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ARCHIVES
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STATE OF NEW JERSEY.
FIRST SERIES.
Vol. IX.

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

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DOCUMENTS

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RELATING TO THE

COLONIAL HISTORY

OF THE

STATE OF NEW JERSEY.

EDITED BY

FREDERICK W. RICORD AND WM. NELSON.

VOLUME IX.

ADMINISTRATIONS OF PRESIDENT JOHN READING, LIEUTENANT-GOVERNOR THOMAS POWNALL, GOVERNOR FRANCIS BERNARD, GOVERNOR THOMAS BOONE, GOVERNOR JOSIAH HARDY, AND PART OF THE ADMINISTRATION OF GOVERNOR WILLIAM FRANKLIN.

1757-1767.

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CORRECTIONS AND ADDITIONS.

- PAGE 123.—"Mowsons," evidently an error of the copyist for "Moccasons."
- " 135.—Line seven from bottom, for "prod," evidently an error of the copyist for "procl.," *i. e.*, proclamation money.
- " 250.—The Document given is from Vol. LXXXIX, N. Y. Col. MSS.
- " 325.—In first line of note, for "Judges," read "Judge," *i. e.*, Samuel Nevill.
- " 328.—"Bartington" is probably a clerical error for "Burlington."
- " 339.—In the first line of the note, after "Governor Lewis Morris," insert "his father-in-law."
In line twenty-one of the note, for "Judge John Field," read "Judge John Fell."
- " 340.—In line six of the note, for "*Ib.*, 26," read "*Record Christ Church*, 26."
- " 379.—In line fifteen of the note, for "simple," read "single."
- " 394.—In lines three and four of the note, omit the words "In 1747 he was appointed member of the Council."
In line fourteen, for "father," read "great uncle, Dr. Richard Smith."

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WHENCE THE DOCUMENTS IN THIS VOLUME WERE OBTAINED.

Public Record Office, London, England.

Manuscripts of the New Jersey Historical Society.

Manuscripts of William A. Whitehead.

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

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

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

Pennsylvania Colonial Records, and Pennsylvania Archives.



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NEW JERSEY
COLONIAL DOCUMENTS.

*Letter from Thomas Pownall, Lieutenant-Governor
of New Jersey, to the Secretary of the Lords of
Trade.*

[From P. R. O. B. T., New Jersey, Vol. 8, I. 47.]

New Jersey:

TRENTON Sept^r 23^d 1757.

Sir,

I beg Leave to acknowledge the Receipt of Your Letter dated Whitehall June the 3^d enclosing a Copy of the Resolutions of the House of Commons of the 23^d of May last.

The Sence of that Honorable House will have little effectual Influence here, unless the People have Reason to think that such a Resolution is introductory to some Act of Parliament, that may restore the Kings Government, to the just Form in which His Majesty has, by His several Charters and Commissions, established them. And under the situation that His Majesty's Governors are at present, the Bringing any of the Crown's Rights into Dispute with the People is the sure Way to lose them.

I hope however, that I shall be able to maintain the

Administration of my Government in as good a Form as I received them from the Hands of my Predecessors.

I have the Honor to be, Sir,

Your most obed^t & Most humble Servant,

T. POWNALL.¹

To J Pownall Esq. Secretary to y^e R^t Hon^{ble} Board of Trade &c

Letter of Lieut.-Gov. Pownall of New Jersey to John Reading, President of the Council—on leaving the Government in his hands.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 56.]

TRENTON Sept^r 23^d 1757.

Sir,

Being appointed by His Majesty's Commission to me as Lieutenant Governor of His Province of New Jersey to administer (in Case of the Death of the Governor in Chief) the Powers contained in His Majesty's Commission & Instructions to His Governor; and knowing how essential to the Peace & Property, and consequently the Liberties of the Subject, a due Execution of the Powers of Government as granted by the Crown to this Province is, I did immediately repair to this Province upon my first hearing of the Death of Governor Belcher. The Government must

