stout to send to Col^L Anderson an Acc^t p Express of what I have ordered and I expect from you constantly p Expresses, if necessary an acc^t of the Proceedings of the Enemy

I am Sir, Your ready Friend

J BELCHER

P. S. As I have sent my Orders p^r Expresses to every Col^L of the Province respecting the present Exigency of Affairs, Col^L Stout^s is gone among the the rest.

Proclamation of Governor Belcher to the several Colonels of Militia Regiments—directing them to muster their troops.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

By His Excell^y JONATHAN BELCHER ESQ^R Cap^t:
General and Governour in chief in and over
His Majesty's Province of Nova Cæsarea
or New Jersey and Territories thereon de-
pending in America, Chancellor and vice
Admiral in the same

To the Hono^{ble} Andrew Johnston Esq^r Col^l: of
the Regiment of Militia in the County of
Middlesex or to the Commanding Officer of
the said Regim^t for the time being.

Having received for two days pas^t p Expresses from
M^r Morris Gov^r of Pennsylvania very particular and
undoubted Accounts of the near Approach of the
French and Indians to several of the Frontier towns of
that Province and cautioning me that there may be a
Probability of their falling upon this Province, and
these Accounts being confirmed to me from other Per-
sons, I do hereby in duty to His Majesty & for the
better safety of His good subjects of this Province di-
rect & command you to muster your Regiment imme-
diately and strictly examine them whether they are
equipt with Arms and Ammunition According to Law
& upon the first Notice of the Enemy's entering this
Province to march with all possible dispatch with your
Regiment to meet and repell them; and that you keep
me constantly advised of all your Proceedings in this
Matter.

Given under my Hand at Eliz^a Town this sixth day of Nov^r in the twenty ninth year of His Majesty^s Reign. J. B.

Annoq: Domini 1775.

[On the 12th of November an additional Proclamation directed that the troops should be kept in readiness to march to the borders of the Province with those of Pennsylvania.]

The Same to—Colonel Abraham Vankempen, of the County of Sussex—John Low, Essex—Joseph Stout, Hunterdon—Nicholas Gibbon, Cumberland & Cape May. Joseph Tuttle, Morris—Charles Read, Burlington. Cornelius Vanhorne, Somerset — John Read, Monmouth. John Schuyler, Bergen.

Letter from Governor Belcher to Governor Morris of Pennsylvania — referring to the threatened approach of French and Indians on that Province.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^a TOWN Nov 10 1755

L GOVERNOUR MORRIS

Sir

I rec^d p Express your several Letters from New Castle and Phil^a of Oct^r 29th and the first and second Ins^t & another without date, with the several Letters they inclosed giving an Acc^t of the Approach of the French & Indians towards your Province and in their way committing the most Barbarous outrages in murdering and Captivating the Inhabitants as they come along—and all this without Resistance! surely your Assembly will no longer be deaf to the shrieks & Cries of their murdered neighbours.

I have summoned the Assembly of this Province to

meet me here on Wednesday next the 12: Ins^t when I shall lay before them what you have sent me respecting the Present Exigency of Affairs, but if Pensylvania who may readily raise twenty or thirty thousand men will do nothing for the defence of their Country or for saving the lives of their Wives & Children I am afraid the Assembly of this poor Little Province will hardly think it reasonable to send their People out of the Province in defence of their Neighbours and so leave themselves to the Incursions and depredations of the Enemy in this Time of Common danger.

We have no arms in this Province belonging to the Crown & indeed but very few and but little Amunition belonging to the Inhabitants or I shou'd readily answer your Request on that Head.

General Shirley has under his Command at Albany, Oswego & near Lake George eight or nine thousand men that I shou'd think it wou'd be prudent for you in this time of Distress to make early and Pressing application to him to send for His Majesty's Service & Honour & for the Safety of these Colonies two or three thousand of those Troops till they shall be more wanted elsewhere.

I observe in yours of the 2^d Curr^t that the French and Indians are making rapid Marches to these Colonies. And I have therefore this day sent my Orders p Express to every Col^l in this Province immediately to muster his Regim^t and to have them in the best readiness for marching, & repelling the Enemy if they shoud enter this Province which it is well known is in a miserable Defenceless State.

I wish you and your Province the Favour and Protection of Almighty God and am,

Honob^{le} Sir Your most obedient humble Serv^t

J BELCHER

*Letter from Governor Belcher to Lieut.-Gov. Pownall
—about the movement of Troops.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A: TOWN Nov 10 1755.

Lieut. Gov. Pownall.

Sir

I yesterday rec^d your Letter dated at Albany 29: of Oct^r and have consider'd its Contents.

As General Shirley^s Notifications to the Gov^r of Pennsylvania and Maryland were to pass thro' this Province and even thro' this town if it was desired that I myself or any Body for me shou'd attend the Congress you mention, I believe you will think with me that I ought to have had the Proper and same Notification that all the other Gov^{rs} have had, without which I can see no Propriety in doing what you have mentioned.

Inclosed I send you Copy of an Affidavit relating to the near Approach of the Enemy to this Province wherein it appears to me that the People call'd Moravian are as Snakes in the Grass and Enemies to King George and His Subjects and if upon further Enquiry what is in the aforementioned Affidavit be confirmed I shall immediately give orders that all the Arms & Amunition among the Moravians in this Province be seized & kept in safe Custody with all their Publick Paper still further Orders & of this I write Gov^r Morris hoping he will do the same.

And as by the latest Advices there is great reason to apprehend the French and Indians may soon be upon the frontiers of this Province, I did a few days ago send Expresses to every Col^l in this Province immediately to muster his Regiment & to see that they be equipt with Arms & Amunition according to Law & to be ready to march to any Part of the Province from

whence they may receive Advices of the Enemy's coming in.

With my Compliments to the several Gov^{rs} at the Congress I am, Sir Your Honours

Friend & Most humble serv^t

J. BELCHER

Letter from Governor Belcher to Governor Morris, of Pennsylvania—about the condition of military affairs.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ TOWN Nov^r 10: 1755

Governor Morris

Sir

My last was the 6: Ins^t—I am now to own your Honours Favour of the same Date which came to my hands p Express on the 8: with further Acc^{ts} of the Approach of the Enemy to the Frontiers of Pennsylvania &c. as also Your Honours Message to your Assembly of the 5: Ins^t & their Answer which to me seems full of Chicanery and Evasion.

I am sorry for the unhappy Situation Your Honour is in without men, money or Arms to do any thing in Defence of His Majesty's Honour and Interest and of the Safety of the Poor People under your Care—as things cannot hold in this way but with the utmost Hazard of the Kings losing a fine Province, I think it high time that the Gov^r & Council shou^d address the King to take the Governm^t into His own hand, (& if no other Way) to be done by an Act of the British Parliament & I shoud think it the wisest measure the Proprietors cou^d go into to join in such an Application for its very plain they are not able to defend their Province & really, Sir, the present Constitution seems to me to stand upon a very farraginous System.

Inclosed I send Your Honour Copy of an Affidavit I rec^d last Night from M^r Sec^{'ry} Read by which you will find the little Province of N. Jersey is alive, alert & exerting & p the Acc^{'s} I have rec^d from the Frontiers if the Enemy enter this Province they may happen to meet with a warm Reception.

I think p this Affidavit the Moravians are a perfidious Crew and if this Acc^{'t} shoud be farther Confirmed to me I shall order that all the Arms & Amunition with their Publick Papers be immediately seized and kept in safe Custody till my further direction—& I believe your Honour will think it prudent & reasonable so to act with the Moravians in your Governm^t. at Bethlehem and elsewhere—I am

Sir, Your Honours Most obed^t &c.

J BELCHER

Message of Governor Belcher to the Council and Assembly of New Jersey, November 13th, 1755.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Gentlemen of the Council & of the General Assembly.

The present Situation of Affairs in this time of common danger has made it necessary for His Majesty's Honour & Interest and for the better Safety of this Province to call You together at this time to Communicate to you several things I have received since I last met you and I shall order them to be laid before you for your more Particular Information, viz. Whitehall May 13: 1455. The Lords Justices Order upon Your Petition to His Majesty & the Bill you had Projected for emitting 70,000£. in Paper Currency.—Also the Lords of Trade Representation to the King of the 19: of March on the same Affair.

Whitehall July 26, the Right Honourable Sir Thomas Robinson's Letter of the Expectation that France wou'd proceed to an open Rupture with Great Britain, &c. Halifax Oct 1: 1755 Admiral Boscawen's Letter to Lt Gov^r Phips as to a Prohibition of the Exportation of Provisions &c.—Camp at Oswego Sep^t 9th 1755. General Shirley's Letter of the present State of things respecting the King's Troops under His Command & of the Expediency of Commissioners from this & the neighbouring Governm^{ts} to meet at N. York the 15. Inst in a General Consultation for His Majesty's Service & for the Safety of the Provinces.—New Castle & Phil^a Oct 29: & Nov^r 1: 1755 Gov^r Morris's Letter with Particular Accounts of the Barbarous Murders & depredations perpetrated by the French and Indians on the Poor distressed People of Pennsylvania.

Nov. 7: 1755. James Anderson's Affidavit of an Alarm in the County of Sussex on the Approach of the French & Indians towards Easton in Pennsylvania, &c. These things Gentlemen you will carefully deliberate upon & which I think must produce your wise Resolutions of exerting all in Your Power for maintaining the Kings Interest & Honour & for the Safeguard of the good People of this Province & in Aid & Assistance of our poor distress'd Neighbours if it shou'd finally be found absolutely Necessary.

I think it wou'd be highly prudent to appoint without Delay a Commissioner to meet the Commissioners of the other Governm^{ts} at N. York the 15: Ins^t

You will see by Admiral Boscawen's Letter the Starving Condition of the French at Cape Breton & Canada that I wish the Governments woud still continue their Prohibitions of the Exportation of Provisions & Warlike Stores.

I do in Justice to Col^l John Anderson of the County of Sussex mention His great Alacrity in raising four Hundred men & marching them to the Defence of

Easton in Pennsylvania & which I hope will inspirit the other Officers & private men of the Province to exert themselves in defence of their People in Case the Enemy shou'd enter into any Part of this Province & I am glad to say to You that the People in general seem resolved by the Help of God to give the Enemy a warm Reception wherever they may come.

I wou'd inform you that upon the Repeated Advices I rec^d I sent my Orders per Express last Week to every Col^l in the Province to muster his Regiment & to see they be well equipt with Arms & Amunition according to Law & to be ready to march on the first Notice of the Enemy^s Approach to any Part of our Frontiers & I must not leave this Article without earnestly recommending to you the passing a Bill of all possible encouragement to such Brave men as shall voluntarily engage in the Service of their King & Country.

Altho' it is two months ago since His Majesty^s Troops under the Command of the brave Major General Johnston and the brave Major General Lyman gave the French & Indians such a Remarkable Defeat yet I must now first of all for this give Praise to the God of Armies & then congratulate you on this happy Occasion & at same time give my thanks to those prudent and brave Officers & to the men that Fought under them with so much Courage and Intrepidity.

As the Winter is just at hand which may prevent the further Proceedings on the Plan of Operation for the Troops till towards the Spring I shall not doubt your good and kind Care that the Regiment of this Province be now & always well & seasonably supplied with good Provisions & all warlike Stores to enable them the better to Encounter the Enemy.

God Almighty grant that in the time of this Increasing Danger that not only the three Parts of the Legislature may act in great Harmony but that all the

Private members of the Common Wealth may unitedly act for the defence of themselves & of their Neighbours. J. B.

ELIZ^A TOWN COUNCIL CHAMBER NOV^R 13. 1755.

[Under date of November 14th the Governor reminded the Assembly that there was no money in the Treasury for Incidental expenses, and that, consequently, he was debarred the privilege of sending any intelligence by express, however urgent the necessity. —ED.]

Letter from Governor Belcher to Lieutenant-Governor Morris of Pennsylvania.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN. Nov 13th 1755

L. GOV^R MORRIS

Sir

I wrote you at large 10: Ins^t p the Post which I hope got well to your hands—since which I have rec^d further Intelligence of the Motions of the Enemy and of the Behaviour of the Moravians—the Particulars whereof Your Honour will find by the Inclosed Petition & Affidavit of Josiah Broadwell & others. I have also several Letters confirming these Accounts relating to the Enemy & upon these repeated Intelligences I expressed Orders the 6: Ins^t to every Col^l of this Province to muster His Regiment &c. & repeated them again Yesterday, Copy of which I send you herewith. I hope when your People see the Readiness of this little Governm^t to do all in their Power for the Common Safety of the Kings Subjects that they will exert themselves & join in it with the greatest Alacrity—
I am

Sir, Your Honours Most Obedient &c.

J. BELCHER.

*Letter from Governor Belcher to Rev. Aaron Burr,
President of the College.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN NOV 17. 1755

MR PRES^T BURR

Sir

The Situation of the Affairs of the College seems at present to put on an unpleasant Complexion, for we have had & still have considerable demands for Money which I think should stimulate Us to the greatest Care & diligence in Securing and pressing in what Monies are due to Us.

I am a little Surprised that p the Arrival of so many Ships at Boston, Phil^a & N. York we have no Letters to tell Us what has been collected in Scotland & Ireland.

I think it high time to secure and gather in what is still outstanding on Acc^t of the Lottery.

And that we plead our necessity to have the Boston Subscription remitted us as soon as possible.

From these several Funds I believe we may modestly expect upwards of Seventeen hundred Pounds (Proc) we must therefore be alive and exert to the utmost or we may, before we are aware be plunged and brought to a stand for want of Money, which wou'd be a sad Misfortune. I dont write to you, Sir, as one wanting Care and Concern for Our Welfare and Prosperity because I know you are always (I thank you) full of Spirit on that Head, & yet we must stirr up ourselves & one another. I salute you very kindly & am Rev^d Sir

Your Friend & Serv^t

J BELCHER

*Letter from Governor Belcher to Governor Hopkins
—relating to a Convention of Commissioners for
the several Colonies.*

Nov 20, 1755

GOV^r HOPKINS

Sir

I received the Act of your Assembly relative to a Convention of Commissioners from several of His Majesty's Governments appointed by General Shirley to be held at N. York the latter End of this Month.

General Shirley notified me of this Matter two months ago. I called the Assembly. I laid before them the General's Letter & prest upon them the sending a Commissioner from this Government, but they wholly declined it yet they otherwise exprest a good Spirit in the Common Cause.

I observe with much satisfaction (tho' a melancholy Detail) the particular good Reasons which make this Convention necessary for most certainly our publick Affairs, after all our fruitless Efforts the Year past wear but a gloomy heavy Complexion & altho' my broken Health will not allow me the Honour of being present at the Congress of the several Gov^{rs} yet I have desired Mr. Pownall His Majesty's Lieu^t Gov^r of this Province to represent me at the Congress. * * *

I am with Esteem & Respect

Sir Your Honours Most obed^t &c.

J BELCHER

*Letter from Governor Belcher to General Shirley—
about military affairs.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Nov. 20, 1755

General Shirley

Sir

I duly received by way of N. York the Honour of your Excellencys Letter dated from Albany 11th Inst. and am glad to find you so fully coincide with me as to the *Deletion*¹ of *Carthage*. I say it, Sir, with great Deference to much wiser heads that I think we are but playing a small Game at a vast expence of Blood & Treasure while we are intending to Attack the Number of the Enemy^s small Forts certainly we had better at once be at the necessary (and smallest) charge of attempting their Capitol on this Continent and in duty to His Majesty & from a tender Regard to these his Colonies I have wrote the Secry of State my real opinion in this Matter—the People of the Provinces seem so well spirited that I really think it wou'd not be difficult to raise thirty thousand men if the Crown will furnish money to pay them & with Arms & Amunition & also send five thousand Regulars to mix with them with Engineers Bombardeers &c. and a Stout Squadron of the Line at same time to go up the Gulph of S^t Lawrence—if we wou'd hew the Tree down effectually the sacred Pages tell us we must lay the Ax to the root.

Things look to me as if the coming year will be the Criterion whereby we shall be able to conclude whether the French shall drive us into the Sea or whether King George shall be Emperour of N. America which

¹ Sic.—Ed.

in Time to come will be a glorious Empire and in the Exigency of the present Affairs well worth the Hardest and most noble struggle of all the King's North American Subjects.

I observe your Excellency expects a meeting of several of the King's Gov^{rs} at N. York the last Week in this Month to consult upon a General Plan of operation for the insueing year where your Excell^y desires me to be if my health woud admit of it and did not my paralytick Disorder forbid I shou'd esteem it an Honour to attend so honourable a Convention. When David invited old Barzillai to his Court he excused himself & desired him to accept of his Son Chimham in his stead. & I hope your Excellency will be pleased to let Mr Pownall Lieut Gov^r of this Province represent me at the said meeting & I now write him agreeably thereunto.

At your Leisure I shou'd be glad of the Minutes of the Councils of War held at Oswego.

I have no Reason to doubt of bringing the Assembly of this Province into a Continuance of Col' Schuyler with His Regiment agreeable to your Desire.

Upon the Accounts I sent Home to the King's Ministers of what had passt in this Govern^t relating to the Common Cause I have lately rec^d a Letter from Whitehall couch'd in very handsome Terms with Respect to this Province.

Agreeable to your Excell^{ys} desire I met the Assembly of this Province the 12: Ins^t, when I laid your Letter before them of the 9: of Sep^t for a Commissioner to be sent from hence to N. York and urged the Matter upon them but they wou'd not come into it and yet I believe they are very well spirited in General for the good of the Common Cause altho Pennsylvania sets them so vile an Example. * * * *

I am Sir your Excell^y's Most obedient &c.

J. BELCHER

Letter from Governor Belcher to Lieutenant-Governor Pownall—requesting his attendance at the Convention of Governors in New York.

Nov 21 1755

Lieut Gov^r Pownall

Sir

I hope you duly rec^d mine of the 10: Ins^t in Answer to your Honours of the 29: of Oct^r from Albany since which I have a Letter from General Shirley desiring me if my Health wou^d allow to be at N. York the last Week in this month where a Congress is to be held by the Gov^{rs} of several of His Majesty's Colonies but as my paralytick Disorder will not admit of my being personally present at it I very well approve of Your Honours appearing there & representing me as Gov^r of His Majesty's Province of N. Jersey and where I doubt not you will do all in your Power for advancing the Kings Honour & Interest and the Welfare & Prosperity of His Majesty's Provinces in General and of this in Particular to which you and I have the Honour to stand so nearly related and these are all the Instructions I can give you till I have from General Shirley a particular Account of the Occasion of this Congress and which he has promised soon to transmit me. I am in the mean time and always with Esteem and Respect

Sir, your Honours assured friend & most humble
serv^t,

J. BELCHER

*Accounts of the Treasurer of East New Jersey from
June 21, 1754, to November 21, 1755.*

[From P. R. O. B. T. New Jersey, Vol. 8, I. 20.]

Province of New Jersey to Andrew Johnston
Treasurer of the Eastern Division.

DR.

To Sundry Payments from the 21st June 1754 to the
21st November 1755. Viz^t

His Excellency Gov ^r : Belcher Sundry War- rants	£1060. 0.00
Gentlemen of the Council	112.16. 0
Gentlemen of the Assembly.	335. 8. 0
Attorney General.	7.10. 0
Judge of the Supream Court.	16. 5. 0
Eastern Treasurer	60. 0. 0
Clerk of the Council.	7.10. 0
Clerk of the Circuits.	10. 0. 0
Clerk of the Assembly.	75. 2.10
Doorkeepers and Serjent at Arms,	21. 3. 0
Acco ^{tt} of Expençe for Express &c	23. 0. 7½
Hire of Roomes for the Council & for the Assembly.	20.16. 6
The Commissioners for Paying the Ex- pence of his Majestys forces Travel- ing through this province.	300. 0. 0.
	<hr/>
	£2049.11.11

CR.

By Ballance of Acco^{tt} on 21st June 1754. £1158. 5. 5
By a tax payable by the Several Countys
Eastern, on the 21st November 1754,
Viz^t.

Middlesex County	£181. 5. 5	
Monmouth	262.17. 4	
Sussex.	155.14. 3	
Somerset.	223. 6. 2	
Bergen	£131.16. 0	
Ditto for last Years		
Deficiency.	197.13.11	
	<hr/>	£329. 9.11
		<hr/>
		£1152.13. 1
		<hr/>
		£2310.18. 6

Andrew Johnston Treasurer of the Eastern Division of New Jersey Appeared before me Thomas Bartow one of the Aldermen of the City of Perth Amboy and being duely sworn Declares (to the best of his knowledge) that the Above Accco^{ts} is a True State of the Receipts and Payments by him from 21st June 1754 to the 21st November 1755.