¹ THOMAS POWNALL, of Everton house, Bedfordshire, was son of William Pownall, Esq., and was born in 1720. He was brother of John Pownall, the Secretary of the Lords of Trade, through whose influence he was appointed, in 1755, Lieutenant-Governor of New Jersey, Governor Belcher at that time being quite infirm. He succeeded Mr. Shirley as Governor of Massachusetts in 1757, and on Governor Belcher's death that year, visited New Jersey in order to assume the government of that province also, but finding it impracticable to retain the administration of both provinces at the same time, he returned to Boston. In November, 1759, he was nominated for the government of South Carolina, but he does not appear to have entered upon the duties of that office. He returned to England in June, 1760, and is not mentioned as having again visited America, with whose history, geography and polity he had made himself thoroughly acquainted and wrote several works thereon. He became a member of Parliament, and filled several other important positions, and died on the 26th of February, 1805, in the 85th year of his age.—*Dr. O'Callaghan in N. Y. Col. Docts., Vol. VI., p. 1009.*—Ed.

at all Times upon my Absence from the Province devolve upon the Eldest Councillor. I was therefore extremely happy upon my Arrival to find it in the Hands of a Gentleman so worthy as Yourself. I must acquaint You Sir, that I have given my Consent to 5 Resolves of the two Houses of Legislature for Raising One Company of a Hundred Rangers as asked by Lord Loudoun for His Majesty's Service. The Necessity of His Majesty's Service in my Government of the Massachusetts Bay, requires my immediate Return to that Province. The Administration here by His Majesty's Commands devolves on you upon my Departure from this Province; To your Wisdom & Care I recommend His Majesty's Service and the Peace & Interest of the Province. I am extremely sorry for your own Sake, and that of the Province that you are in so ill State of Health, & so feeble a Condition of Body, but I trust by God's Favour you will be able to carry on the ordinary Administration of Government, and tho' the Journey from Boston to this Province be long & fatiguing, Yet if any matter extraordinary, or of such a Nature as requires more vigorous Execution than your weak State of Health will enable you to go thro with I will upon Notice from you at a Moments Warning, repair hither to the Aid & Service of the Province.

I have y^e honor to be &c

T. POWNALL

To the Honble John Reading¹ Esq^r Presid^t of His Majesty's Province New Jersey.

¹ President Reading was the son of

and Elizabeth, his wife, Quakers, who emigrated from England on account of the persecution to which their people were subjected.—*First Century of Hunterdon County*, by the Rev. George S. Mott, D. D., 1878, p. 28. They settled within

Address of the Council of New Jersey to Thomas Pownall, Lieut.-Governor, and his Answer.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 57.]

TO THE HONOURABLE THOMAS POWNALL ESQ^R
Lieutenant Governor and Commander in
Chief of His Majesty's Colony of New Jer-
sey.

The Humble Address of His Majesty's Council
of said Colony.

May it Please Your Honour.

We His Majesty's Council of the Colony of New Jersey, beg Leave to congratulate You on Your Arrival here. Your undertaking so long a Journey and leaving the Weighty Government to which His Majesty has been pleased to appoint You, in Order to establish the Government in this Colony, which was for some

the precincts of Gloucester, of which county the elder Reading was Clerk and Recorder from 1687 to 1711, and possibly longer.—*First Settlers of Newton Township*, by John Clement, 1877, pp. 29, 95, 143, 245, 291; *Leaming and Spicer*, 536, 544, 553, 566; *Reminiscences of Old Gloucester*, by Isaac Mickle, 2d ed., 1877, p. 47. In 1697 he was a member of the House of Representatives of West Jersey (*N. J. Archives*, II, 146), and in 1702 was recommended for a seat in the Council of the United Province.—*Ib.*, 486. He was one of the West Jersey Council of Proprietors in 1706-7, and probably continuously thereafter, as in 1711 he was still a Proprietor, and was Clerk to the Council of West Jersey Proprietors.—*Ib.*, III, 221; IV, 62. In 1711 Governor Hunter directed a commission to be issued to Mr. Reading as one of the Supreme Court Judges of the Province.—*Ib.*, IV, 140. He was again recommended in 1711 and in 1712 for a seat in the Governor's Council, and in 1713 the recommendation was approved (*Ib.*, 62, 153, 171, 182-3), and he continued to enjoy the dignity until his death, which appears to have occurred in 1717.—*Ib.*, 333. In 1695 he became the owner of the ferry at Gloucester Point, and carried on the ferry under a license from the county until 1707.—*First Settlers of Newton Township*, 290. From the map of Gloucester and suburbs, drawn by Thomas Sharpe in 1689, and published in Mickle's "Reminiscences of Old Gloucester," 2d ed., p. 40, Reading appears to have been a large property owner in and about that town. He, with William Biddle and William Mills, was sent in 1703 to purchase the great tract of 150,000 acres, between the Raritan and Delaware. His residence was burned down in 1711, which doubtless occasioned his removal from Old Gloucester to his tract of