AND^w JOHNSTON

Sworn the 26. Nov^r 1755 Before me

THO^s BARTOW

Letter from Governor Belcher to Lieutenant-Governor Dinwiddie—relating to the military operations.

[From Belcher Papers in Library of N. J. Hist. Soc.]

Nov 25th 1755

LIEUT GOV DINWIDDIE

Sir

I was Yesterday favour'd with your Letter of the 12: Curr^t—if I had had the Honour to have been at the late Councils of War I cou'd by no means have agreed to have order'd Col^l Dunbar with sixteen hundred men to have come from Fort Cumberland in long and tedious Marches to parade it all Winter at Albany—

when nothing less could be expected by their withdrawing than continual Murders & Depredations on these Southern Colonies and by a Letter I have from Gov^r Morris of the 17. Ins^t the Enemy have past the Susquehannah & had fallen upon Tulpichochin one of the finest Settlements in Pennsylvania & I am daily expecting to hear of their coming over the Delaware to harrass & distress the Frontiers of this Poor little Province I have therefore issued Orders to every Col^l &c. * * * *

Gov^r Sharpe call'd on me about a Fortnight ago and told me the people of Maryland were lulling themselves into the same stupid false Security [as those of Pennsylvania.] What shall we say Sir,—*Quos Deus vult perdere prius dementat.*

One of the most glorious Campaigns the great Duke of Marlborough ever made was in a severe Winter and when he did not quit the Field till the Month of January—and I shou'd really have thought our little Army of 8 or 10,000 men might have made an Attempt on Crown Point—but that Matter is over at Present & God Almighty grant Wisdom Spirit & Resolution for better conducting the Operations of the next Campaign & to be early in the Field is a most essential thing—I mean to have the Forces at their several Places of Rendezvous so as to be ready to march to the Places of their Destination by the Beginning of May & had it been so this Year Fort Duquesne had in all probability been ours.

By letters to the 9th of last Month from England it was still uncertain when a War wou'd be declared.

I respectfully salute you and am

Sir, Your Honours Most Obed^t &c.

J BELCHER.

Letter of Governor Belcher to the Colonels of Regiments in New Jersey—directing them to muster their troops, and march to the Delaware river.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

TO HIS EXCELLENCY JONATHAN BELCHER ESQ
Cap^t General and Gov^r in chief in & over His
Majestys Province of Nova Cæsarea or New
Jersey and Territories thereon depending
in America Chancellor & vice Admiral in
the same.

To the Hono^{ble} Joseph Tuttle Esq^r Col^l of the
Regiment of Militia in the County of Mor-
ris in the Province afores^d; or to the Com-
manding Officer of the s^d Regiment for the
Time being

Sir,

Having about an Hour ago rec^d p Express several Affidavits of the French & Indians burning a town at the Forks of Delaware and murdering all the People— & from which I am in Hourly expectation to hear of their coming into this Province—these are to require you in His Majesty^s Name forthwith to muster your Regiments & to see they be well furnished with Arms Amunition & Provisions & to march with them immediately towards the River Delaware & to endeavour to get the best Information you can where you may meet them either in this Province or Pennsylvania & to repell & destroy them in the best manner you can & for which this shall be your Warrant.

Given under my hand & Seal at Arms at the Borough of Eliz^a this 26: day of Nov^r in the twenty ninth Year of His Majesty^s Reign Annoq Domini 1755.

(The same to Joseph Stout Esq; Col: of the Regiment of Militia in the County of Hunterdon to Hon^{ble} John Schuyler Esq. Col' of the Regiment of Militia & also of the Regiment of Horse in the County of Bergen.—Also to Col: John Low of the Regiment of Militia in the County of Essex.)

Letter from Governor Belcher to his nephew, P. Oliver.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZABETH TOWN Nov: 27, 1755

Mr. P. Oliver

My Dear Nephew,

Sir, I have duly rec^d your very good Letters of 20: of Sep^t & of 10: Curr^t I am too old to accost my Relation & Friends in Compliment or Adulation therefore what drops from my Pen proceeds from the most secret Recesses of my heart in great Integrity and Sincerity.

I have feasted and Regaled myself once & again with your fine ingenious Letter of 20: of Sept too full of Gratitude for the little Instances of Love and Affection I was capable of shewing you and your Wife in your late Visit to your Uncle Broken with Age. The Sacred Pages tell us, the desire of a man is his Kindness and altho' I cou'd not entertain you politely in this rustick obscure Part of the Globe yet what I cou'd do I did most heartily & your kind Visit greatly refresh't my Bowels & rejoiced my heart.

I thank you, Sir, for the Share you are pleased to take in the Pleasure and Comfort God pleases to Grant me in the Ease of my Administration among a People who love me and I love them & I have reason to believe that were this Governm^t Elective nineteen in

twenty wou'd give me their Voices—indeed I believe it is a Government of the least Profit of any in His Majestys Gift on the English Continent and yet perhaps many a man in my Station wou'd have made much more of it than I dare (and at same time might have thought he did it with a good Conscience) the Publick Records of this Province will always shew to a Shilling what I have received in this Government.

I thank God who has inabled me to keep my hands empty and clean and my Fingers from all Corruption by the unrighteous Mammon. * * * * *

I am much pleased with the fine Description you give of the dreadful Storm you met with off New London and I thank God that he who holds the Winde in his Fist & makes His Thunders and his Lightnings exactly fulfill his Pleasure was your Covert in the mighty Tempest & safe guarded you to your Habitation, Children and Friends where may you always live as well as speak his Praises. * * * * *

I wish you and your Family all the Blessings of this Life and a better and am obliged for all your kind desires for me and mine & thus I remain,

Dear Sir, Your aged, loving Uncle

J BELCHER

*Letter from Governor Belcher to Colonel Anderson—
relating to Military requirements.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN Nov 28 1755

COLL ANDERSON

Sir

Yesterday about 4 o'clock in the Afternoon I rec^d p Express yours of 26: Curr^t, together with a Particular Account from Mr Russell of the Present distrest Con-

dition of the Inhabitants of this Province from the near Approach of the Enemy to our Borders: Upon an Apprehension of this I issued my Orders the 12: Inst to every Col^l of this Province to muster his Regiment &c * * *

I hear Col^l Stout and Col^l Vancampen were getting together a Number of men and near three Thousand marcht Yesterday from Morris County and Col^l Low of the County of Essex and Col^l Schuyler of the County of Bergen are to march on Monday next the first of Dec^r with five hundred men more, and I am this Morning sending Expresses to several other Col^{ls} to march with their Quotas that I hope we shall soon have a Body of two thousand men ready to give the French & Indians a Warm Reception upon their Approach.

As to a Garrison and men to keep it that must be done by the Assembly who must also supply the Firelocks and Amunition you mention and I shall call them together as soon as possible to lay before them the present deplorable condition of the Province. I am very well pleased & so is every Body else at your good Resolution & Readiness to the Service of your King & Country. May God Almighty keep and protect you & your Neighbours from the Barbarities and Cruelties of the French and Indians who are making their utmost Attempts to drive all the King's Subjects from of this Continent. I am, Sir, your good Friend,

J. BELCHER

Letter from Governor Belcher to Colonel Andrew Johnston—directing him, without delay, to carry out previous orders.

ELIZ^A TOWN Nov 28: 1755

COL^L JOHNSTON

Sir

As I am daily receiving Expresses of the near approach of the French and Indians to the Frontiers of this Province you must have recourse to my Order of the 12: Inst. and put it in Execution without any Delay. I mean to detach three hundred effective men out of your Regiment and to march at the Head of them yourself or if you are not able, to put them under the Command of an able and good Officer who must go forward upon the best Intelligence he can get to meet, repel and destroy the Enemy wherever he can find them. The bearer hereof Cap^t W^m Skinner¹ offers his Service to go in any Suitable Command upon this Occasion and I desire he may be encouraged as I think him a Young Gentleman very capable of the Service, I am,

Hono^{ble} Sir Your Friend, &c.

J BELCHER

¹ WILLIAM SKINNER was the third son of the Rev. William Skinner, of Perth Amboy, and entered into the Provincial service early in life. He was at Oswego in September, 1755, and again in 1756, when the fortress was surrendered to the French. As a prisoner of war Captain Skinner was sent to France, and remained there till the May following, and was exchanged in September. Through many influential friends he was promoted into the regular service. He was gazetted Captain August, 1759, and, as Major of Royal Volunteers, was in the expedition to Belle Isle in 1761. In 1762 he accompanied the army to Port Royal, and in 1763 received his promotion as Lieut.-Colonel; shortly after which he returned to England, and had risen to the rank of Colonel previous to the Revolution. He died in England about 1778. Colonel Skinner married a daughter of Lady Warren, and his only child, Susannah, married Henry, 3d Viscount Gage; and her son, Henry Hall Gage, a few years since was the possessor of the title and estate of the parent. See "Contributions to the Early History of Perth Amboy and adjoining country," pp. 112-119.—ED.

Letter from Governor Belcher to Colonel Joseph Tuttle—relating to the defence of the frontier.

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN Nov 29 1755.

COL^L TUTTLE

Sir

I have your Letters of 27: and 28 Ins^t, with what you inclosed from Col^l Vancampen informing of the present difficult Situation the Province is in with Respect to the Approach of the Enemy and that you had detach^t about three hundred men which were march^t under the Command of Col^l Ford.

I like well the Proposal of raising a thous^d Volunteers to be under the Command of such Officers as shall be pleasing to the men to march and scour the Frontiers and even to proceed to Shamokin in Pennsylvania and to captivate kill and destroy all the Indians & French joined with them in the Barbarities & Murders they are daily committing on His Majesty's good Subjects & if men shou^d appear to go at their own Charge I am content they shou^d choose their own Officers. As to Garrisons or Forts, that's a Charge the Assembly must defray which I shall press upon them at their next meeting, in the mean time the sooner this Affair be pusht forward the better & when they are ready to march let me have Expresses with Particular Accounts of their Proceedings & when they go I shall write to the Gov^r of Pennsylvania to raise and march a good Number of men to join them. I am

Sir, Your ready Friend.

J. BELCHER

*Letter from Governor Belcher to Col. Schuyler—about
marching to Minisink.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN NOV^r 30 1755

COL^L SCHUYLER

Sir

I have just now rec^d yours of this Date with a Particular Acc^t of the number of the Enemy that have done the mischief at Minisink which exceeds what we imagined I therefore well approve of your taking under your Command the two (or three if you Please) northermost Companies of Essex Regiment that you may go strong & inclosed is my Order to Col^l Low in Conformity. I desire you to make all possible Dispatch & let me be constantly hearing from you. I am,

Your assured Fr^d.

J. BELCHER

*Letter from Governor Belcher to Governor Morris, of
Pennsylvania—about military movements.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN Dec 1 1755

GOVERNOR MORRIS

Sir

My last was the 25th of Nov^r & the hands of Doct^r Shippen since which I have your Honours of 29 of same month with the Papers inclosed giving a Particular Acc^t of the Motions of the Enemy and I am glad this little Province are in good Spirits and readiness to assist your People who I hope will return it to them as there may be Occasion for their help in this Province where I am daily expecting the Enemy who I doubt

not you will have heard have a few days ago burnt a town at Minisinck and put the Inhabitants to Death and by reason of the constant Accounts I have rec^d I have had between two and three Thousand men the Week past marching & Countermarching towards the Borders of this Province but as yet we have seen none of the Enemy.

I am glad the Proprietors have contributed £5000 towards the Defence of your Province and that the Assembly had passed a Bill for £60,000 for the like Service and to which you have given your Assent—it is a very handsome Supply and will enable you in this time of Distress to raise a good Body of men for the Defence of your Frontiers in which I wish you much Success & am

Sir Your Honours Most^l Obedt^t &c.

J BELCHER

*Letter from Governor Belcher to Mr. Secretary Read
—directing him to call a meeting of the Assembly.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN Dec^r 3 1755

Mr Sec^{ry} Read

Sir

From the Accounts I am daily receiving of the Distress & Danger the Inhabitants of the Frontiers are in from the near approach of the Enemy & of Numbers of them withdrawing from their Habitations on the Frontiers I thought it proper to call the Council who met me here yesterday & in a full Council unanimously advised me to see the Assembly as soon as possible this is therefore to direct you to summon them to meet me here on Monday the fifteenth day of this month I am Sir

Your ready Fr^d

J BELCHER

Order from Governor Belcher to the Colonels of New Jersey Regiments—relating to the defence of Morris and Sussex Counties.

[From Belcher Papers in Library of N. J. Hist. Soc.]

Dec. 3 1755

Proclamation of Gov^r Belcher.

To Col^l John Low of Essex—you are hereby commanded to order one Cap^t and one Subaltern to march forthwith with fifty men to the House of Col^l Abraham VanCampen of Sussex there to put themselves under the Command of such Person as I shall appoint Commander in chief of the Forces to be employed in the immediate Defence of the Frontiers of the Province in the Counties of Morris and Sussex.

The Same to Col^l Vanhorn of Somerset Co. for 40 men
 Col^l Stout of Hunterdon for . 60 “
 Col^l Johnston of Middlesex for 45 “
 Col^l Tuttle of Morris for . . 40 “
 Col^l Schuyler of Bergen for . . 30 “
 Col^l Low of Essex for . . . 50 “

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J BELCHER

Letter from Governor Belcher to General Shirley—referring to the Councils held at Oswego.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZA TOWN Dec 4 1755

GENERAL SHIRLEY

Sir

I did my self the Honour of writing you on the 20: of last month and sent it to the Care of Mr Alexander of N. York & to which I ask your Reference.

I am now to own the Honour of your Excell^{ys} of the 2^d Curr^t. which came to my hands yesterday & Col^l Peter Schuyler with the Minutes of two Councils of Warr your Excell^y lately held at Oswego which I have read and the Advices therein seem to be well founded good and rational—had my health allowed I shou^d have been glad to have made one of the Number of the King's Governours at the intended Congress at N. York, but as it will not Lieut Gov^r Pownall will attend in my Stead and I wish the best Measures may be pitcht upon for the Success of the next Year's Campaign, and if we hope to do any good the taking the Field as early as possible will doubtless be advisable for had the late General Braddock been at Fort Duquesne a month or six Weeks sooner he & the Troops under him had not met with the fatal Defeat they did.

As to this little Province I am taking all possible Care for the Defence and Protection of the Inhabitants of which Lieut Gov^r Pownall who was here with the Governour & Council Yesterday will give Your Excell^y the Particulars with my Compliments to the several Governours at the Congress. I am with much Respect

Sir, your Excellency's Most Obed^t, &c.

J BELCHER

*Letter from Governor Belcher to Sir Charles Hardy,
Governor of New York—about the Division Line
and building of Block Houses.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZA TOWN Dec 4 1755

GOV HARDY

Sir

I have now lying before me your Excellency's Favour of the 30. of the last Mo. wherein I find you had received Instructions from the Lords Justices relative

to the dispute of the Line between this Province and N. York and that you wou'd recommend to your Assembly their dutiful Compliance with what His Majesty justly expects from them for settling Peace and Tranquility between the two Provinces in bringing this long Controversy to a final Issue. I thank your Excellencys good Intention in this Matter assuring you I shall do all in my Power that N. Jersey may continue in their good Disposition to have this Matter finisht according to the Rules of right Reason and Justice.

I thank your Excellency for the Account you give me of the Steps you have taken upon the Mischief done by the Enemy at Minisinck upon the first Intelligence whereof I ordered Col^t John Schuyler to march with four or five hundred men, which he accordingly did & I am daily expecting to hear from him—this little Province is alive and in about fourteen days past we have had near two thousand men in several Bodies ranging the Woods & Frontiers and Yesterday the Gov^r & Council came into a Resolution of building Forts and Block houses where it shou'd be judged most proper on this Side the River Delaware into which to distribute about 300 men & this matter I am pursuing with all the dispatch I can as Lieu^t Gov^r Pownall was here Yesterday with the Governour and Council I desire to referr your Excell^y to him for the more particular Account of these Steps.

As New Jersey is entering into such a measure it will be expected that your Excellency shou'd propose to the other Branches of your Legislature the sending some proper Persons to join with those of this Province to go and view and make report how many Block houses may be necessary to be built and at what Places and Distances and how many to be built in N. York in order to guard down along upon the River Delaware & as this is judged the best Method to be gone into for

discouraging the Enemy from their Inroads and depredations on this Province & yours I shall not doubt your good and hearty Concurrence with Us in this Matter. I am with much Esteem, Sir,

Your Excellency's Most Obed^t &c.

J BELCHER.

Col^l Schuyler is returned from Minissinck & I have just now a message from him informing me that the Affair of Minissinck was a mistaken Alarm that there had been no Mischief done, nor any Enemy seen there.

Queries from the Lords of Trade to Governor Belcher and his answers thereto—relative to the state of defence in New Jersey.

[From P. R. O. B. T., New Jersey, Vol. 8, I. 18.]

Queries from the Board of Trade, to Jonathan Belcher Esq^t Governour of New Jersey.

1st What is the actual State and Quantity of the Canon, Small arms, Ammunition, and other Ordnance, and Military Stores, belonging to the Province of N. Jersey, either in the Public magazines; or in Possession of the Militia, or other Private Persons, together with the true State of all Places, already fortified, or may be further necessary to be fortified; and in what Manner His Majesty may further Contribute, to the Security and Defence of the S^d Colony ?

Ans: There are no Canon, Small arms or other Ordnance, or Military Stores, belonging to the Province of N. Jersey, only such as every Private man in the Militia, is obliged by a Law of the Province, to furnish himself with. There is not in all the Province one

Fortification, or Place of Defence, nor can I find there ever was. I have laid before His Majesty's Council, to consider what may be necessary, to be done in this Article; & in what manner, His Majesty may further contribute, to the Security and Defence of this Province; & as they are to meet me in ten days, I shall therefore give a more particular Answer, to the last Part of this Query.

2^d: What Number of Inhabitants, Whites and Blacks, & how many of the former, are able to bear Arms ?

A. By the nearest Computation, there may be about eighty thousand souls: (Whites,) of which about sixteen thousand, may be able to bear Arms. And of the Blacks, the Number is judged to be from fifteen to eighteen hundred.

3^d: Of what Number the Militia is composed ? how armed ? mustered and trained ?

A. From a Return made me the last Year, from the Col^{ls} of the several Regiments, the Number appear'd to be about thirteen thousand effective men, who are obliged, by a Law of the Legislature, to be mustered and trained, every six months, and to appear every man, with a good Firelock &c. fit to march against an Enemy.

These Queries, my Lords, your Lordships will find mostly and more particularly answered, among my Answers to the Queries sent Your Lordships 27: of Dec^r last, and which Your Lordships say, in yours of 6: of Aug^r past, you had duly received.

I am with great Respect,

My Lords, Your Lordships

Most obedient and Most humble Servant,

J BELCHER

ELIZ^a TOWN (N. J.) Dec^r 5: 1755

*Letter from Governor Belcher to the Lords of Trade—
about New Jersey affairs, Division Line, etc.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELZ^A: TOWN Dec 6: 1755

LORDS OF TRADE

My Lords, (Extract.)

I believe it must give Your Lordships Pleasure to find the Assembly of this Province have in a good measure fallen into their duty in this time of common Danger by raising a Regiment of five hundred men in defence and Protection of themselves and their Neighbours & altho' they had at first provided for their Payment and Subsistance only for six months they have since continued the same Provision for six Months longer.

In a late Session I communicated to the Assembly Your Lordship's Report and the King's Order relative to their Projected Bill of emitting seventy thousand Pounds in Paper Currency which had they drawn conformable to what I wrote your Lordships of 26: Nov. 1754, I shou'd have thought His Majesty's giving Leave to His Gov^r to give his Assent to such a Bill wou'd have been of considerable Service & Ease to His Majesty's Subjects of this Province in this time of common danger & wou'd have led them into His Majesty's Honour and Interest with greater Alacrity and Zeal.

I am humbly thankfull to your Lordships in behalf of this Province for the Good & kind Care Your Lordships have taken in Order to bring the long controverted Line between this Province and N. York to a final Settlement, in Consequence of which the Gov^r of N. York writes me he had received the King's Instruction touching the said Affair and that he shou'd soon lay it before the Assembly of that Province. As your

Lordships observe it is of great Importance that all matters of Dispute shou'd fully subside among the King's Provinces in this time of General Danger when their united Strength is so necessary to be exerted in vindication and defence of His Majestys Rights and Territories. * * * * *

I have the Honour to be with great Respect

My Lords, Your Lordships

most obedient & most humble Serv^t

J BELCHER

*Letter from Governor Belcher to Lord Hardwicke—
about the necessity for capturing Canada.*

ELIZ^A TOWN Dec 8 1755

LORD HARDWICKE

My Lord (Extract.)

* * * As to this little Province where I have the honour (thro' Your Lordship's Favour and Kindness) to preside they are alert and have exerted in good Proportion for the King's honour and Service and for the Safety and Welfare of themselves and their Neighbours, and as to myself I am much obliged to Your Lordship for the Confidence You express of my real disposition & Zeal for His Majesty's Interest and Honour and for the good of His N. American Colonies and this I am sure I shall go on to practice as long as God holds me in life and Reason.

And now will your Lordships forgive me and give me Your Patience while I say I think unless Quebeck and the whole Canadian Country be reduced to His Britannick Majesty's Obedience the French will in the Course of a few Years be masters of all N. America (and make it a fine Empire) and if this be the Case to

prevent it in time why should not the English Provinces from Nova Scotia to Georgia (thirteen) raise thirty thousand effective men and seasonably apply to His Majesty to send six thousand British Regulars to be incorporated with them & so to make the whole Body thirty six thousand men and also to send a sufficient Squadron of Ships to the Gulph of St. Lawrence to assist in the Reduction of Quebeck & this whole Armament to be ready by all the month of June next to proceed upon the Business *Carthago est delenda* and which will be doing the thing effectually & the Provinces can with Ease raise and spare the number of men I have mentioned—but I believe this thing will not be effected without the Aid and Assistance of the British Parliament to mark out and ascertain the several Quotas or Proportions of men and Money to be raised by each several Colony or Province and besides the six thous^d Regulars Artillery, Small arms & Ammunition must come from Great Britain for they are not to be had here. I wou'd say it my Lord with great Deference to the King's Ministers, that I think we are but playing at small Game (at a vast Expence of Blood & Treasure) while we are attempting to attack the Number of the Enemy's small Forts, therefore wou'd it not be better at once to be at the necessary (and smallest) Charge of attacking the Metropolis of Canada; and this Matter I ventured to hint to the Secry of State some Weeks ago—the People of the Provinces seem so well spirited to raise the Troops I have mentioned that I think there wou'd be little Difficulty in it, and, my Lord, if we wou'd hew the tree down effectually the sacred Pages tell us we must lay the Ax to the Root—the present Complexion of Affairs in N. America seem to say the coming Year will be the Criterion whereby we shall be able to conclude whether the French shall drive us into the Sea or whether King George shall be Emperour of N. America which is of so great Use and

Importance to the Mother Country it self as well as to all the British Islands.

The Troops being raised on this side the Water will save the vast Expence of Transportation, delay, Sick-ness of the Passage and many other difficulties & Dangers.

May the omniscient all wise Governour of the Universe constantly inspire Your Lordship with the Greatest Degrees of Wisdom and Knowledge to the best advantage of your King and Country—with my highest Compliments of Respect to good and Excellent Lady Hardwicke and with the greatest duty, Deference & Gratitude I am

My Lord Your Lordships Most obliged &c.

J BELCHER

Letter from Governor Belcher to Richard Partridge, London—appointment of Chief Justice Aisleby.

[From Belcher Papers in Library of N. J. Hist. Soc.]

Dec 10 1755

Brother Partridge (Extract.)

* * * I observe Mr W^m Ailesby is appointed Chief Justice of this Province whither he may be coming in the Spring and I hope he has a good Salary from the Crown for the Assembly voted but about £25 Str. a Year in their last Allowance to the Chief Justice of this Province.

* * * * *

I would have you very vigilant with the Lord C—r and at the Publick Offices that nothing may be done to my Prejudice for I am apprehensive & not without Reason that my Second in this Government¹ wont

¹ Lieutenant-Governor Pownall.—Ed.

scruple to attempt anything he may think for his Service and Interest.

Yesterday my Son the Chief Justice of Nova Scotia gave me the great Pleasure of imbracing him here where he intends to spend the Winter—he is in good health & Spirits God be thanked & I hear discharges himself in his Station with Reputation and Honour.

* * * *

Sir, Your Lo: Bro

J BELCHER

*Letter from Governor Belcher to Mr. Secretary Read
—about the imprisonment of some Pennsylvania
Indians.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN Dec 12 1755

M^R SEC^RY READ

Sir (Extract.)

* * * I thank you for the Copy of the Letter you wrote to Mr Salter and Morris respecting the Indians taken up and confined in the Gaol at Trenton which was a wrong Step as they were belonging to the Province of Pennsylvania not but that under our Present Difficulty with the Indians it wou'd have been prudent enough to have taken them up & sent them under a Safeguard to the Gov^r of Pennsylvania who call'd on me two days ago in his Way to N. York & talkt with me relating to those Indians & for which he desired my Order of Releasement and Delivery to him self which I told him he shou'd have on his return But as the time of his Honours Coming from N. York is all together uncertain and that it may be of ill consequence to hold the Indians in Goal at Trenton inclosed you have my Order to M^r Salter and M^r Morris

to deliver them to the Government of Pennsylvania, & say to the chief Magistrate in Phil^a & to treat them kindly in all Respects—what ever the Charge may be till their getting into Pennsylvania Province will doubtless be paid by our Assembly—the Order to Mr Salter & Morris you must send P Express as soon as it gets to hand.

I have signed an Adjournment for Gloucester Court on the very good Reasons you give therefor & M^r Ogden forwards it to you P this Express. I hope the Assembly will come together full of Inclination to the Relief of the Poor distrest People on the Frontiers of this Province otherwise they will all desert their Habitations and thereby make every Town a Frontier.

I am well pleased at the Accounts you give me of your having two hundred men of your Regiment in Readiness to march upon my First Orders & that if necessary, you will go and Comand them yourself, but I think the present Face of Affairs does not require the putting the Scheme in Practice wherein they were to assist.

Mr. Ogden orders the Express to ride Night & day that these Matters of so great Importance may the sooner reach you and give you time to be at the Assembly the first day of their Meeting. I am with kind respects Hono^{ble} Sir

Your very good Friend,

J BELCHER

*Message of Governor Belcher to Council and Assembly
of New Jersey, December 16, 1755.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

*Gentlemen of the Council & of the General
Assembly.*

From my last parting with you I have been continually receiving acc^{ts} of the barbarous Murders & Cruelties committed by the Indians on our Neighbours of Pennsylvania & the poor People of this Province living on our Frontiers praying at same Time for Defence & Protection in this time of Eminent Danger, and in Consideration of these things I directed His Majesty's Council to meet me to have their Advice what was most necessary & expedient to be done, and they were unanimously of Opinion that the Assembly shou'd meet & the whole Legislature enter into a joint Consultation upon the present Situation of Affairs; the Particular Proceedings of the said Council I have ordered to be laid before you together with a Proclamation Issued by their Advice

The poor People living on our Frontiers being in continual Danger and distress fearing soon to be attackt by the Enemy as you will find by many Letters and Petitions which shall be laid before you, it seems absolutely necessary that a Number of Blockhouses be built without delay on the River Delaware & to be furnisht with three or four Hundred men & with Arms, Amunition &c. which Provision must be made by you Gentlemen of the General Assembly, & for which charge I believe you will find your Constituents very desirous to be taxt, & since they are willing to part with a Reasonable Share of their estates to save the rest with the Lives of themselves, their Wives &

Children I think you cannot balance the thing in any delay but immediately grant a Supply for defraying the Charge of doing what I have mentioned.

Gentlemen of the Council and of the General Assembly,

I hope all the Branches of the Government will act in the best Union and Harmony in the present Emergency for maintaining the Safety and Welfare of the Province always considering, if the Inhabitants of the Frontiers are forced to leave their Habitations the Towns that seem now to be in less Danger will soon become Frontiers to the Ruin of the Province, to prevent which nothing in our Power shou'd be wanting.

J. BELCHER

ELIZ^A TOWN COUNCIL CHAMBER Dec 16 1755.

Letter from Governor Belcher to General Shirley.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN Dec 17 1755

GENERAL SHIRLEY

Sir

(Extract.)

* * * The House of Assembly have just now sent me a Message, Copy whereof I now cover to your Excell^y * * * I heartily join with the General Assembly that the Regiment raised by this Province & paid by them shou'd be employed for the Defence of this Province till such time as Your Excell^y shall want them elsewhere & I hope there will be no difficulty about this Reasonable Request for shou'd there, I am afraid it would check and impede the Present Alacrity of this Province in their future Proceedings in the

General Cause for the Safety & defence of the King's Provinces.

For the better dispatch in this Matter I have desired the Assembly to send two of their Members to wait on Your Excell^y & to bring me an Answer to this Letter. I am with great Esteem & Respect

Sir Your Excell^{ys} Most Obedient &c.

J BELCHER

Letter from Governor Belcher to Mr. Walley—referring to Rev. Mr. Whitefield.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

[ELIZA TOWN] Dec 18. 1755

Mr Walley

Sir

I blush and am quite ashamed so late to say that I duly rec^d your very kind Favour of 11 Nov 1754 which I hope you will forgive while I tell you that the past Year has been full of Motions and Commotions that have crowded me beyond what is common.

And yet I have often regaled myself with the pleasing Acct you give me of the extraordinary Reception the dear and admirable Whitefield met with at Boston so contrary to the Fears and Expectations of many of his Friends, tho' I must say I was of a Contrary Opinion for God will not forsake those that sincerely put their Trust in him even beyond their Hopes—after he left my House I rec^d several Letters from him in his Journey to Georgia full of Blessings & Praise to God for the crowded Audiences that attended his Preaching thro' the several Provinces & that he charitably hoped some that were before Strangers to the new Birth were Savingly brought home to Christ, and he writes

me from London with the same Thanksgiving of such Instances there,—may he go on in the Strength of Christ to pull down the Strong Holds of Sin & Satan to the Honour and Glory of the Redeemer's Kingdom—Amen.

As to myself, Sir, I am feeble and sore-broken and yet God gives me a reasonable measure of Health and Strength &c. * * *

I am, Worthy & Dear Sir your friend &c.

J BELCHER

Letter from Governor Belcher to his son Andrew.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN Dec 19. 1755

Mr Belcher

Son Andrew

(Extract.)

Altho' the Affairs of this Government crou'd upon me very much yet I wou'd own your good Letter of 9: Ins^t $\text{\textcircled{P}}$ the Post and am thankfull to God the great Preserver who so kindly preserved you your Wife and Family and Substance in the time of the late awful and amazing Earthquake.¹ I pray God to sanctifye to you such a terrible Warning by leading you into a more strict and religious Walk with himself—considering the Horrour and Affright you must have been in at the tremendous agitation I readily over look your not answering my two last Letters so particularly as you intend. * * *

Your very aff: Father.

J BELCHER

¹ Felt in New York and surrounding country, November, 1755.

*Letter from Governor Belcher to Richard Partridge—
the Assembly then in session.*

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

ELIZA TOWN (N J) Dec 20 1755

Mr Partridge

My good Brother (Extract.)

* * * The Assembly of this Province is now sitting here deliberating upon Ways and Means for securing and protecting the People on our Borders where we are daily expecting the Enemy & for about six Weeks past I have had between two & three thousand men traversing & patrolling the whole length of our Frontiers & if the Enemy cross the Delaware to this Province I believe they will meet a warm Reception for really, Brother, N. Jersey is well alive & exerts to the Honour & Interest of their King & Country & the whole Legislature (Gov^r, Council, & Assembly) are in great Union & harmony among themselves & for these things God's holy Name be praised—With my kind wishes for your health Ease & Welfare I am
Sir, Your Loving Bro:

J BELCHER

*Letter from Governor Belcher to Consul Dean—about
the progress of the College, etc.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

Dec^r 20 1755

CONSUL DEAN

My Worthy Friend

I wrote you the 21: of Dec^r last and which my Brother Partridge writes me was duly forwarded to you and I hope it had the Pleasure of kissing your

hands—since that your Favour of 14: Oct. 1754 I rec^d the 31: of Jan following by the Rev^d Mr Tennent. Mr Davies on his Return hither told me how kindly you rec^d him & of your great Friendship for the Interest of our College & for which I send you my most gratefull Acknowledgements. The generous Benefactions We found on your side the Water have enabled Us to get forward with the Building of the College and which I believe will be ready the next Year for receiving a good Number of Students & I hope by the Favour of God this Society will become a great Blessing to the present & future Generations.

My paralytick Disorder (as well as yours) increases upon me, and I am otherwise environed with the Infirmities of 74—a great Age!—I pray God to teach me so to number my Days as to apply my heart unto Wisdom. * * *

I am, My Worthy Friend

Yours in much Love & Affection,

J BELCHER

Message of Governor Belcher to the House of Assembly—communicating a letter from General Shirley.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

· Gentlemen of the General Assembly.

I have an Answer from General Shirley to the Letter I wrote him at your Request (and which was communicated to you) several Paragraphs of which Ans^r being coucht in the following Terms “The distinguished Zeal and Spirit of the Assembly for promoting His Majesty’s Service and the General Good of his Colonies on this Continent in what His Majesty es-

teems and really is a most essential Part of the Expedition he has been pleased to order.”

“Nothing shall be wanting in me to represent in a just Light to His Majesty the signal Service which His Province of the New Jerseys hath done at this Critical Conjunction for their King and Country.”

“Your Excell^y must be sensible how greatly the Success of that will depend upon as early a Campaign as is possible and that it is necessary that the Troops shou’d Imbark for Albany by the first day of March next without fail.”

“Col’ Schuyler whose Command of the New Jersey Regiment hath made it more beneficial to me than it cou’d otherwise have been to whose Assistance of me in every Part of His Majesty’s Service at Oswego I am greatly indebted and who wou’d be an Honour to the Service in any Corps will wait upon your Excell^y & let you particularly into the Circumstances of the Soldiers. I understand they have Cloths & Stores now at Albany or Schenectady but it is impracticable to get them back here at this Season and indeed I believe it wou’d be greatly to their Prejudice if they were to make Use of them before their Imbarkation from Schenectady—they will likewise want Tents & some Muskets & perhaps some other matters as he will inform you.”

“I have given Orders to Col’ Schuyler to employ the Regiment under His Command as your Excellency shall direct untill the Time of their March to Albany for the next Campaign.”

These things Gentlemen of the General Assembly I lay before you that you may see how likely you are to ingratiate yourselves with His Majesty by the Instances you have given of your Duty & Loyalty to His Service & Interest as well as to the General Safety and Protection of the Provinces & I mention it to your honour you have done it with Alacrity & dispatch.

You will see, Gentlemen, the General has readily and fully ans^d your Request of employing the Regim^t of this Province under the Comand of Col^l Schuyler for the Defence of our Frontiers but as they are wanting of Tents, arms and other things & that the time of their being remanded will soon be here you may perhaps upon mature deliberation think it hardly worth while to have them alter'd from their present Situation but rather to make Provision for the Defence of the Province by raising a new Corps of men on which we may have a more lasting dependance.

As I am still receiving fresh Acc^{ts} of the Distress of our Frontier Inhabitants I hope you will lose no time in making such Determinations as shall best of all advance the King's Honour & Interest & the safety & Quiet of his good Subjects under our Care.

J. BELCHER

ELIZ^A TOWN COUNCIL CHAMBER Dec^r 20: 1755

Letter from Governor Belcher to Lord Halifax—concerning Attorney-General Courtland Skinner.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Dec^r 23 1755

LORD HALIFAX

My Lord

It is with Uneasiness & Regret and with humbly asking Pardon for this Interruption while I make my Petition to Your Lordship in behalf of Courtland Skinner Esq^r whom I some time since appointed His Majesty's Attorney General of this Province & who is a Young Gentleman of good Virtue and Understanding & esteem'd as good a Master of his Profession as most

in these Parts & has served his King & Country in his present Station with Integrity & Honour & much to the Satisfaction of the Government & of the People in General.

These things notwithstanding, my Lord, I am told there are Pains taking to supplant him in his office but which I hope will not succeed—there is no Salary or Allowance made by the Crown nor any from this Province but what the Assembly are pleased to vote from Year to Year, and for several Years past it has not been more than Seventeen Pounds Str. a Year—so that the Character of it is in a Manner all the Benefit an Attorney General reaps from the office & in which I again humbly request Mr Skinner may be continued & Confirmed—This, my Lord, I shall esteem a particular Favour & am with great Esteem & Respect

My Lords

Your Lordships most obedient, &c.

J BELCHER

Message from Governor Belcher to the new Assembly of New Jersey—asking for an augmentation to the forces of New Jersey.

[From a copy among the Belcher Papers in Library of N. J. Hist. Soc.]

Gentlemen of the General Assembly.

His Excell^y General Shirley having by his Letter of the 18: Inst^t informed me that it wou'd be greatly for his Majesty's Service in the Insueing Campaign if his hands cou'd be strengthened by an Augmentation to the Regiment of this Colony under the Com'and of Col^l Schuyler I wou'd have you exert yourselves as far as the Circumstances of the Colony will admit as his Majesty proposes to do everything for your Defence &

that I may be able to give the Com'ander in Chief of His Majesty's Forces Information of what augmentation from this Colony may be depended on. I recommend it to your House (with whom all these Supplies take Rise) the making a Provision for raising them when they shall be required.

As the People of this Colony are greatly uneasy at the Neighbourhood of any Indian Families & suspect the whole of them I must apply to you to provide for the Maintenance of such of them as shall be committed to the Goals either on Suspicion or to secure them from the Outrages of the People.

The Distresses of the unhappy Sufferers on the Frontiers are doubtless very great & may be attended with the Ruin of many Families I hope you will make some Conditional Provision for such as cannot support themselves as they cannot be regularly relieved under any Law now in being.

The seasonable Provision which this Province made for the Supply of His Majesty's Regular Troops thro' this Governm^t served two very good Purposes as it expedited their March & prevented them from the necessity of supplying themselves with Carriages & other things in a way which wou'd have been ungrateful to themselves & greatly distressing to the People of the Colony I cannot omit inserting on this Occasion the handsome mention which is made of that Provision in a Letter I had the Pleasure of receiving from the Hono^{ble} Col^l Dunbar the Commanding Officer of those Troops in the following Words—viz.

“ Sir,

It gave me the greatest Concern I cou'd not when in your Governm^t have the honour of waiting on your Excell^r to make my most grateful Acknowledgments for the great Civilities the Troops under my Command rec^d in their March thro' your Governm^t from every Body when we past from Trenton to Amboy.”

I earnestly recommend these Interesting Matters to your Consideration that by providing for them at this time I may not be obliged to call you together sooner than the general Business of the Governm^t wou'd incline me to do.

J. B.

ELIZ^A TOWN COUNCIL CHAMBER Dec^r 23 1755.

*Letter from Governor Belcher to General Shirley—
commenting upon the events of the last cam-
paign, etc.*

[From Belcher Papers in Library of N. J. Hist. Soc.]

ELIZ^A TOWN Dec 26 1755

GENERAL SHIRLEY

Sir

I duly rec^d the Honour of Your Excellency's Favour of 18 Curr^t ¶ Mess^{rs} Stephens and Johnston with an Extract of the King's Instruction relating to the Council of War, & since that ¶ the hands of L^t Gov^r Pownall Copy of the Minutes of a Council of War held by Your Excell^y &c. the 12. Ins^t at the City of N. York which Minutes I have read once & again—it wou'd be too tedious and Unnecessary for me to enter into all the Particulars of the Council of War but as far as I am able to make a Judgment the Plan of Operation for the next Campaign seems to be well concerted in Conformity to His Majesty's Intentions & in the best Manner for His Majesty's Honour & Interest & for the Safety of His Colonies—I believe I have in a Letter formerly said to Your Excell^y that had we the last Year been in the Field two Months sooner to have made the several Attempts intended, the Campaign in the Issue had not put on such an Unfortunate Com-

plexion, but as I see Your Excell^y (with the Council of Warr) is resolved that You take the Field as early as possible I need say no more on this head.

I am glad to find your Exc^y so well pleased wth Col^l Schuyler & as Your Excell^y does him great Honour in Your Letter I laid that part of it before the Assembly which may be to his future Service.—I also made a Message to them relating to an Augmentation of the Regiment of this Province under the Comand of Col^l Schuyler Copy of which Message & the Assembly's Ans^r I herewith send You & by which your Exc^y will find there is no Likelyhood at present of any Addition to the Regiment.

I am obliged to you for the Orders you have given Col^l Schuyler for employing His Regiment as I shall think proper for the Defence & Protection of this Province till such Time as Your Excell^y shall think it necessary to remand him—I lay'd before the Assembly Col^l Schuyler's List of what his Regim^t wanted in Arms &c. & they have made the necessary Provision that they be supplied therewith.

I am glad the Regiment of New Jersey was of so good Service to His Majesty's Honour & Interest in the past Campaign & wish they may still be more so in the Insueing.

This whole Legislature have a gratefull Sense of the honour Your Excell^y does this little Province in their exerting for the Kings Interest & for the Safety & Defence of themselves & of their Neighbours.