Days unsettled, thro' the Reluctance of the Gentleman on whom the Administration devolved, by His Majesty's Royal Commission and Instructions, to lay himself under a Necessity at and advanced Age to appear in Publick Character, and a Scene of Business, was a Favour more than We cou'd Expect.

And We esteem Your Coming to take upon Yourself the Administration, as an evident Proof of Your Zeal for His Majesty's Service, and of Your Regard for this Province, for which we Return You our hearty Thanks, and doubt not but the Colony will consider themselves under an Obligation for so singular an Instance of Your Care. By Order of the Board

Sept^r 23^d 1757

Jac. Hude

land above Lambertville, where he died, and was buried in the grounds of the Buckingham Friends' Meeting, in Bucks County, Penn.—*First Century of Hunterdon County*, p. 29; *First Settlers of Newton Township*, 291. The statement that he was a member of the Council of West Jersey that met at Burlington in 1683 is not borne out by the list given in Leaning and Spicer, for that year.

J. W. Reading

the son, was born June 6th, 1686, and died November 7th, 1767. He and his sister Elsie, when children, were taken to England by their mother to be educated. She remained with them nine years, attending to their education, the father living in this country. On the return of the son it was found that he had embraced the doctrines of the Presbyterians, to which he was ardently attached all his life. He married Mary Ryerson, a sister of Joseph Ryerson, then a Lieutenant in the British service. [*Sabine's Loyalists*, II, 250.] He succeeded to the greater part of his father's estate, and followed his father's occupation. In 1712 to 1715 he surveyed tracts for parties in Burlington, who were locating lands through the Amwell Valley, under the grants of the dividend of 1703. At the same time, with an eye to a valuable purchase, which a surveyor would be supposed to have, he secured for himself 600 acres along the South Branch, two miles from Flemington, where afterwards, on a beautiful site, he built the Reading homestead, now (1878) occupied by Philip Brown. He is said to have planted the walnut trees growing there. He owned three mill properties, including the farms now (1878) in possession of Barton, Stothoff, Deats, Ewing, Clark and Brown. He was one of the first Trustees of Princeton College. His name is at the head of the list in 1748.—*History of the College of New Jersey*, by John Maclean, 1877, I, 48. His influence

ANSWER.

Gentlemen

I thank You for Your obliging Congratulations. Your kind Acceptance of My Services cannot but be very agreeable to me. My Duty to His Majesty and the Province Demand my Considering the Service, not the Trouble. And You may be assured that I will, at all Times, give my utmost Attention to the Interest and Welfare of the Province, and will at all Times be ready to attend its Service.

Address of the Corporation of the City of Perth Amboy to Lieut.-Gov. Pownall, and his Answer.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 58.]

TO THE HON^{BLE} THOMAS POWNALL Esq^r Lieut.
Governour and Commander in Chief of His
Majesty's Colony of New Jersey &c.