I am glad so good a Judge as Your Excell^y so fully coincides with me as to any Pretentions the Lieut Gov^r of this Province cou'd have of sitting as a Member in the late Congress of Governours held at N. York on the 18: Curr^t—I should be glad of a Copy of what was done at the s^d Congress. * * *

Sir Your Excell^y's Most Obedient &c.

J BELCHER

*Letter from Secretary Hardinge to the Lords of Trade
—relative to the proper division to be made of a
certain appropriation of Parliament.*

[From N. Y. Col. Docts., Vol. VII, p. 33.]

My Lords

The house of Commons having resolved that the sum of one hundred and fifteen thousand pounds be granted to his Majesty upon account to be distributed in such proportions as his Majesty shall in his wisdom think fit, to his Majesty's Colonies of New England, New York and Jersey in America, as a Free gift and reward for their past services, and an encouragement to them to continue to exert themselves with Vigour in Defence of His Majesty's Just Rights and Pre-entions, the Lords Commissioners of His Majesty's Treasury desire that Your Lordships will be pleased to consider what part of the said sum of one Hundred and Fifteen thousand pounds may be properly allotted to each of the said Colonies, and favour them with Your opinion thereupon, and also that Your Lordships will repeat Your opinion to what persons the same should be consigned: that the respective Colonies may have the full benefit thereof.¹ I am My Lords

Your Lordships most

Faithful humble Servant

N HARDINGE.

WHITEHALL TREASURER CHAMBERS 5th ffeb^{ry} 1756

¹ On the 12th of February the Lords of Trade designated the Governors of the Colonies as the proper persons to receive the consignments; the sum being divided as follows:

Massachusetts Bay	£54,000
New Hampshire	8,000
Connecticut	2,000
Rhode Island	7,000
New York	15,000
New Jersey	5,000
	£115,000

*Letter from the Lords of Trade to Governor Belcher—
commending the services rendered by New Jersey
in defending the country.*

[From P. R. O. B. T., New Jersey, Vol. 16, p. 4.]

To Jonathan Belcher Esq^r Governor of New
Jersey.

Sir,

Since Our Letter to you dated the 6th of August last
We have received Your Letters to Us dated the 27th of
June, and 6th of December last, with the Papers therein
referred to.

The Zeal and Spirit which the Province under your
Government has shewn in raising a Regiment of five
hundred Men for the Expedition under the Command
of Governor Shirley in providing for the Defence of
the Frontiers and in supplying the King's Troops with
necessaries and Refreshments in their March through
New Jersey, is greatly to be commended and We doubt
not but that the sense which His Majesty has mani-
fested of their past Services by freely giving them so
large a Sum of Money in Consideration thereof, will
animate them to exert themselves for the future in
aiding and assisting all his Measures for the Defence of
America and for distressing the Enemy.

We have the satisfaction to acquaint you, that His
Majesty has appointed the Earl of Loudoun to be
Commander in Chief of all his Forces in America, and
has ordered two Battalions of his Troops to be forth-
with sent over, and four others to be raised there, and
We think it our Duty earnestly to recommend to you

to use Your utmost Endeavours to give his Lordship all the Assistance in your Power in whatever may be necessary for the Good of the Kings Service:

We are, Sir,

Your most Obedient &
most humble Servants

DUNK HALIFAX

FRAN FANE

JAMES OSWALD

J. TALBOT.

WHITEHALL February 17, 1756.

*Letter from Governor Hardy to the Lords of Trade—
about the questions of boundary between New
York and New Jersey.*

[From N. Y. Col. Docts., Vol. VII, p. 37.]

FORT GEORGE NEW YORK 23^d Feb^y 1756

My Lords

(Extract.)

* * * I have some time ago laid before the Assembly his Majestys Instructions for making a provision for defraying the charges of His Matys Commission for determining the Line between this & the Province of New Jersey. They express to me great difficultys they are under to make the Provision directed and urged the great expence it would draw on this Province (as other Lines are equally disputed but more particularly between us & the Massachusetts) and at this time when they are at such heavy expences for the public Service, I have argued and urged the Point strongly with the Speaker, and many of the Members, but at present nothing has been done in it.

I have endeavored to inform myself of the merits of this dispute, between the two Provinces, and find all partys agree the determination of the Line depends altogether upon the construction of the Duke of Yorks Grant I beg leave to refer it to your Lordships opinion if this Point may not be better discussed, and more equitably determined by persons under his Matys Commission in England than by Commissioners appointed abroad. On the side of this Province His Matys Interest is greatly concerned should the determination be made in favor of and confirmed [according] to the Claim of New York by which His Maty would have a great acquisition of ungranted Lands that would be readily taken up—agreeable to His Majestys Instructions, and I am informed might produce Quit Rents to the Crown of near £2000 Sterling per annum; on the other hand should the Claim of New Jersey be confirmed, the acquisition of this ungranted Land would fall to the Proprietors of East New Jersey. As His Matys Interest is so principally concerned in this Dispute, I thought it my duty thus briefly to lay it before your Lordships. * * *

I have the honor to be Your Lordships
most obedient & most humble Servant

CHAS: HARDY

Draft of a Circular from the Hon. H. Fox, Secretary of State, to the Governors of the Colonies—relative to the assistance to be rendered by them to the Earl of Loudoun, who had been appointed Commander-in-Chief of all the North American forces.

[From P. R. O. Am. & W. Indies, No. 75.]

WHITEHALL March 13th 1756

Governors of New Hampshire New York Connecticut Massachusetts Bay New Jersey, Rhode Island.

Sir

The Earl of Loudoun, whom the King has appointed Commander in Chief of all his Forces whatsoever in North America, being preparing to set out with all possible Expedition together with two Regiments of Foot, a Train of Artillery and a sufficient Quantity of Warlike Stores, which His Majesty has been pleased to order for the Public Service in those Parts, I am commanded to signify to you the King's Pleasure; that you should be ready to give His Lordship, and the Troops from England, all the Assistance in Your Power on their Arrival in America, agreeable to the Orders sent You in Sir Thos. Robinson's Letter of October 26th 1754, and you will correspond with and apply to the Earl of Loudoun, on all occasions, in the same manner as you were directed to do with the late General Braddock, and Major General Shirley.

It being of the greatest Importance, that the King's Regiments already in North America, (as well the Three stationed in Nova Scotia, as the Four in the Province of New York should be recruited as soon as possible, to their full Complement of 1.000 Men each,

It is His Majesty's Pleasure that you should forthwith call together, the Council and Assembly, of the Province under your Government and that you should press them, in the strongest manner, to make the most early, and effectual Provision for raising, and assisting His Majesty's Officers to raise, such a Number of Men, as shall be sufficient to recruit the King's Regiments now stationed, or to be stationed in North America, up to their Establishments, and You will acquaint them, that the King, in order to encourage His Faithfull Subjects to engage in a Service, so essential for their own Defence, and Preservation, does consent, that such Recruits, shall not be obliged to serve any where but in North America:—That they shall be discharged when Hostilities shall cease; And that each of them shall have a Grant of 200 Acres of Land, free from the Payment of Quit Rents for Ten Years, either in the Province of New York, New Hampshire, or Nova Scotia, at their own choice, which Lands shall be granted them, on producing their Discharge from the Commander in Chief, to the Governor of either of the said Provinces respectively. And in case they should be killed in the Service, their Widows, and Children, shall be entitled to the said Lands, in such Proportion as the Governor and Council of the Province, wherein such Lands lye, shall direct. You will acquaint the Council and Assembly, with His Majesty's Great Goodness, in having recommended their Case to the Consideration of His Parliament who have granted the Sum of £115,000, to be distributed in such Proportions, as the King shall think proper, to the four Provinces of New England, and those of New York, and New Jersey, and thereby enabled His Majesty, not only to manifest His Sense of their past Services, but also to encourage them for the future to exert themselves, in the Service, with Spirit and Vigor:—that His Majesty therefore expects, that they will heartily and zealously

concur in every Measure, which shall be thought advisable for carrying on the War in North America, and that they will forthwith raise the same Number of Men, in each Colony, as were raised last Year (whereof as great a Proportion as may be, to consist of Rangers,) to act in Conjunction with the King's Troops, in such operations, as shall be undertaken for annoying the Enemy, and recovering His Majesty's just Rights: This Service will be the less burthensome to them, as the raising of the Men, their Pay, Arms & Cloathing, will be all that will be required of them, Measures having been already taken for laying up Magazines of Stores, and Provisions of all kinds at the sole expence of the Crown; and you will use your utmost Endeavours to induce the Council and Assembly, to give the necessary Orders for raising their Quota of these Men, with the greatest Expedition, so that they may be ready to march to such Place as the Commander in Chief, shall upon his Arrival direct.

It is also His Majesty's Pleasure that you should particularly recommend it to your Assembly to make Provision out of such Funds as already exist, or may hereafter be raised for the King's Service, for repaying the Master's of such Indented Servants, as shall engage in His Majesty's Service the Money paid by the said Masters upon the Original Contract, in proportion to the time, such Indented Servants have to serve; And you will at all times discourage the harbouring, concealing, or assisting such as shall desert the Service, and also use all means for discovering, and apprehending such Deserters, You will likewise use Your best Endeavours to prevail on your Assembly to appropriate such part of the Funds now raised, or which shall be raised for the Public Service, to be issued and applied to the General Service, in such manner as the Commander in Chief shall direct.

The King would have you recommend it in the

strongest manner to your Council and Assembly, to pass effectual Laws for prohibiting all Trade and Commerce with the French, and for preventing the Exportation of Provisions of all kinds to any of their Islands or Colonies.

I am &c^a:

H. FOX.

Letter from Lords of Trade to Governor Hardy—relating to the appointment of Commissioners for settling controversies between New York and New Jersey and Massachusetts.

[From N. Y. Col. Docts., Vol. VII, p. 29.]

To Sir Chas Hardy Kn^t Gov^r of New York.

Sir

(Extract.)

Since our letter to you dated 29th of March we have received your's of the 12th of January, and 23^d of Febr^{ry} last and the papers transmitted with them * * *

Another circumstance in your letter which gives us great uneasiness is, the refusal of the Assembly to make provision for the expense of a Commission for determining the controversies with New Jersey and Massachusetts Bay concerning their boundaries, the unsettled state of which has already been productive of so much mischief, and is an evil every day increasing. We had hopes that a matter of this nature, and which so essentially concerns the internal peace and quiet of Govern^t would not have met with any difficulty, and we can not but still be of opinion, that, when they seriously and impartially consider the case, they will comply with what has been so properly recommended to them.

We have considered your proposal for settling tem-

porary lines of Jurisdiction, as a means of putting a stop to Acts of Violence and oppression, but as the Crown has by the Charter to the Massachusetts Bay, granted the Jurisdiction as well as the property, it does not appear to us, that such a measure can take place with respect to that part of the dispute. In the case of New York and New Jersey, it undoubtedly may be done; but even that could not be done without in some degree affecting private property, and would be ineffectual, unless provision be made for the expense of running out and making such a line, when determined upon.

As to the appointing Commissioners here for determining the controversy upon a supposition that it depends entirely upon the words of the Grant to the Duke of York, the establishing such a Jurisdiction is altogether without precedent, liable to numberless objections, and might be attended with very bad consequences; besides it could not be done without as great, if not much greater, expence than that which has been proposed, and therefore upon the whole, we are of opinion, that the only proper and effectual method of determining these disputes will be by a Commission, in the nature of that, upon which the limits between Massachusetts Bay and New Hampshire were settled; and we desire you will acquaint the Assembly that, as this is a matter of high concernment to the peace and quiet of Govern^t and the lives and properties of His Majesty's subjects, His Majesty does expect, that they will forthwith make a proper provision for the expence of such a Commission, and give their Agent here proper Instructions thereupon, that there may be no further delay upon a matter of so great Importance.

We are Sir

Your most obedient humble servant,

DUNK HALIFAX

SOAME JENYNS

RICH^p RIGBY

13 April 1756

*Letter from Governor Belcher to the Lords of Trade—
informing them of the Death of James Alexander,
Esq., one of the Council and recommending his
son William Alexander, Esq., as his successor.*

[From P. R. O. B. T. New Jersey, Vol. 8, I. 26.]

ELIZ^A: TOWN (N J) April 23 1756

My Lords

In Duty to His Majesty, I am to advise You, that the hono^{ble} James Alexander Esq^t of New York, died the 2^d Ins^t and as he was one of his Majesty's Council for this Province his death makes a Vacancy; and his only Son William Alexander Esq^t of N. York, has applyed to me to recommend to Your Lordships his filling up his late Father's Place; and I can with much Freedom say, he is a very worthy Gentleman, & every way qualified according to His Majesty's 8th Royal Instruction to me, in that behalf; but I think his Appointment wou'd militate with the King's 6th Instruction, Copy whereof I have the Honour now to inclose to Your Lordships, and humbly submit the Matter to Your Lordships just and wise Determination, and am with great Regard,

My Lords,

Your Lordships most obedient and

most humble Servant,

J BELCHER

¹ WILLIAM ALEXANDER, afterwards known (by courtesy) as Earl of Stirling, became a Major-General in the Continental Army. See his life by his grandson, Wm. Alexander Duer, LL. D., in Vol. II, of the "Collections of the New Jersey Historical Society." See also the Stirling Papers, in New York Historical Society Library, and copies in the Library of the New Jersey Historical Society, many of which are printed in the Proceedings of the Society, Vols. V, VI and VII.—Ed.

*Letter from the Lords of Trade to Governor Belcher—
directing him, in case of his inability to attend
any meetings of the Governors appointed by the
Earl of Loudoun, to depute Lieut.-Governor Pownall
to act in his stead.*

[From P. R. O. B. T., New Jersey, Vol. 16, Page 7.]

To Jonathan Belcher Esq^r Governor of New
Jersey

Sir

As the Earl of Loudoun Commander in Chief of His
Majestys Forces in America may have frequent Occa-
sion to call together the Governors of His Majestys
Colonys to advise and Consult with them upon such
measures as may be proper, to be taken for their gen-
eral Interest, and Security, and as We are sensible
that your Age and Infirmity may make it very pain-
full and hazardous if not impractible for you to attend
such Meetings, We think it for his Majesty's Service
to desire that you will upon all such Occasions when
you are unable to attend Yourself authorize and depute
Thomas Pownall Esq^r His Majestys Lieut: Governor to
attend such meetings with full powers to act in every
respect as representing the Province of New Jersey.
We are, Sir Your most Obedient,

and most humble Servants

DUNK HALIFAX

T. PELHAM

I. TALBOT

JAMES OSWALD

SOAME JENYNS

RICH^d RIGBY

W G. HAMILTON

WHITEHALL May 11th 1756

*Representation of the Lords of Trade to the King on
the state of defence of the different colonies.*

[From P. R. O. B. T. Plantations General, No. 40, Ent. Book I, p. 41.]

To the King's most Excellent Majesty.

May it please your Majesty,

As it appeared to Us to be of the greatest Importance, at a time when your Majesty judged it necessary to take vigorous Measures for asserting and maintaining your just Rights and Possessions in America, and for protecting your Subjects there against the Encroachments of a foreign Power, that your Majesty should be truly & exactly informed of the State of Defence of your several Colonies & Plantations, We thought it Our Duty in Sept^r last to direct the respective Governors thereof to prepare and transmit to Us, with all possible dispatch, an Account of the actual Quantity and State of the Cannon, Small Arms, Amunition and other Ordnance Stores belonging to their respective Governments, either in the publick Magazines or in the Possession of the Militia or other private Persons, as also the true State of all Places either already fortified or which they should judge necessary to be fortified, together with their Opinions respectively in what manner your Majesty may further contribute to the Defence and Security of such Colony: And having lately received Returns from your Majesty's Governors of New Hampshire, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, Georgia, Jamaica, the Leeward Islands, and the Virgin Islands, We humbly beg leave, without delay, to

lay the same before your Majesty, and shall think it Our Duty humbly to represent to your Majesty the State of Defence of the rest of your Majesty's Plantations, so soon as we shall have received the like Returns from the respective Governors of them.

[Here follows accounts of the Provinces of New Hampshire, Rhode Island and New York.]

NEW JERSEY.

Your Majesty's Province of New Jersey appears to be in the most naked and defenceless Condition. For Jonathan Belcher Esq^r, your Majesty's Governor, in his Letter dated the 5th of December last, acquaints Us, That there are no Cannon, Small Arms or other Ordnance or Military Stores, belonging to the said Province, and that there is not, nor (as he is informed) ever was in all the Province, one Fortification or Place of Defence. That he has recommended it to your Majesty's Council to consider, what may be necessary to be done for the Defence and Security of the said Province, and in what manner your Majesty may contribute thereto; and when he has received their Advice, he shall make a further Representation to Us thereupon.

With respect to the Number of the Inhabitants and of the Militia in your Majesty's said Province, M^r Belcher informs Us,

That there may be about 80,000 Whites, of which about 16,00 may be able to bear Arms, and that the Number of Blacks is computed to be between 15 & 1800.

That from the return made the last year by the Colonels of the several Regiments, the Number of the Militia appeared to be about 13,000 effective Men, who are obliged by a Law of the Province to be muster'd

and train'd every six months, and to appear every Man with a good Firelock, &c. fit to march against an Enemy.

[Here follow accounts of Pennsylvania, Virginia, Georgia and Jamaica, &c.]

All which is most humbly submitted.

DUNK HALIFAX.

T. PELHAM.

JAMES OSWALD.

SOAME JENYNS.

RICH^d RIGBY.

W. G. HAMILTON.

I. TALBOT.

WHITEHALL, May 11th 1756.

[Under date of June 1st the following additional instruction was sent to each of the Governors.]

Additional Instruction to Our Trusty and Well-beloved—

Whereas by our Declaration dated the 17th day of May last, We have thought fit to declare War against the French King, His Subjects and Vassals; and whereas We have been informed, that heretofore in times of War Our Subjects in several of Our Colonies and Plantations in America have Corresponded with Our Enemies and supplied them with Provisions and warlike Stores, whereby Our Service has been greatly prejudiced, and the safety of Our Dominions endangered; It is therefore Our express Will and Pleasure, that you do *with the Advice of Our Council* take the most speedy and effectual Measures to hinder all Correspondence between any of Our Subjects inhabiting Our [Province, Colony or Island or Island of] under your Government and the Subjects of the said French King, and to prevent any of the Colonies or Plantations belonging to Our Enemies or other Places possess'd by them in America, being supplied, either

Omitted in the Instruction to Gov^r & C^o of Connecticut—Rhode Island Pennsylvania Maryland.

by Land or by Sea, from [our said Province Colony or Island] under your Government with Provisions or warlike Stores of any kind.

And in Case you shall find it necessary to have An Act pass'd for the Purposes above mentioned, you are earnestly to recommend it in Our Name *to the Legislature of Our Council and to the Representatives of Conn: & Our said [Province Colony or Island] to pre-* Rhode Is-
pare and pass such Act. land.

*Letter from Governor Belcher to the Lords of Trade—
expressing his gratification that the course of New
Jersey is approved.*

[From P. R. O. B. T. New Jersey, Vol. 8, I. 28.]

ELIZ^A TOWN (N J) June 15, 1756

My Lords,

The last I had the Honour of writing Your Lordships was on the 27. of April past by the Earl of Leicester Packet.— and I am now to own the Receipt of Your Lordships Favour of 17. of Feb^r which came to my hands 7. Ins^t by the Packet to N. York.

And it is with much Satisfaction and Gratitude that I own the kind Sentiments Your Lordships are pleased to express of the Conduct and Behaviour of this Government towards the Support (according to their little Power) of His Majesty^s honour & Interest on the present emergent Occasions of his Territories and of His People in N. America, and I do assure Your Lordships they express the most gratefull Sense of His Majesty^s great Goodness and Bounty they are expecting in the Proportion of a handsome Sum of Money granted by Parliament to several of His Majesty's

Colonies, & I hope His Majesty's steady Paternal Care will more & more animate this Province to their Duty in the King's Service.

I observe by your Lordships Letter that His Majesty has appointed the Earl of Loudon to be Commander in chief of all His Forces in America—the same Account I have from one of His Majesty's Principal Secretaries of State and that my Lord Loudon with the Troops that are with him may be daily expected at N. York.—and when His Lordship arrives Your Lordships may intirely depend on my using my utmost Endeavours to give His Lordship all the Assistance in my Power for the Good of the Kings Service

I am now to advise Your Lordships that I held a Session of the General Assembly of this Province from 20. May to 2. Ins^t in which they did what I judged necessary to recommend to them with great Alacrity and Unanimity, & I have ordered the Secretary to make a particular Account of their Proceeding to be transmitted to Your Lordships as soon as may be.

I am with great Deference & Respect,
My Lords, Your Lordships Most
obedient & Most humble Serv^t

J BELCHER

*Letter from Governor Belcher to Mr. Secretary Fox—
commenting on recent proceedings of the Govern-
ment.*

[From P. R. O. America & West Indies, Vol. 70.]

ELIZ^A TOWN (N J) June 16, 1756

To the Right Honourable Mr Secretary Fox
Sir,

The 10. Ins^t I recieved the Honour of your Letters
N^o 1. 2. both under the Date of 13. of March last,

which were sent me by Col^l Webb, from New York, and to these I shall now make the most particular Answer I can.

I see His Majesty has appointed the Earl of Loudon, Commander in chief of all His Forces in N. America, whither he was preparing to set out with all Expedition, and when his Lordship arrives with the King's Troops, I shall endeavour to give him all the Assistance in my Power, and shall do myself the honour of corresponding with him, as heretofore with the late General Braddock.

I shall, as soon as conveniently may be, call together the Council and Assembly of this Province, and press them in the strongest Manner, to aid and assist His Majesty's Officers, in raising such Numbers of men, as may be sufficient to recruit the King's Regiments in North America, up to their Establishments; and to this End I shall issue a Proclamation, and therein set forth the Encouragement His Majesty offers to such Recruits.

I have already acquainted the Council & Assembly with His Majesty's great Goodness, in having recommended their Case to His Parliament, and who in answer thereto, had granted a considerable Sum of Money, to be distributed as the King should think proper; and among whom this Province might hope to expect a Proportion; and this account they received with great Gratitude to His Majesty,—and have continued the Support of the same Number of men as they raised the last year, and it will certainly be an additional Encouragement that His Majesty takes upon himself, to supply the Troops raised in America, with Provisions of all kinds.

I shall recommend to the Assembly the repaying the Masters of such indented Servants, as shall engage in His Majesty's Service, the Money paid by them, for such Servants; but in this, I have very little Hope of Success, or of persuading the Assembly, to have any

of the Moneys they may raise, to be applied to the General Service, in such Manner as the Commander in chief may direct. In a Session of the Assembly about fourteen Days ago, they passt a Law in Prohibition of the Exportation of Provisions of all kinds, a Copy of which Act I transmit, according to His Majesty^s stated Royal Order to me, to the Lords of Trade and Plantations; and when the Assembly comes together again, I shall tell them the necessity of making this Act still stricter, if it shou'd be thought at all insufficient, to answer the good ends proposed thereby.

I take Notice the King has directed, till the Arrival of the Earl of Loudon, or Major General Abercrombie, that Colonel Webb is to take upon him the Command of the King's Forces in North America, & of this also Colonel Webb advises me from N. York; and in answer I have assured him of all the Assistance in my Power, for the King's Service.

As His Majesty has directed Troops to be raised from among certain foreign Protestants, settled in North America, if any of the King's Officers of that sort, should come into this Province, I shall do my best for assisting them, in the Execution of the Service they are engaged in.

When the Earl of Lowdon arrives, I shall, with the Assistance of His Majesty's Council, collect and lay before him the most particular Answer I can, as to the Forces, Cannon, Small-arms, Amunition and other Ordnance and Military Stores, with the Number of the Militia &c^a belonging to this Province. I have the Honour to be, with great Deference & Regard,

Honourable Sir,

Your most obedient and most humble Servant,

J BELCHER

The Account of Andrew Johnston, Treasurer for East New Jersey, of receipts and payments from 21st of November, 1755, to 21st of August, 1756.

[From P. R. O. B. T., New Jersey, Vol. 8, I. 35.]

Province of New Jersey to And^w Johnston
Treasurer of the Eastern Division.

DR.

To Sundry Payments from y ^e 21 st of Nov ^r 1755 to y ^e 21 st of Aug ^t 1756, His Excellency Gov ^r Belcher Sundry Warr ^{ts}	£530. 0.0
Gentlemen of the Councill	94.16.0
Gentlemen of the Assembly	190. 4.0
Attorney Generall	15.00.0
Judge of the Supream Court	78.15.0
Eastern Treasurer	30.00.0
Clarke of the Assembly	34. 2.0
Doorkeepers & Sarjents at arms	33. 5.0
Acco ^{tt} of Expences, Assembly & Coun- cill Chambers	24. 9.0
Printer.	61. 7.0
	<hr/>
	£1091.18.0

CONTRA CR.

By Ball ^e of Acco ^{tt} y ^e 21 st Nov ^r 1755	£261. 6.6½
By a Tax payable by the Several Eastern Countys on the 21 st Nov ^r 1755, viz ^t	
Middlesex	£271.18.1½
Monmouth	394. 6.0
Essex	233.11.4½
Somerset	334.19.3
Bergen	197.14.0
	<hr/>
	£1432. 8.9
	<hr/>
	£1693.15.3½

Andrew Johnston Treasurer of the Eastern Division of New Jersey, appeared before me Samuel Nevill Esq^r Second Justice of y^e Supream Court, and being duly Sworn declares, to the best of his knowledge, that the above Acco^{ts} is a true State of the receipts & payments by him, from the 21st of Nov^r 1755 to y^e 21st Aug. 1756, on Account of the Support of Government.

AND^w JOHNSTON

Sworn the 12th Day of October, 1756. Before

SAMUEL NEVILL

*Letter from Governor Belcher to the Lords of Trade—
relative to the disputed line between New York
and New Jersey, and enclosing a petition of the
Proprietors of East Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 8, I, 31.]

ELIZ^a TOWN (N J.) September 1 1756

My Lords,

It is now nine years since my Arrival to this Government in which Time I have been often writing to your Lordships relative to the disputed Line betwixt this and the Province of New York, and have also often wrote to the Govern^t of New York on the same Head, but in which Important Article nothing is yet brought to a Conclusion.

I now at the Request of the General Proprietors of the Eastern Division of this Province cover to Your Lordships Copy of their Petition to the King in which they set forth that notwithstanding Sir Charles Hardy, the present Governor of New York laid before that Assembly the King's especial Instruction respecting this Affair, yet nothing is done in it to this Day.—I therefore wou'd humbly refer Your Lordships to what I wrote you upon it of 6. of November 1754, as also to

the inclosed Petition, & which are so particular for Your Lordships full Information, that I have only to add that the Assembly of New York seems to shew an Indisposition or Aversion to come to a Settlement according to the King's Instruction.

I do therefore in Duty to His Majesty's as well as from a just Regard to His good People under My Care humbly intreat Your Lordships to give this important Affair the speediest Consideration & Dispatch you can, for if nothing be soon done in it I fear Riots and Outrages if not Bloodshed will be committed on the Borders between the People of each Province which would be a melancholy Affair especially at this Critical Conjunction, but I hope Your Lordships seasonable Interposition will prevent the fatal Consequences a further Delay may produce.

I have the honour to be with great

Deference & Respect, My Lords Your Lordships
Most obedient & Most humble Servant

J BELCHER

To the Kings Most Excellent Majesty in Council
The Petition of the General Proprietors of
the Soil of the Eastern Division of the
Province of New Jersey in North America
In behalf of themselves and those Claiming
Under them

Most Humbly Sheweth

That Whereas their Excellencys the Lords Justices on Account of the Many and Great Outrages which had from Time To Time been Committed on the Frontiers of this and the Neighbouring Province of New York for Want of the Establishment of a Line of property and Jurisdiction between them, were pleased, on the Twelfth Day of August Last to Give an Ad-

ditional Instruction to Sir Charles Hardy your Majesty's Governour of the Province of New York therein Declaring it to be of the Greatest Importance To the Tranquility and Welfare of the said Provinces that Such Line of Property and Jurisdiction should be Speedily Settled between them, and that it Could only be Done by a Commission to be Issued by your Majesty for that Purpose, and that their Lordships had Received from the Agent of your Petitioners Assurances of their Concurance and an Offer of Ample Security to Defray one half of the Expence of Obtaining and Executing Such a Commission and Therefore Authorizing and Requiring the said Governour of New York Earnestly to recommend it in your Majesty's Name To the Assembly of that Province that they would make Speedy and Effectual Provision for Defraying the Other Moiety of such Expence.

And Whereas your Majesty's said Governour Did Lay the said Instruction before the said Assembly, and pressed them to make Immediate provisions that an End might be Speedily and Effectually put to the Outrages that had been Committed, So much to the prejudice of your Majesty's Service, and the Disturbance of the Public Peace; yet so it is, may it Please your Majesty That the said Assembly have not hitherto Yielded a Due Obedience To the said Instruction, and the Conduct of the persons Interested In the Lands Lying on the Disputed Line, Gives but too much Reason to believe that they Do not Intend to Concur with us In the Measures prescribed by your Majesty's said Instruction, as the only one that Could Remove the Foundation of the said Riots and Disturbances.

Wherefore your Petitioners are put under the Necessity of Imploring Your Majesty's Immediate interposition for a Temporary Line of Jurisdiction, being Apprehensive that this Disregard of your Majesty's Royal Instruction Will Involve the Two Provinces In

Great and Endless Contentions, and Occasion much Bloodshed, at a Time when all your Majestys Subjects should be United and Exert themselves against the Common Enemy: and Most Humbly Pray, that Your Majesty would be Graciously pleased, for the Preservation of the Peace of your Majesty's Subjects Living upon the Borders of the two Provinces, to Issue your Royal Order, that a Streight and Direct Line, Extending from a Place on Hudson's River Eighty Nine Chains and Sixty Links South of the Old house Late belonging to John Corbet Deceas'd to the Station point upon the Northermost Branch of Delaware River Settled and Agreed upon by the Commissioners and Surveyors of both Provinces in the Year 1719—Be and Remain the Line of Jurisdiction between this Province and the Province of New York, Untill the True Line of Property and Jurisdiction shall be finally Settled, Run and Marked under a Commission from your Majesty to be Issued and Carried Into Execution at the Joint and Equal Expence of your Petitioners and the said Province of New York.

And your Petitioners, further to Induce your Majesty to Issue your Order for fixing the said Line for the Temporary Jurisdiction, Humbly beg Leave to set forth, that the said Station Points upon Hudson's River and the Northermost Branch of the River Delaware, to and between which the said Temporary Line is Proposed to be Drawn, were In the said Year 1719, After a Variety of Observations made by the Surveyors of both Provinces under the Authority of Acts of Assembly, Judged to be Very Near, if not Exactly In the Respective Lattitudes on the said Rivers, through which the True Line of Partition must run, and the said Line for Sixteen Miles, has been Run and Acquiesced In many Years by the Owners of the Lands in both Provinces and by far the Greatest part of the Remainder thereof has been Surveyed and Marked out

by your Petitioners; and the Lands on the Jersey side thereof have been peaceably Possessed By them and those Claiming under them, Until the Year 1740, when the late Disturbances Concerning that Line began.

And Your Majesty's Petitioners as in Duty Bound shall Ever Pray &c &c

AND^y JOHNSTON

ROB^t H. MORRIS

MARY ALEXANDER by

her Attorney

SAMUEL NEVILL

JOHN BURNET

JAMES PARKER

COURTLAND SKINNER

RICH^d PETERS for

MESS^{rs} PENN—

JOHN STEVENS

SAMUEL LEONARD

LEWIS M. ASHFIELD

W^m SKINNER by his At-
torney

LEWIS JOHNSTON

The foregoing is a true Copy of the Original, being examined and Corrected by me

JOHN SMYTH REG^t

Account of Samuel Smith, Treasurer for West New Jersey, of receipts and payments from November 8, 1755, to October 11, 1756.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 36.]

Province of New Jersey in the sinking Fund
Tax To Sam^l Smith Treasurer.

D^r

5th M^o or May 12 1756 To Cash then Sunk according to Law 507.18.0

C^r

Nov^r 18 1755 By Cash of Alex^r Moore Collector of Cumberland in full of their Quota to the Tax due the 21st Ins^t 54.03.10 $\frac{1}{2}$

19	By Cash of Jacob Ford Esq Collector of Morris in full of their Quota to the Tax due y ^e 21 st Ins ^t	85.00.03½
22	By Cash of Jeremiah Leaming Collector of Cape May (by Josiah Hand) in full of their Quota of the 21 st Ins ^t	25.11.05½
26	By Cash of Wilson Hunt Collector of Hunterdon In full of theirs of the 21 st Ins ^t	216.11.11½
Decem ^r 1 1755	By Cash of Tho ^s Scattergood Collector of Burlington In full of their Quota to the 21 st of last Month	191.15.01½
1 ^t M ^o 13 1756	By Cash of Edw ^d Keasbey Collector of Salem in full of their Quota to the 21 st Nov ^r 1755	106.16.11½
16	By Cash of Eben ^r Hopkins Collector of Gloster in part of their Quota of last Year	17.04.00½
& by ditto	in full of their quota due y ^e 21 st Nov ^r 1755	119.11.08½

Province of New Jersey in the first Expedition
Money 1755

D^r

Nov ^r 8 1755	To Abe Hewlings & D Smith Jun ^r for signing £15 each	30.00.0
2 m 16 1756	To Jos Yard & Jos Hollinshead Esq ^{rs} in part of Commissions	30.00.0
4 th M 5 1756	To Cash p ^d Hendrick Fisher & Jacob Deharts Order for fitting out the Forces (by Minne Fisher)	530.12.0

C^r

By Cash return ['] by Abra Hewlings Esq	612.10.0
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Province of New Jersey in the Second Expedition Money 1755

D^R.

Dec ^r 5 1755 To Jacob Spicer Esq for supplies of Provisions	573.15.0
To my own Wages as Signer	15.00.0
17 To Jacob Spicer Esq for Supplies for the Forces	554.00.6
1 M or Jan ^y 19 1756 To Col Schuylers Order for Pay of his Regiment by Lieut ^t Ward	1000.00.0
3 m 5 1756 To Jacob Spicer Esq to pay for Tents, Kettles &c	526.10.0
19 to Col Schuyler order for Pay of his Regiment by Lieuten ^t May	2500.00.0
3 m 24 1756 To Hend ^k Fisher's order paid to his Son	337.13.0
29 Jacob Spicers Order p ^d J Carty	25.00.0
5 th M ^o 4 1756 To Jacob Spicer Esq for Lead &c	100.00.0

Province of New Jersey in the Exchange Money made Currant in 1756.

CR.

8 th M ^o 1756 Received of Hugh Hartshorne one of the Signers	1749. 1.6
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Province of New Jersey in Money made Currant for Building Block Houses &c on the Frontiers.

DR.

1 st m or Jan ^y 9 1756 To John Wetherill Esq for paying off the Provincial forces on the Frontiers	1002. 0.0
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3 M ^r 18 1756	To Jonathan Hamton's Order by Jos Yard	500. 0.0
& to Jos Yard	one of the Signers	10. 0.0
16 To John Wetherill	Commissary for pay- ing the Troops on the Frontiers (by his Son)	1500. 0.0
4 M 10 To Jonathan Hamton's	order in favour of Jas Yard Jun ^r for Pay of Provisions &c	1000. 0.0
5 M 8 1756 To Jona Hamptons	order in favour of Jos Yard p ^d to Ch Pettit	600. 0.0
6 M 9 1756 To Jona Hamtons	Order in favour of Jos Yard Esq	374. 3.0
9 To Jos Hollinshead Esq	for signing in part He having reciev'd the Remaining £6. 3. of Jos Yard Esq ^r	3. 17.0
	C ^r	
By Cash of Jos Hollinshead Esq	one of the Signers	5000. 0.0

Province of New Jersey in the £17,500 Money
of 1756

	D ^r	
7 th M ^o or July 20 th 1756	To Nicholas Gibbon one of the Commis ^{rs} to pay for Cloath- ing	540. 0.0
6 m 6 1756 To John Allen	for Pay of the Forces	1692. 0.0
Sep ^r 1 st 1756 To Hugh Hartshorne	for Sign- ing the Bills & Inspecting the Press .	27. 0.0
1 st —To Jos Hollinshead	for Signing the 17,500	17.10.0
To myself	for signing the Exch Money .	3.10.0
Sep ^r 4 1756 To John Allen	for Pay of the Forces on the Frontiers	600. 0.0

Octo 5. To Nicholas Gibbons ord in Favour of Ch Read	19. 0.0
6. To John Allen Esq for Pay of the Forces on the Frontiers	1000. 0.0
C ^r	
By Cash of Hugh Hartshorne and Jos Hol- linshead the Signers	8711.11.6
By Ditto of Ditto	38. 8.0
	£8749.19.6

Province of New Jersey for Support of Govern-
ment.

DR.

Nov. 8 1755 To Judge Nevill his Warr ^t N 381	100.00.0
To Cash p ^d an Express for Councillor Kem- ble by order of Assembly	0. 7.6
To Rich ^d Saltar Esq his War ^{ts} N	
356	£ 6.5.0
D ^o 386	14.8.0
D ^o 367	6.5.0
	26.18.0
To Jos Yard Esq in full of his Certif.	8. 2.0
To the Gov ^{rs} War ^{ts} N 392 D ^o 393	265.00.0
To W ^m Bradford his War ^t N 401 Ditto an- other 373	70.15.0
To John Ladd Esq his Certif	8.14.0
To Anth Elton his War ^t 402 & N 374	5.00.0
To R ^d Partridge Esq his War ^t N 383	285. 5.4
To Ch Read Esq his War ^t N 375	
is	£9. 4.0
Ditto Another 371	7.10.0
D ^o 342	7.10.0
D ^o 360	7.10.0
D ^o 399	7.10.0
	39. 4.0

To my own War ^{ts} N 368 & N 358 & 396	30.00.0
To W ^m Hancock Esq his Certif	8. 8.0
To Ditto Another	9.18.0
To Eben ^r Miller Esq his Certif.	10. 4.0
To Sam ^l Clement Esq his Certif	8. 8.0
To Henry Paxson Esq his Certif	7. 4.0
To Courtland Skinner Esq his War ^{ts} N 339. 370. 333	22.10.0
To W ^m Hancock Esq his Certif.	5. 8.0
To Sam ^l Clement Esq his Certif.	4.16.0
To Jos Yard Esq his Certif.	3.18.0
To Jacob Spicer Esq In full of two Certifs	15.00.0
To Aaron Leaming Esq his Certif	3.12.0
To my own Certif	4. 4.0
To R ^d Saltar Esq his War ^t N 408	6. 5.0
To Ch Read Esq his War ^t N 412	7.10.0
To Ditto his Certif	4. 4.0
To my own War ^t N 409	10.00.0
To Henry Paxson Esq.	4. 4.0
To Anth Elton his War ^t N 414	2.10.0
To Barzillai Newbold Esq. his Certif	7. 4.0
To Anth Elton Esq his War ^t N 362	2.10.0
To R ^d Saltar Esq his War ^t N 395	6. 5.0
To Jos Yard Esq his Certif	6.18.0
To my own Certif	7. 4.0
To W ^m Cook Esq his Certif	11.14.0
To John Ladd Esq his Certif.	4.16.0
To Barzillai Newbold Esq his Certif	4. 4.0
To Aaron Leaming Esq his Certif.	5.14.0
To W ^m Hancock Esq his Certif	7. 4.0
To Eben ^r Miller Esq his Certif	5.14.0
To Ditto Another	7.10.0
To Aaron Leaming Esq his Certif	6.12.0
To the Gov ^{rs} War ^t N 417 & N 418	265.00.0
To Jacob Spicer Esq his Certif.	7.16.0
To Jos Yard Esq his Certif.	5.14.0

To John Smythes 5 War ^{ts} N 331. 372. 343. 361. & 378 p ^d C Read	24.12.7
To Judge Nevills 2 War ^{ts} N 419. 433	26. 5.0
To Ch Reads War ^t N 424 & his Certif	13.10.0
To D ^o his War ^t N 432	69.3.11
To Lewis M Ashfield Esq his War ^t N 296	7.10.0
To my own Certif	4.16.0
To Henry Paxson Esq his Certif	4.16.0
To Josh Bisphams War ^t N 437	6.00.0
To Anth Eltons War ^t N 426	2.10.0
To James Holmes Esq his Certif £5.14.0	
D ^o Another	7.16.0
D ^o	5. 8.0
	<hr/>
	18.18.0
To John Ladd Esq his Certif.	6.12.0
To Barzillai Newbold Esq his Certif.	4.16.0
To John Ladd Esq his Certif	3.18.0
To Eb ^t Miller Esq his Certif	5. 2.0
To Barzillai Newbold Esq his Certif	3.12.0
To Jacob Spicer Esq his Certif.	5. 2.0
To Henry Paxson Esq his Certif.	3.12.0
To my own Certif.	3.12.0
To John Smyth Esq his War ^t N. 400	5.00.0
To Courtland Skinner Esq his War ^t N 398	7.10.0
To Ch Read Esq his Certif.	3.12.0
To my own War ^t N 421	10.00.0
To R ^d Saltar Esq his War ^t N 420	6. 5.0
To D ^o Another 429	12.12.0
To Benj ^a Biles his War ^t 434	6. 2.8

CR.