May it Please your Honour,

We the Mayor Recorder and Aldermen of the City of Perth Amboy beg leave to Congratulate your Honour upon your Accession to the Government of the Massachusetts Bay in New England and your Arrival to this His Majesty's Government of New Jersey

and services and money were freely bestowed to lay the foundation of religious privileges, educational advantages and national freedom, upon which we are now building. He had seven sons and three daughters. Five of the sons settled near him, and perpetuated the moral and religious influence of their sire. They were prominent in church matters, and took a lively interest in the revolutionary struggle. The youngest, Thomas, was a captain in the third battalion of the Jersey brigade; and three grandsons were commissioned in the same service. Mr. Reading's oldest daughter, Ann, married the Rev. Charles Beatty, one of the first graduates of the old Log College, of Neshaminy, Pennsylvania. He was a co-worker with the Tenents in this State, and a prominent clergyman all his life. They were the progenitors of a numerous line of descendants, some of whom have been conspicuous in church and state. On the female side, eight married Presbyterian ministers. One of the sons, General John Beatty, was in the Revolutionary

In coming to which your Honour has shown that Distance is no Hindrance to your Zeal for the good of those you are appointed to Govern and that no Fatigue can check that indefatigable Application your Honour has always shown for His Majesty's Service.

We can't but Regret your Honour's short Stay among us, since we might with the greatest Reason hope from your Honour's Knowledge and Abilities as well as from the Trust His Majesty reposes in you that your Residence among us might be of the greatest Consequence to our Welfare but as your Honour's Care for His Majesty's Government of the Massachusetts requires your immediate Return. We heartily wish your Honour a prosperous Journey and happy Arrival in that Government, where we hope your

war, and so was his brother, Colonel Eruries Beatty. Elizabeth, another daughter of President Reading, married John Hackett, from whom Hackettstown derived its name."—*First Century of Hunterdon County*, pp. 28-31. In 1719, Mr. Reading was one of the commissioners to adjust the northern boundary with New York (*Archives*, IV., 394), and in 1740 was appointed to a like service in settling the line between Massachusetts and Rhode Island.—*Papers of Governor Lewis Morris*, 1852 p. 99; *N. Y. Col. Docs.*, VI., 168. He was recommended in 1718 for a seat in the Council (*Ib.*, V., 521), and was appointed in 1720 (*Ib.*, V., 521), serving thereafter until 1758. In 1728 he was named as one of the commissioners for West Jersey to try pirates, who then abounded along the Atlantic coast.—*Archives*, V., 197. On the death of President John Hamilton, June 17, 1747, Mr. Reading, as the senior Councillor, became President of the Council, and assumed the duties of Governor (*Ib.*, VI., 462), but gladly surrendered the seals to Governor Belcher two months later.—*Ib.*, VII., 11. When Governor Belcher died, August 31, 1757, President Reading was in his seventy-third year, and was "very bad of a Sore Leg," so that it was out of the question for him to attend the meetings of the Legislature, to take upon himself the active duties of the Administration, and he strenuously begged to be allowed to resign, to which the friends of Robert Hunter Morris would have gladly assented, as this would have left the Administration in that gentleman's hands. However, as it could not be settled that a Councillor could resign without the Royal assent, Mr. Reading with great reluctance qualified as acting-Governor, and took upon himself the administration (*Ib.*, VIII., Pt. 2, pp. 259-270), which he retained practically until the arrival of Governor Bernard, in June, 1758. Six months later he was relieved from his official duties by the appointment of Charles Read in his stead as Councillor. (See *post*, under date December 12, 1758.) "At the ripe age of eighty-one his long, useful and honored career ended, amid the quiet of that beautiful spot which, under his cultivation, had emerged from a forest into a garden. By the side of Hunterdon's ancient thoroughfare, the Old York Road, in the graveyard of the old Amwell church, his ashes lie."—*The Rev. Dr. Mott, ut supra*. The autograph given as that of President Reading, in Vol. VI., of these Archives, pp. 142 and 462, and in Vol. VII., p. 25, is that of his father.—[W. N.]

Honour will still afford us that Protection and Favour which we may reasonably expect from that Candor and Generosity which will always move you to do good to those who are committed to your Care.

Perth Amboy September 24th 1757

[ANSWER.]

Gentlemen,

Your Gratefull Sense of my Endeavors to do my Duty towards y^e Province cannot but be very agreeable to me & I am oblig'd to you for your kind Congratulations.