Nov ^r 18 1755 By Cash of Alex ^r Moore Col- lector of Cumberland in part of their Quota to the Tax due y ^e 21 Ins ^t	100.17. 1½
By Cash the same day which is in full	5. 8.00
19 By Cash of Jacob Ford Collector of Mor- ris in full of their Quota due the 21 st Ins	111. 2. 6

22	By Cash of Jeremiah Leaming Collector of Cape May in full	50. 2. 6
22	By Cash of Tho ^s Woolverton Collector of Sussex in part of their Quota	53.13. 8
26	By Cash of Wilson Hunt Collector of Hunterdon In full	425. 6. 6
Decem ^r 1 st 1755	By Cash of Thomas Scattergood Collector of Burlington in Part	362. 9. 6½
1 m 9 1756	By Cash of Tho ^s Woolverton in full of the remainder of Sussex Quota	1.17.10
13	By Cash of W ^m Keasley Collector of Salem In full of their Tax due y ^e 21 Nov ^r	209.11. 3
16	By Cash of Eben ^r Hopkins Collector of Gloucester in full of their Tax due y ^e 21 st Nov ^r last	234.10. 9
3 ^d m 18 1756	By Cash of Tho ^s Scattergood in full of Burlington Deficiency of Nov ^r 21 st Last	12.11. 7

BURLINGTON SS

Personally appeared before me Joseph Noble Esq one of the King's Judges of the Court of Common Pleas, Samuel Smith Esq Treasurer of the Western Division of the Province of New Jersey and on his solemn Affirmation according to Law did declare that these two Sheets of Paper contain a just & true state of his Accounts as Treasurer from the fifth day of November 1755 to this present Eleventh of October 1756.

SAM^r SMITH

Affirmed to the day & year above before JOSEPH NOBLE

*Letter from Governor Belcher to the Lords of Trade—
nominating Samuel Woodruff for the Council, to
fill a vacancy caused by the death of John Rod-
man.*

[From P. R. O. B. T. New Jersey, Vol. 8, I. 37.]

ELIZ^A TOWN (N J) Nov^r 19: 1756

TO THE LORDS OF TRADE

My Lords,

I did myself the Honour of writing Your Lordships the 30. of the last Month, covering the Publick Papers relating to this Province, which went via New York by the Packet, & the Duplicate by one Cap^t Cooper, since which nothing new has occur'd relating to this Province.

But I am now to inform Your Lordships, that a few Months ago died John Rodman Esq^r late of his Majestys Council of this Province, & I wou'd now in Obedience to His Majesty's 6th Royal Instruction, nominate to Your Lordships Samuel Woodruff Esq^r for filling up this Vacancy, & I do with all Freedom recommend him to Your Lordships, as a Gentleman of strict Virtue of good Ability, & of a good Estate; He is & has been for several Years Mayor of this Town, and one of the Judges of the County Court; of great Loyalty and Zeal for advancing His Majesty's Interest & Honour, at all Times, nor do I know a more worthy Person to supply the said Place.¹ M^r Woodruff writes M^r Partidge to wait on Your Lordships on this Occasion, and I have the honour to be with great Respect and Deference, My Lords, Your Lordships

most obedient & most humble Servant

J BELCHER

¹ Under date of March 1st there was issued an order of Council appointing Mr. Woodruff to the position.

Proclamation of Governor Belcher—relating to the exportation of provisions.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 42.]



BY HIS EXCELLENCY

JONATHAN BELCHER, ESQ; Captain General, Governor and Commder in Chief, in and over his Majesty's Province of Novæ-Cæsaræ, or New Jersey, and Territories thereon depending in America, Chancellor, and Vice Admiral in the same.

A PROCLAMATION.

WHEREAS it hath been represented to his Majesty, that the several Islands and Colonies belonging to the French in America, have, in Times of War, been frequently supplied with Provisions of various Kinds, by Means of the Trade carried on from his Majesty's Islands and Colonies, to the Colonies and Settlements belonging to the Dutch, and other neutral Powers; and thereupon, it is his Majesty's Royal Order that an Embargo be immediately laid, during his Majesty's Pleasure, upon all Ships and Vessels clearing out with Provisions from any Port or Place within this Government, except those as shall carry Provisions to any other of his Majesty's Islands and Plantations: In Obedience therefore to his Majesty's Royal Order, as aforesaid, I have thought fit, by and

with the advice and Consent of his Majesty's Council of this Colony, to lay, and I Do hereby lay a Prohibition and Embargo, during his Majesty's Pleasure, on all Ships and Vessels laden or to be, laden, with Provisions (except such, and so much, as shall be absolutely necessary for the Use of such Vessel, and the Maintenance of her Crew, during her intended Voyage) and clearing out of any of the Ports or Places of New Jersey, agreeable to the Directions and Instructions by me received from his Majesty for that Purpose: And I do hereby order and direct, the Collectors of his Majesty's Customs, and naval Officers of the several Ports and Places within this Government, not to clear out any Ships or Vessels, laden with Provisions, from any Port or Place within this said Government, except those which shall be employed, in carrying Provisions, to any other of his Majesty's Colonies and Plantations, or shall be employed by the Government for the Supply of his Majesty's Army and Fleet which shall be allowed to sail from Time to Time; Provided, That such Master and Masters, or Owner and Owners, of all and every such Ships and Vessels, so excepted as aforesaid, shall and do, before they are permitted to take any Provisions on board, enter into Bonds (with two Sureties of known Residence within this Colony, and of Ability to Answer the Penalty) with the Collector of the Customs of the Ports or Places from whence such Ships or Vessels shall set sail, in the Penalty of One Thousand Pounds, if the Ship be of less burthen than One Hundred Tons; and in the Penalty of Two Thousand Pounds, if above that Burthen; the Conditions of which said Bonds, shall be, That the Cargoes of such Ships or Vessels (the Particulars whereof are to be expressed in the Bonds) shall not be landed in any other Ports or Places, than such as belong to his Majesty, or are in the Possession of his Subjects: And that they will, within Twelve Months after the date thereof,

(the Danger of the Seas excepted) produce Certificates, under the Hands and Seals of the principal Officers of the Customs at such Ports or Places for which such Ships or Vessels are cleared out, that the said Cargoes (the Particulars whereof shall be expressed in such Certificates) have actually been landed at the said Ports and Places for which the said Ships or Vessels were so cleared out as aforesaid. And if there shall be Cause to suspect, that any of the Certificates as aforesaid, are false and counterfeit, the said several Collectors as aforesaid, are hereby further ordered and directed, to take especial Care that such Security or Bond be not cancelled or vacated, until Information can be had from such principal Officers of the Customs, as aforesaid, that the Contents of the said Certificates are just and true; and the said several Collectors as aforesaid, are hereby further ordered and directed, that no Person be admitted to be Security for another, who hath any Bond or Bonds standing out undischarged, unless he the said Bondsman shall be esteemed responsible for more than the Bonds so entered, or to be entered into as aforesaid. And in order more fully to answer his Majesty's Intention, of distressing the Enemy, and to render his Orders herein the more effectual, I do hereby further order and direct, the several Collectors and Naval Officers as aforesaid, to take Care, that in Case the Masters or Owners of any such Ships or Vessels having cleared out from the Colony as aforesaid, laden with Provisions, for any of his majestys Colonies, Islands, Army or Fleet, as aforesaid, shall be detected of causing collusive Captures to be made of such Cargoes, the said Collectors and naval Officers, do forthwith transmit to me, a full Account of every such Discovery and Detection, with the Proofs thereof, that every such Offender or Offenders, may be immediately prosecuted for the same, and the several Penalties inflicted upon him or them, that the Laws will in such Cases admit of.

And every Collector of his Majesty's Customs, and naval Officer in this Colony, is hereby strictly charged and commanded, to take especial care, that this Prohibition and Embargo, and every Clause or Title, and thing herein contained, be punctually observed, and put in Execution, until his Majesty's Pleasure herein, shall be further known: And also that the Laws be put in Force against all and every such Master and Masters, Owner and Owners, of such Ships or Vessels, who shall break or violate any of the Laws of Trade, or any Ways offend in the Premises.

And all his Majesty's liege Subjects, are hereby strictly charged, enjoined, and commanded to be aiding and assisting to the Collectors of his Majesty's Customs, and naval Officers of this Colony, in the Discharge of their respective Duties. And I do hereby request all his Majesty's liege Subjects within this Government, who shall or may discover any Ship or Vessel, privately or clandestinely, loading or unloading in any of the Out-Bays, Creeks, or Rivers within the same, or thereto adjacent, and against the Purport of this Prohibition and Embargo, to give immediate Information thereof, to the Officers of his Majesty's Customs, that the Offender or Offenders may be dealt with according to law.

Given under my Hand and Seal at Arms, at the Borough of Elizabeth, this 13th day of January, in the Year of Our Lord One Thousand Seven Hundred and Fifty-Seven.

J. BELCHER

By His Excellency's Command,

CHARLES READ, Secretary

GOD SAVE THE KING.

Circular Letter from Secretary W. Pitt to the Governors of the Northern Provinces in America, urging the raising of additional troops.

[From New York Col. Documents, Vol. VII. p. 216.]

WHITEHALL Feb^y 4, 1757

Sir

The King having nothing more at heart, than the preservation of his good subjects & Colonies of N. America, has come to a resolution of acting with the greatest vigor in those parts, the ensuing campaign, and all necessary preparations are making for sending a considerable reinforcements of Troops, together with a strong squadron of Ships, for that purpose, and in order to act offensively against the French in Canada.

It is His Maj^{ty}'s pleasure, that you shall forthwith call together your Council & Assembly, and press them in the strongest manner to raise, with the utmost expedition, a number of provincial Troops, at least equal to those raised the last Year, for the service of the ensuing Campaign, over and above what they shall judge necessary for the immediate defence of their own province; and that the Troops, so raised, do act in such Parts, as the Earl of Loudoun or the Commander in Chief of His Maj^{ty}'s forces for the time being, shall judge most conducive to the service in general; and the King doubts not but that the several Prov^{ces} truly sensible of his Paternal care, in sending so large a force for their security, will exert their utmost endeavours to second, and strengthen, such offensive operations against the French, as the Earl of Loudoun, or the Commander in Chief for the time being shall judge expedient, and will not clogg the enlistments of the men or the raising of the money for their pay ettc, with such limitations, as have been hitherto

his Majesty in Council; On the 19th of Nov^r it was referred to the Lords of the Committee of Council for Plantation Affairs, who took it into Consideration on the 24th of that month, which is the only Day that Committee has sat since August last: They referred it to the Lords of Trade who appointed the 21st of Dec^r for a hearing on it at their Board, and Notice was given of it to M^r Paris and M^r Charles. here we expected to meet with the long practized Opposition and Evasions on the part of New York, and therefore prepared for them, by determining to make our Offers so ample and fair, as to put it out of their power to make any Objections to the doing something or other effectual. After reading over the Petition, and proving the Delivery of a Copy of it to the President of the Council of New York; we told their Lordships that if they had any Objections to the granting the prayer of the petition for a Temporary Line, and chose rather to have the Matter determined by a Commission for running the final Line: And as the only Objection that now remained to the issuing such Commission, was, that the Province of New York had not provided for their Moiety of the Expence, we would advance the Money necessary for the whole Expence of seeing out the Commission and carrying it into Execution, provided their Lordships would advise that in the Commission it might be ordered that the Commission should award one half of the Expence to be repaid by the Province of New York to the Proprietors of East Jersey. These we thought we might venture to offer, rather than leave them the least pretence for any further Delay; and it had the effect we wished; for it convinced their Lordships that the proprietors were honestly disposed to put an End to the Contest. M^r Charles had nothing of Consequence to object, but declared to their Lordships that he had never before heard of this petition; that he had no Instructions relating to it, but was in

hopes he should have by the next packet, and therefore prayed for time 'till after the Holydays. We replied, that several Months had passed since the Copy of the petition had been served on the province of New York; that they had had time enough to instruct him, if they had thought that proper; that perhaps they did not intend to send him any Instructions about it; and that it would be very hard that we should be put off with Expectations of Mr Charles, which had no foundation. However their Lordships thought Reasonable to give him some time to consider of the petition and agreed to put the Matter off till after the Holy days, but told M^r Charles, that if he then had no Instructions from New York, he was not to expect that would be allowed a pretence for any further Delay.

After the Holy days we got the 18th of Jan^y appointed for a hearing, which notwithstanding what had passed at the Board of Trade the last hearing, M^r Charles had the Modesty to request it should be put off on pretence of his expecting a Ship every Moment from New York; And I believe their Lordships would have again complied with his Request, had not M^r Paris's Answer to it shamed them. Accordingly a hearing was had on the 18th M^r Paris and M^r Forrester attending in behalf of the proprietors, and M^r Charles in Behalf of New York; the Latter had nothing to object that was, to the purpose; he said he had no Instructions from his principals relating to this petition, but that he was confident on a full Enquiry into the Matter it would be found that the Mouth of the West Branch was the true Station on Delaware &c. &c. However their Lordships saw the Necessity there was of restoring Peace between the two Provinces at this time and the reasonableness and fitness of our Request for that End, in so strong a Light, that they determined to delay the Matter no longer: And accordingly on the 27th made their Report to the Lords

of the Committee of Council, in which they advised the Line we pray for, but give New York six Months time to provide for the Expence of settling the final Line, before this Temporary one shall take Effect. A Copy of the Report, and the Reference of the Matter to them by the Lords of the Committee of Council, are herewith: The Matter now lies before that Committee, who I doubt not will be intirely governed by the Lords of Trade: But when the Committee will set is quite uncertain, and so it consequently is when we shall obtain the Order of Council for carrying the Temporary Line into Execution, but No Endeavours of mine shall be wanting to hasten it.

I think it my Duty in this place to inform you and the proprietors, with the part that I find M^r Pownall Lieut. Gov^r of their Province, has acted in this Affair. On his coming over to England the last year, he in a Manner solicited, and afterwards accepted a power by Letter from the Proprietors to solicit this Affair for them; he gave at least some of them Assurances that he would do every thing in his power to serve them, letting them know at the same time, that from his Influence here he had it in his power to be serviceable to them, and in Consequence thereof, M^r Paris, the Proprietors' Agent here, Was wrote to, to communicate with him in their Affairs, for which purpose he did wait on M^r Pownall on his Arrival here: M^r Paris was at this time endeavouring to obtain the very Line the proprietors lately petitioned for, and had made great progress in convincing Lord Halifax and the Board of Trade, that it was the most equitable and proper Line that could be fixed on, and had great Reason to think the Lords of Trade would then have advised what they now have, had not M^r Pownall one Day at a Meeting with the Lords on this Matter, when M^r Paris was pointing out this Line to them, told them, that he believed M^r Paris and the pro-

prietors would indeed have great Reason to be satisfied with that Line, as he was sure it gave them at least 50 Miles in Breadth more than they had the least pretence to; This intirely overturned M^r Paris's Work, and the Lords would never hear of the Matter again, till lately; he has since my arrival here done all in his power to obstruct our obtaining our prayer: But the Lords, and even his own Brother saw that his Opposition was not founded on his Sentiments, but his Temper about the Matter.

I shall inclose you also a Memorandum I received from M^r Paris relating to the procuring Affidavits, as to the Impropriety of the Members of some of the Council of the Governments on the Continent being appointed Commissioners for the final Determination of the Dispute between New York and New Jersey, which I think he ought to be furnished with as soon as possible, especially if New York should provide for their part of the Expençe of Executing the Commission. I am Dear Sir

Your Most Humble Servant

W^m ALEXANDER

*Representation from the Lords of Trade to the King,
with a warrant appointing Wm. Aynsley Chief
Justice of New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 16, Page 17.]

To the Kings most Excellent Majesty

May it please your Majesty

In Obedience to your Majestys Order in Council dated the 16th Instant We have prepared a Warrant directing and requiring Your Majestys Governor of the Province of New Jersey to cause Letters Patent to be

passed under the Seal of that Province for constituting and appointing William Aynsley Esq^r Chief Justice of your Majestys said Province, in the room of Robert Hunter Morris Esq^r who has resigned. And We humbly beg leave herewith to lay the said Warrant before your Majesty, for your Majestys Royal Signature

Which is most humbly submitted

W. G. HAMILTON DUNK HALIFAX

W. SLOPER JAMES OSWALD

T. PELHAM

WHITEHALL Feb^y 17. 1757.

SOAME JENYNS

Letter from the Earl of Holderness, Secretary of State, to the Earl of Loudoun—removing the embargo upon Corn.

[From P. R. O. America & West Indies, Vol. 75.]

WHITEHALL May 2^d 1757.

Earl of Loudoun

My Lord,

It being apprehended, that the Embargo, which It has been thought expedient to lay in America, might obstruct the Supplies of Corn, which are, at present, very much wanted in Great Britain, and Ireland, from the bad Crops, in most Parts last year; His Majesty has been pleased to order a Sloop to be dispatched immediately, with Letters to the Several Governors, directing them not only to take off any Embargo, that may now subsist; but also not to lay any future Embargo on Ships, loaded with Corn, or any other Species of Grain, for His Majesty's Dominions in Europe; and I send Your Lordship inclosed, for your Information, a Copy of the Circular Letter, I have wrote, by the

King's Command, to the several Governors, for this purpose.

Your Lordships Dispatch of the 10th March has been received, and laid before His Majesty; but this Sloop being dispatched, in a Hurry, with the Orders above-mentioned, I have not Time to send Your Lordship any particular Answer thereto at present; and can only acquaint you, that Advice having been received, that Four French Ships of the Line had passed the Streights of Gibraltar, and were supposed to be destined for North America, His Majesty has directed an Additional Strength, consisting of Three large Ships of the Line, to be forthwith sent to reinforce the Squadron under the Command of Admiral Helburne, who sailed from S^t Hellens, the 16th past, since which Time no account has been received from Him.

I am &c^a

HOLDERNESSE

*Letter from Governor Belcher to Mr. Secretary Pitt—
had summoned the Council and Assembly to meet
as soon as possible in order to carry out the
King's views.*

[From P. R. O. America and West Indies, Vol. 71.]

ELIZ^A TOWN (N J) May 11, 1757

MR. SECRETARY PITT

Sir,

I have the honour of yours of the 4: Febru^a last thro' the Care of Sir Charles Hardy, Governour of New York, and which came to my hands the 6. Ins^t, and I have re'd the same with close Attention; I observe with great Duty and Gratitude, the King's Paternal and

Tender Care of His good Subjects and Colonies of North America, and that he has come to a Resolution of acting with the greatest Vigour, the insueing Campaign.

In obedience to His Majesty's Order I summond the Council of this Province, and laid before them your aforesaid Letter, and asked their Advice and Opinion thereon, Copy whereof I have the honour to inclose to you, and In consequence of it I have summond the Council and Assembly to meet me here as soon as possible, when I shall press them in the strongest Manner to comply with the Contents thereof, & so to answer His Majesty's just Expectations from this Province, But I must observe to you that at a late Session, the Assembly granted five hundred men for the Service of the insueing Campaign, over and above what might be necessary for the immediate Defence of this Province, and they are to join the King's Troops to be under the Command of the Earl of Loudoun, to act as he shall judge most conducive to the Service in general and this Number is the most the Assembly have raised during the War, altho Lord Loudoun demanded as their Quota for this Year One thousand men, but they could not be persuaded to come into it, and I did all in my Power for their Compliance and so did Lord Loudoun himself urge the Assembly to do it, but since they did not his Lordship writes me it wou'd be too late for this Campaign for them to go about it now but wou'd have this Deficiency supplied by the Militia of this Province upon any extraordinary Emergency, and which I shall endeavour to do in the best manner I can.

I hope all the King's Colonies will exert their utmost Endeavours to second and strengthen the Operations against the French, and the more especially since measures are taken for laying up Magazines of Stores and Provisions of all Kinds at the Expence of the Crown,

and I say I shall use all my Influence with the Council and Assembly of this Province, for the Execution of these His Majesty's Commands.

I have the honour to be with great Respect and Deference, Honourable Sir,

Your most obedient & most humble Servant

J. BELCHER.

*Letter from Governor Belcher to Mr. Secretary Pitt—
has been informed of the appointment of Rear Admiral Holburn to command the fleet in American Waters.*

[From P. R. O. America & West Indies, Vol. 71.]

ELIZ^A TOWN (N J) May 16: 1757

MR SEC'RY PITT

Sir,

The inclosed is Duplicate of what I wrote you the 11: Ins^t since which I have received the Honor of yours, of the 19: of Febr^a last and take a particular Notice of its Contents, and I shall duly put in Practice his Majesty's Orders therein as far as shall be in my Power and in that of this Government.

I see His Majesty has been pleased to appoint rear Admiral Holburn to Command the Squadron of Ships to whom I shall apply for any Naval Assistance if it should be wanted for the Protection of this Government & I shall take Care to Communicate to the said Comander all such Intelligence as shall come to my Knowledge concerning the Arrival of any Ships of War or Vessels having Warlike Stores on Board, and likewise all such Advices as may concern the motions, or may in any Manner relate to that Part of His Maj-

esty's Service, with which the Commanders of the King's Ships should be acquainted.

As Rear Admiral Holburn with his Ships will be at a great Distance from this Province I don't expect any Application from him for Seamen, yet if he shou'd very few if any can be raised in this little inland Province in which there is little or no Navigation or Trade.

I have the honour to be with great Respect and Deference, Honourable Sir,

Your most obedient & most humble Servant

J BELCHER

Letter from Captain William Skinner, in London, to his father, the Rev. William Skinner, of Perth Amboy.

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. 1, No. 31.]

LONDON y^e 17th May 1759

Rev^d WILLIAM SKINNER

D^r Sir

I have the pleasure to acquaint you that wee are now in London, having come over from France (about ten days past) with the Officers that were there, upon our Paroles¹ to return in three months if wee can't find Officers prisoners in England, of Equall Rank to send to France in our Room which wee find attended with a great deal of Difficulty, for there are not a Sufficient number of French officers here for us, so that wee shall be Obliged to return to France if wee cant gett our Time prolonged which I am in hopes we

¹ Captain Skinner belonged to the detachment under Col. Schuyler from New Jersey, which took part in the battle of Oswego, 14th August, 1756; was there made prisoner and taken to France. He was also in the campaign of 1755. For a biographical sketch of Captain Skinner see "Contributions to the Early History of Perth Amboy," pp. 112-119.—Ed.

shall, for as soon as I got here, I waited on Lady Warren² and told her who I was. Acquainted her with my Scituation and beg'd her Interest, she told me she wou'd Assist me all she could, and gave me a letter to M^r Bell, (one of the Commissioners of the Sick and Wounded Office where the Exchange of Prisoners is transacted) who told me that there were not French Officers for us all, but that they had wrote to the Court of France to know whether they wou'd Accept of a Number of Soldiers in Exchange for us, or prolong our time. * * * I waited on M^r Partridge the Agent of our Province and told him the scituation I was in, who told me he wou'd Introduce me Lord Halifax, and many others who he thought wou'd be of Service to me in regard to the Service I had done, but at the same time told me nothing could be done, till I was Exchanged, which I find to be the Case, for a great number of Officers have sent in Memorials to the Secretary of War, and Rece'd that Answer, so that my fate cant be known yet

I told you in every letter I wrote you that Coll. Schuyler gave us a letter Credit for £200 Sterling, half of which is Expended, but are both Cloathed * * * if we are Obliged to return to France wee shall surely want * * *

Dear Sir y^r Dutifull Son

Wil. Skinner

LONDON y^e 6th June 1757

D^r Sir

The above is Copy of my last since which I waited on Lord Barrington, who told me he wou'd do me all the Service [that] lay in his power, and Desired me to

² Lady Warren was a daughter of Stephen De Lancey, of New York, who married an aunt of Captain Skinner, and therefore was his cousin.

Draw out a Memoriall, which I shall present to his Lordship the next Levy Day, and gett it back'd by Admiral Buscoven, and Lord Powerscoate, two great Friends of her Ladyship, the Event of which I hope to acquaint you very soon. * * * and am as before

Yours

W^m SKINNER

Letter from Governor Belcher to the Earl of Holderness, Secretary of State—in relation to the embargo on grain and to the imprisonment of two captains of privateers.

[From P. R. O. America and West Indies, Vol. 71.]

ELIZA TOWN, N J July 26: 1757

Earl of Holderness

My Lord

I am honoured with your Lordships Letter of the 2. of May past, and which came to my hands the 6. Curr^t under the Care of L. Governour De Lancey of New York wherein I observe that the failing of the Crops of Corn in Great Britain and Ireland, make a Supply much wanted, and that Orders have been sent to purchase large Quantities in America, and that therefore it is His Majesty's Pleasure, immediately upon the Receipt of this your Letter to cause any Embargo that might be subsisting within this Government to be taken off from all Vessels laden with any Species of Grain for Great Britain or Ireland, and that no further Embargo should extend to Vessels so loaded, but that all proper Encouragement and Assistance be given to Persons who should be employed in purchasing Corn for the Supply of His Majesty's Dominions in Europe &c^a agreeable to an Act of Parliament past, this Session, entitled an Act to prohibit for a

limited time the Exportation of Corn Grain &c^a and which Act I have received from the Lords Commissioners for Trade & Plantations.—In answer to these things I am to inform your Lordship that no Embargo was subsisting in this Government at the Receipt of your Letter, and that for the future I shall carefully conform myself to the King's Orders and to the aforementioned Act of Parliament in this behalf.

And I now go on to own the Honour of Your Lordships Letter of the 20: of May past, and which came to my Hands via New York by the Halifax Packet, the 19. Current, with sundry Papers relating to Richard Hadden, Cap^t of a Privateer fitted out of New York, and one Snook, Cap^t of another Privateer fitted out of Halifax, and of their Behaviour to the Spaniards, which letter and Papers I have carefully re'd over once and again, and observe the King, being determin'd that the most rigorous Justice shou'd be put in Execution against such notorious Acts of Violence, has directed the Governours of New York and Nova-Scotia to prosecute the two Privateers before mentioned.—And that it is His Majesty's Pleasure, in case either or both of them, shall put into any Port in this Government, that I detain them and cause immediate Notice thereof to be given to the Governours of New York and Halifax, that I may recieve their Directions thereupon; and that I also, for the future, deliver to any Privateer that shall come into this Province, Copy of His Majesty's Royal Instruction of the 5, of October 1756, for their better Conduct and Government.—I shall, my Lord, in duty and Obedience to the King, endeavour carefully to observe His Royal Orders on this important Article.

I have the Honour to be with great Respect and Deference, My Lord,

Your Lordships

Most obedient Most faithful & Most humble
Servant

J BELCHER

*Letter from Governor Belcher to the Lords of Trade—
relating to the disputed boundaries between New
York and New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 8, I. 45.]

ELIZ^A TOWN (N J) July 26: 1757

To the Lords of Trade

My Lords,

My last to Your Lordships was on the 11: of May last since which I have the Honour of Your Lordships Letter of the 10. of March past and which came to my hands via New York & the Halifax Packet, the 19: Curr^t and wherein I take Notice Your Lordships had received my Letters to the 19: of Novem^r last, with the publick Papers, therein referred to, and that your Lordships were glad to find from them that the Conduct and Service of the People of New Jersey, and the steps taken by them &c^a wou'd recommend them to His Majesty's Favour: But I am sorry to tell your Lordships that in a late Session the Assembly would not exert themselves with that laudable Zeal for the King's Service, which Lord Loudoun so reasonably presst upon them, & for a more particular Account of this Matter I refer Your Lordships to the Assembly's Journal I send herewith.

I take a particular Notice of Your Lordship's Report of 27: of Janu^a last, to the Lords of His Majesty's Privy Council, relative to the disputed Boundaries between New Jersey and New York, and which being approved and confirmed by His Majesty's Royal Order in Council, I hope will be a means to put an End to the Dispute now subsisting, and which I doubt not this Government will chearfully fall into, and I beg of

Your Lordships that this Affair may be expedited & finisht as soon as possible.

Agreeable to what your Lordships write, M^r Woodruff brought me the King's Mandamus to be one of the Council for this Province and was accordingly admitted Yesterday. * * *

I have the Honour always to be with great Respect and Deference, My Lords, Your Lordships most obedient & most humble Servant,

J BELCHER

Letter from Mr. Secretary Read to Lieutenant-Governor Pownall, at Boston, acquainting him with the death of Governor Belcher.¹

[From P. R. O. B. T., New Jersey, Vol. 8, I. 51.]

NEW JERSEY.

ELIZABETH TOWN S^{ber} 2, 1757

His Excellency Gov^r Pownall

Sir,

On the thirty first Ultimo, Governor Belcher died, of which I esteem it my Duty to give You Notice.

I take this Opportunity to give You Joy of Your Safe Arrival at Boston, and to wish You an agreeable Administration. I am Sir,

Your most obedient humble Servant

CHA READ

¹ Endorsed by Lieut.-Gov. Pownall. "Received at Boston Sep^r 17th 1757 & forwarded to me at N. York & Receiv'd there Sep^r 24. 57."

*Letter from Captain William Skinner, in London, to
his brother, Cortlandt Skinner.*

[From original in the Skinner Papers among the Manuscripts of W. A. Whitehead,
Vol. I, No. 32.]

LONDON 8th Sept^r 1757

[Cortlandt Skinner, Perth Amboy.]

Dear Brother

In all Probability some of my people will gett to America Soon, for they are Exchanged and now in England, I have applyed to My Lord Barrington for their Subsistence and an Order to send them to America but he told me he had nothing to do with them, but advised me to write to M^r Pitt Secretary of State, which I have done, but have not as yet had an Answer, the people are now at Plymouth, with Cap^t Rusco, Booker, Walters, and Ogden, of Coll Schuylers Reg^t and are Subsisted by the Government, through a Mistake made by the Secretary of War's Clerk, who taking them to be Regulars ordered them to be Subsisted which is not Contradicted as yett. I waited on Lord Barrington yesterday and asked his Lordship whether the King had spoke to him about me, he told me that he had, and that I might make myself Easy for I shou'd be provided for soon, so that my particular Business had a good Aspect, my Brother is gone, a Volunteer in London Reg^t under the Care of Sir W^m Boothly, who has been so kind as to promise he wou'd take care of him, which I hope will be agreeable to my Father and Mother, for I thought it was better for him to go, than to stay here at this Damned place where there is nothing but Debauchery going forward * * *

I have the pleasure to tell you that I have my Exchange which I Rec'd yesterday, I have not as yet Rec'd a letter from you, other people Receive letters by every ship * * *

D^r Bro^r Y^r Most Affec^e and

Very humble Serv^t

W^m SKINNER

P. S. poor Coll Schuyler is Detained at Quebeck¹ also Doctor Stokes, for Reasons unknown to them or any body else.

*Letter from Robert H. Morris to Earl of Loudoun—
informing him of the death of Governor Belcher,
and of the objections of John Reading, President
of the Council, to assume the chief authority.*

[From P. R. O. B. T., New Jersey, Vol. 8, I. 49.]

ELIZ^a TOWN Sep^r 7th 1757

To the Earl of Loudon

My Lord,

I had the Honour to write to Your Lordship on the 29th Ultimo, soon after which M^r Belcher died, & I was in Hopes, as the Government devolved upon M^r Reading, that he wou'd have taken upon him the Administration, and informd Your Lordship of that Matter.

By His Majesty's Commission under the Great Seal to the Late Governor in Case of His Death the Powers of Government devolve upon the Eldest Councillor, if there be no Lieut. Governor on the Spot, & the Council

¹ COLONEL SCHUYLER continued in Canada until October 29th, 1757, when he was permitted to make a visit to his family on parole. He returned to Canada in July, 1758, and on the 8th of November following was released by the capitulation of Fort Frontenac.—ED.

have in the strongest Manner, pressed M^r Reading (who is first upon the List of Councillors for this Province) to take the Administration upon him; but he persists in his Refusal, which will throw the Province into very great Confusion, as no Act of Government can be done, nor can the other Branches of the Legislature proceed without him.

His Majesty's Council have requested me to inform Your Lordship of these Matters, & I have the Honour to be, My Lord,

Your most obedient,
and most humble Servant
ROB^t H. MORRIS.

Letter from John Reading, President of the Council, to Governor Pownall—reasons why he objected to assume the government on the death of Governor Belcher.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 52.]

Sept^r 10th 1757

To His Excell^y Governour Pownall

May it please Your Excellency

Upon the late Governor Belcher's Death, I have taken upon myself the Administration of the Government of the Province of New Jersey, as eldest Councillor residing and Qualified thereto; tho' at the same Time, have heard, that Your Excellency has a Commission of Lieutenancy for the said Province; But as Your Excellency did not reside and the Assembly were then sitting, and cou'd not rise without an Adjournment from a Person qualified to the Administration of the Government, I have adjourned them for ten Days to Burlington, and design to continue them by Short

Adjournments, to a Longer Time, if nothing of Emergency happens, This I thought was of absolute necessity to be done, and that *Anarchy and Confusion might be thereby prevented.*

I hope Your Excellency will take into your Consideration, that as I am an aged and infirm Person, and not fit to bear the Weight or Burthen of Government, it wou'd be extreamly grateful to me, that I might be superseded and relieved by an appointment of some Person in my Stead, immediately to be made, (if consistent with Your Excellency's Commission,) for I have been for some Time past, and now am, (in Order to cure an old Distemper,) under the Care and Directions of a Doctor, in Preparation to undergo a Course of Physick, which is Directly to be enter'd into.

I am, Sir, with strictest Regards, Your Excellency's, most obed^t humble Serv^t

JN^o READING

Letter from Thomas Pownall, Governor of New Jersey, to John Reading, President of the Council—in relation to the latter's declining to assume the government on the death of Governor Belcher, inclosed in Governor Pownall's letter to the Lords of Trade, dated Sept. 16, 1757.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 54.]

TRENTON Sep^t 22^d 1757.

To the Hon^{ble} John Reading Esq^t President of
His Majesty's Council of New-Jersey
Sir

As to the Administration of the Government of His Majesty's Province of Nova Cesaria or New Jersey, Doth, upon the Decease of His Excellency Jonathau

Belcher &c by Virtue of His Majesty's Commission to me as Lieu^t Governor of the same, devolve on me, and in Case of my Absence from the Province, on you, as His Majesty's eldest Councillor, I do desire of Your Honour to acquaint me whether you have refused to take upon you the Administration thereof, or have persisted in such Resolution during any Part of the Time from the Death of the late Governor Belcher to this 22^d Day of Sept^r the Day of my taking upon me the Administration of the Government.

I have the Hon^r to be Sir

T. POWNALL

Letter from John Reading, President of the Council, to Governor Pownall in answer to the foregoing.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 55.]

TRENTON Sep^r 22^d 1757

TO LIEU^T GOV^R POWNALL

Sir,

In Answer to your Honour's Letter of this Evening I am to inform you, that it was on the late Governor's promise that I shou'd be at Liberty to resign as soon as he became acquainted with the affairs of this Colony & Dispositions of the Principal Inhabitants that I was prevailed with to Qualify to his Instructions and upon his Removal to Elizabeth Town I requested his leave to resign the Seat his Majesty had Honour'd me with at the Council Board & Acquainanted him with the Bodily Infirmities which rendered it inconvenient to me to attend.

Governor Belcher never gave me his Permission to Resign positively and thus Matters stood till his late Excellency's death when It was notified to me I re-

turned for Answer that it was not in my Power to execute the Government in a Time of Such Importance & peril and requested the Council that my Resignation Menconed to Governor Belcher might take place—I was afterwards informed by Letter both from the Council and Secretary that the Legislature were Sitting and things wou'd run into great Confusion if the Colony shou'd remain without a Commander in Chief and pressed my coming to Elizabeth to Qualify, to this I answered that I desired to be released from the duty which had Devolved on me Expecting that they might have Consented and that Consent been Legal and assuring them that I wou'd Execute any More formal Resignation or Release if they cou'd agree on the words thus things Stood from the Governor's death till the Day of my Qualification and even on that day. Should not have Complyed if my Duty to the Execution of His Majesty's Commands and the Preservation of Peace & Tranquilty to the Province had not prevailed. I beg Leave to assure your Honour that it was with the utmost uneasiness & reluctancy that I did take upon myself the Administration and it will give me great Pleasure whenever I am released from it.

I am Honourble S^r

Your Honours Most Obedient
and Most Humble Servant

JN^o: READING

To the Honourable Thomas Pownall Esq^r: Lieutn
Governor of New Jersey.

Letter from Cortlandt Skinner, Attorney-General, to Governor Pownall—with queries, submitted to him by the Council, relative to the authority of Mr. Reading as President of the Council.

[From P. R. O. B. T. New Jersey, Vol. 8, 1. 50.]

PERTH AMBOY 26 Sep^r 1757

His Excellency Tho^s Pownall Esq^r

Sir

In Obedience to Your Excellency's Commands, I have taken the first Opportunity to transmitt a Copy of the Answer deliver'd by me to the Council, upon the Queries put by them to M^r Kearny, M^r Smith & myself.

What M^r Kearney's Opinion was I do not now recollect; only this I remember, that upon hearing it read, I told him I cou'd not join it: So did M^r Smith; & therefore drew and deliver'd another to the Council, of which the enclosed is a Copy. I am, with the greatest Regard.

Your Excellency's most obedient,

& most humble Servant,

CORT^o SKINNER

Attorney General

Copy of Questions &ca put by the Council.

Quest. 1. Whether it be in the Power of a Councillor to resign, relinquish, or vacate his Seat, without Leave from the King or Governor? If Yes.

2. Whether M^r Reading's Letters amount to a Resignat, Vacat, &ca?

3. If he was a Councillor at the Time of the Death of the Governor, Whether he can resign or relinquish his Seat; or being first named in the King's Instructions, can decline the Administration; & whether the Council can accept of such Resignation, or consent to such Relinquishment?

4. If he shou'd refuse to take the Oaths of Office, necessary to be administered, previous to his entering upon the Administration, what can and ought the Council to do in such Case ?

We have perused the Copy of a Clause in the Late Gov^r Belcher's Commission, and in Answer to the Questions proposed, humbly submit the following Sentiments to the Consideration of the Honble Board.

1. We conceive clearly that the Exercise of the Powers of Government in this Province is devolved upon M^r Reading—That by the Commission he is invested with an Office of Great Trust.

2^{dly} We are also of Opinion, that this Office may be resigned, but we are inclined to the Opinion, that the Validity of such resignation depends upon His Majesty's Concurrence, which the Council cannot give. Henc it results.

3^{dly} That till His Majesty's Pleasure in this Respect is known M^r Reading's Investiture still continues.

These Observations contain our Answers to all but the last Question proposed; with Respect to which, We conceive: That if M^r Reading refuses the Qualifications necessary to his Entrance upon the Exercise of the Powers contained in the Commission, the—Gentlemen of the Council will think it their Duty, as the most distinguished Servants of the Crown in this Province, to take upon themselves the Managem^t of the Affairs of the Government, as nearly conformable to the Commission and Instructions, as the present State of Things will admit. As to the Propriety of any Particular Member taking upon himself the Chief Command, we are in Doubt. And M^r Reading's Conduct appears to us to be a Contingency not foreseen or provided for by the Commission and Instructions.

We are the Council's most obed^t &ca

C. SKINNER Att'y Gen.

W^m SMITH JUN^r

ELIZ^a TOWN, 5th Sep^r 1757

*Letter from Governor Pownall to the Lords of Trade
—giving an account of his proceedings on the
death of Governor Belcher.*

[From P. R. O. B. T. New Jersey, Vol. 8, L. 48.]

N YORK Sep^r 26. 1757

To the Lords of Trade

My Lords

Governor Belcher died on the 31st of August, I received no Account of it from His Majestys Council, nor the Secretary. On Saturday September the 10th, I was first acquainted with it from the New York Newspapers. I had Reason to imagine, from the State of His Majestys Council in New Jersey, that the Administration, if not the Whole Government must be in great Confusion. I was from several Private Hands informed, that the President had not qualified; That His Majesty's Council were in great Confusion; That the Administration was at a Stand. I knew, that if they determined amongst themselves, that M^r Reading cou'd resign; that M^r Morris, as next Councillor, must take upon him the Administration of the Government. I was sensible how improper that wou'd be in the Present State of the Province. It was from the Troubles in the Province, betwixt the Proprietors and Land Holders, when the Proprietors held the Government, that they were forced to resign it into the Hands of the Crown. These Matters are yet in Dispute, and M^r Morris is one of the Principal Managers of the Proprietors and of the Council of the Proprietors. Moreover, the Governor is alway Chancellor, and Keeper of the Broad Seal; There is a Chancery Suit of great Importance & great Interest now

depending, in which, as one of the East Jersey Proprietors, M^r Morris is interested.

I therefore determined, (as it was in the Recess of the General Court at Boston, and all Danger from the French was at present so removed, that my Service at Boston might be spared a Little) to set out forthwith for the Jerseys. On Sunday Night I received an Express from Lord Loudoun, "Acquainting me with the "Transactions of the Council since M^r Belcher's Death, "& that the Situation of the Province was very bad, "& that how it cou'd be remedied was more than he "cou'd see, unless I cou'd come and set things right "amongst them." On Monday I called a Council, and set out on Tuesday, arrived at New York on Saturday, continued Sunday and Monday with Lord Loudoun, and proceeded for the Jerseys.

I must beg Leave here to trouble Your Lordships with the Accounts I received. At M^r Belcher's Death the Assembly were sitting. M^r Reading, the Eldest Councillor, on whom, in my Absence, the Government must devolve, was confined at Home with a bad Leg. The Council wrote to him *to come* to Elizabeth Town, & take upon him the Administration. (Your Lordships will here observe, that if the Assembly was not held at Amboy or Burlington, it might as well be adjourned to Readingstown, on account of the President's Ill-Health, as it was called together at Elizabeth Town, on account of M^r Belcher's Ill-Health.) The President wrote Letters, begging that if it cou'd any Way be contrived that he might be excused, that he was willing to resign. Whether the Council was willing he shou'd, or not, I have no Right to determine; Perhaps your Lordships may be able to judge by the steps they took. They understood his Letters as an absolute Refusal, and a persisting in such Resolution. They requested M^r Morris to write so to Lord Loudoun. They cou'd draw Nothing from Lord Loudoun; but he very prop-

erly judging, that he had Nothing to do (No I) with it, sent the Copy of the Letter to me. They suffered themselves, contrary to the Express words of the Commission and Instructions, to doubt whether the President cou'd abdicate, & whether, in such Case, it might not devolve on M^r Morris; and tho' M^r Morris be Chief Justice; M^r Salter, another of the Council, Judge, M^r Ogden, another of the Council, one of the Principal Lawyers in the Province, they took the (N^o II) Opinion of Lawyers, (the Attorney General & a Young Attorney of New York, who chanced to be there,) upon several Queries they laid before them. Seeking thus Remedies of their Own Invention, and never once this whole Time, applying to the proper Provision, which His Majesty had made by appointing me Lieutenant Governor, with an Express Clause in my Commission, in Case of the Death of the Governor in Chief, to execute the Commission and Instructions; of which all His Majesty's Officers and others were commanded to take Notice, all which was upon Record in their Council Books. They neither wrote to me nor directed the Secretary to write. The Secretary acquaints me that he did write, but the Letter was too late for the Post, so cou'd not be arrived at Boston, when I came away. I have since received it here. However the President, (N^o III) after some Days, did qualify, & wrote me Word.

In this Situation I found Things, according to the best Accounts I cou'd learn.—I understood that the President lay ill at Trenton, I proceeded forthwith to Trenton. I issued out Summons to the Council, to attend me there. I called myself upon all that lay in my way, and took them on with me, that I might be sure of a Council. I waited on the President, and concerted Matters with Him, as will appear in the Letter I wrote him, upon leaving the Government in His Hands. On Thursday, the 22^d I had sufficient

Members to make a Council. I qualified & received the Commission, Instructions, & Seals. I (N^o 4.) gave my Assent to a Resolve of Both Houses for raising a Hundred Rangers for the King's Service under Lord Loudoun, & acquainted His Lordship of it; having given Directions for Issuing the Commissions, and raising the Men forthwith. I laid before them an Additional Instruction from His Majesty, dated at S^t James's, 11th Jan^{ry} 1757.—respecting the Conduct of Privateers & Vessels with Letters of Marque in the Gulph of Naples.

That I might be properly informed in whose Hands the Government had been since the Death of M^r Belcher, (N^o 5.) I wrote in Council the following Letter to the President. (N^o 6.) I received from him the enclosed Answer.

The next Day Sep^r 23^d the Council waited upon me with an Address. After this, having, as I said, concerted Matters with the President, I asked the Council, whether they knew of any Matter or Business, that might further require my immediate Presence in the Province. They acquainted me that they knew of None. I then informed them, that the necessity of His Majesty's Service in the Government of the Massachusetts Bay, required my Returning to Boston as soon as possible: That I shou'd leave the Administration in the Hands of the President; That I had deliver'd to him the Commission, Instructions & Seals, and had wrote him the (N^o 7.) following Letter, & that I wou'd according to what I had promised in that Letter, return whenever my Presence shou'd be wanted. I came away directly, and returned to this Place.—And thus the Government of New Jersey now stands.

I must acquaint Your Lordships, that M^r Reading, the President, is an Old Gentleman of 76, is very bad of a Sore Leg, and when I saw him, was, by the Doctor's Advice, under a Kind of a Salivation, which they

mean by a Course of Physick. What may be the Event of His Health I know not. If he shou'd die, the Government devolves upon M^r Morris. How to act in such Case, I am under the greatest Difficulty. M^r Morris is a very sensible and good Man. I have had an Old Acquaintance with him: I am clear, that it is altogether improper that the Government of the Jerseys shou'd fall into his Hands at Present. It is impossible for me to attend the Administration. If the President shou'd die, it must devolve upon M^r Morris, unless I shou'd suspend him, which wou'd be a harsh Measure, and hard for an old Acquaintance to do.

However, my Lords, I will do the King's Business, whatever becomes of myself, and will do it without Fear, Favor, or Affection. In the Mean Time, I hope Your Lordships will recommend to His Majesty some Person that has no Connections with this Country, and that such may come over here without Delay. I shall think myself very happy to be so superceded in my Command.

In all the above, I must beg for Your Lordship's kind Interpretation of my Conduct, and favorable Representation of it to His Majesty.

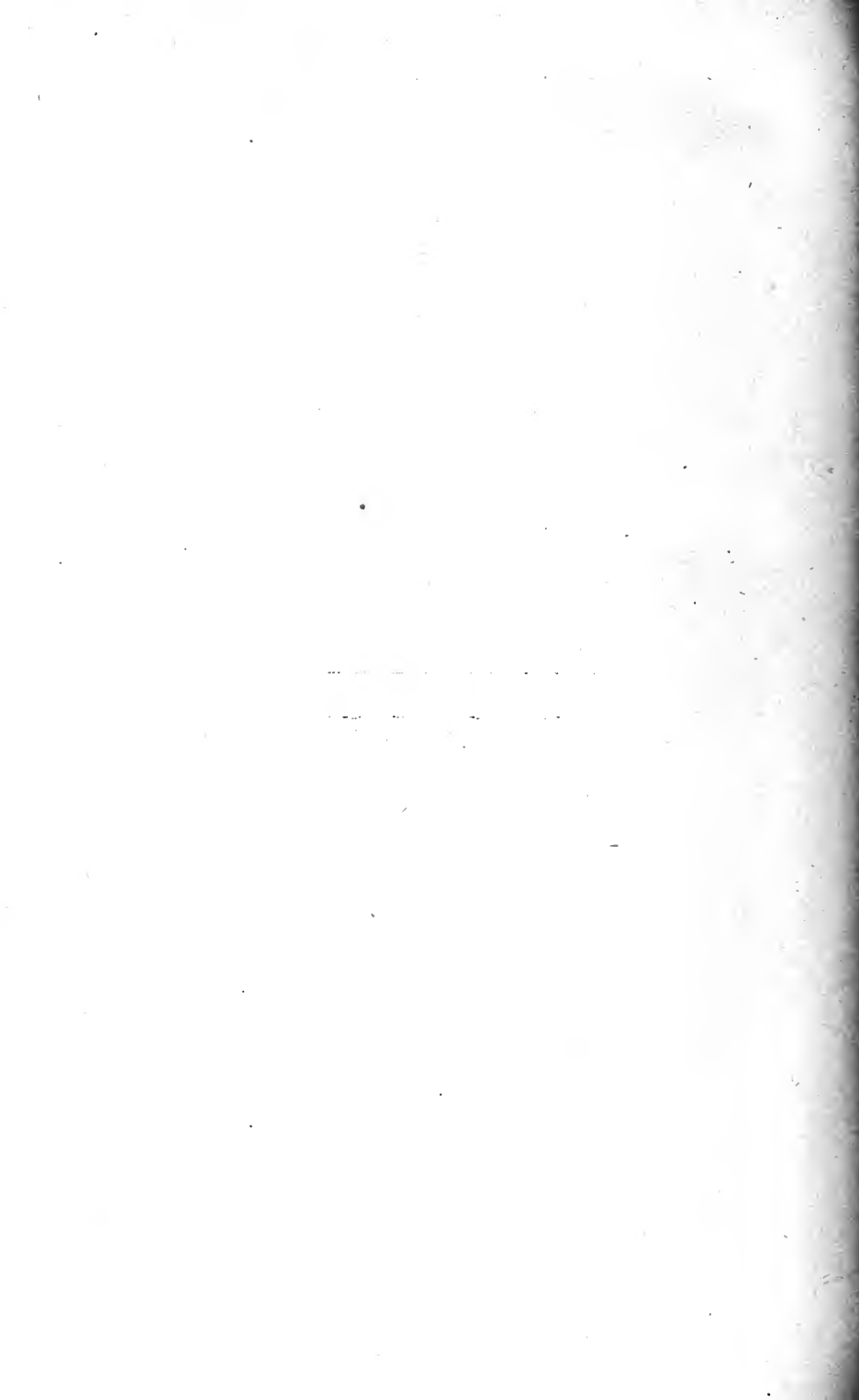
I have y^e honor to be My Lords Your Lordships
most Obedient & Most Humble Servant

T. POWNALL.

P: S: As there is or may be a Vacancy in his Majesty's Council of N Jersey, I beg leave to recommend to Your Nomination Doctor Lewis Johnston of Amboy a Gentleman of fortune & Learning & for whose Integrity I can be answerable.

T P

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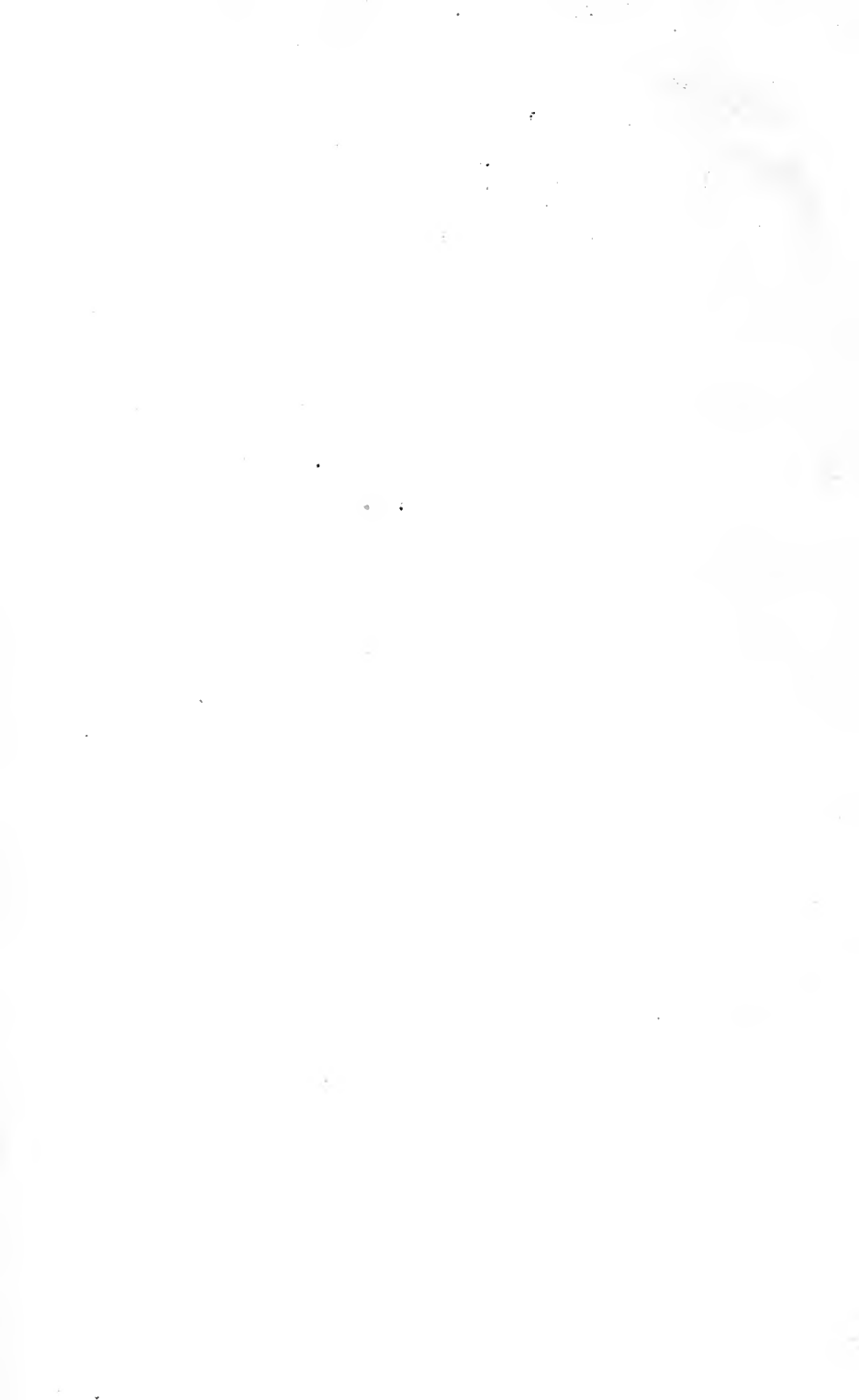
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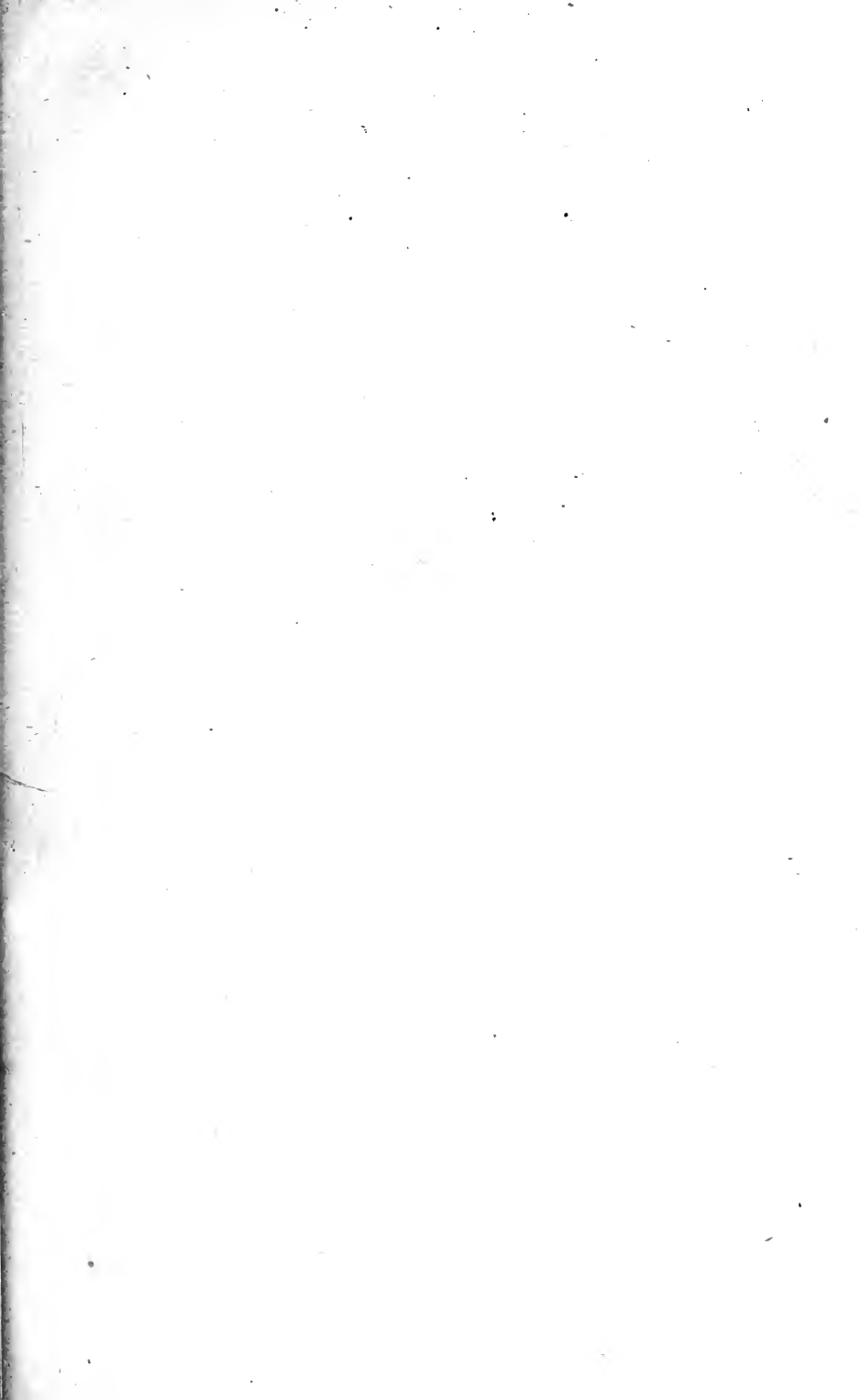
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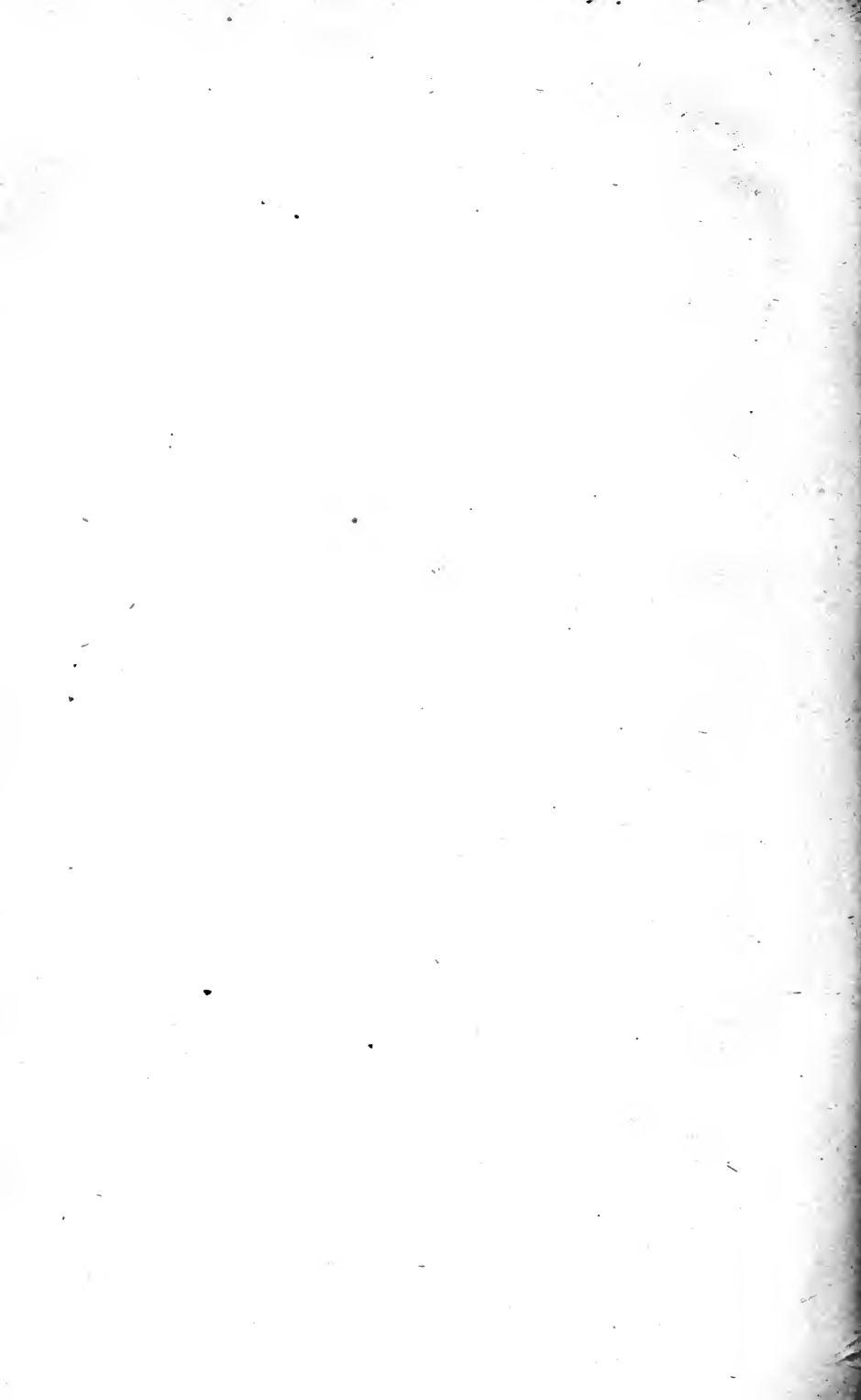
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