Tho' y^e Necessity of His Majesty's Service in my Government of Massachusetts-bay will remove my Residence from amongst you, yet nothing shall ever remove my attention from y^e Interest & Welfare of y^e Province of New Jersey. And I will alway stand ready to give my Personal Attendance in the Province whenever any matter shall arise that may require it.

T. POWNALL

Letter from William Skinner to his father at Perth Amboy—Had received a Commission as Lieutenant in the Regular Army in Cornwallis's Regiment.

[From MSS. of Wm. A. Whitehead, in possession of N. J. Hist. Soc.]

LONDON 7th October 1757

Dear Sir

I have the pleasure to acquaint you that I rece'd a letter from my Lord Barrington yesterday in which he told me that I was appointed a Lieut^t in Generall Cornwallis Regiment, and take place of all the Lieut^{ts} appointed in Consequence of the present augmentation, which is an additional Lieut to every Company in his

Majesty's Service. General Cornwallis' Regiment Consists of two Battallions. The first is gone upon this Secret Expedition, the other is quartered at Gosport. I consulte^d with my friends whether I should accept of it or not, who all advised me to take it. The Duke of Grafton, my Lord Harford, and many others tryed to get me a Company before they went out of Town, but there were so many trying for Companys (who had a better right to expect it than I had) and were obliged to accept of Lieut^r, that I thought it better to accept of my Lord Barrington's offer, and trust to the Interest I have for my farther promotion.

There Came advise yesterday that our fleet had taken an Island near Rochfort, and also Island Aye near Bourdeaux with little opposition, and that they are now upon their way back, but I Cant say it of a certainty, for there are different accounts every day. * * *

All the officers and men of Coll. Schuyler's Regiment are arrived at Plymouth excepting Coll. Schuyler and Doctor Stakes who are kept at Quebeck for reasons unknown to every body. Before the people landed at Plymouth, I had applyed to my Lord Barrington, Secretary of War, and told him that part of the New Jersey Regiment were taken at Oswego, and expected that they would be sent to Plymouth or Portsmouth, in the next exchange from France and should be obliged to his Lordship if he would order them to be subsisted as soon as they landed. His answer was that he had nothing to do with the Provincial Troops, but advised me to write to Mr. Pitt, Secretary of State, which I did, and Mr. Pitt wrote to Mr. Partridge, Agent for the Province of New Jersey, who wrote Mr. Pitt that he could do nothing for them without orders from the Province, upon which I wrote another letter to the Secretary of State, and told him that it was very cruel that so many fine fellows who had served their Country for two years past should be so neglected

by their Mother Country as to want Common necessaries of life, and at the same time told him that if the Government of England would not subsist them and send them back to America upon their expence, I did not doubt but the Province of New Jersey would pay it, upon which I got an order for their subsistence and also to send them to America. * * *

Affectionately &c
W^m SKINNER.

*Return of Stores at Schenectady, New York, made by
Col. John Parker, 1757.*

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

| | |
|---------------------------|---------|
| Firelocks | 270— |
| Cartouch boxes | 400. |
| Powder horns | 400. |
| Tents with Tent poles | 100. |
| Camp Kettles | 80. |
| Powder | 1400 Wt |
| Lead | 3000 |
| Reemes of cartridge paper | 16 |
| Drums | 8 |
| Drum heads | 10. |

N. B. I think the men had better have pouches instead of powder horns as they are always loosing the ball they have in their pockets. The pouches if approved of to be made after the form of the Royal Americans—

John Parker ¹

¹ John Parker, the son of John Parker, a member of Governor Burnet's Council, 1719-1732, was born November 7, 1729, received a mercantile education, served as midshipman, 1745-50, and was at sea during the next four years. In the campaigns

Order of the Lords of the Committee of Council for Plantation Affairs, referring to this Board a Petition of the Agent for the Assembly of New Jersey, praying that the Governor be directed to assent to a Bill for emitting £60,000 in Paper Bills of Credit.

[From P. R. O B. T. New Jersey, Vol. 8, I. 46.]

AT THE COUNCIL CHAMBER WHITEHALL THE 16TH
OF NOVEMBER 1757.

By the Right Honourable the Lords of
* } L. S. } *
 of the Committee of Council for Plantation Affairs.

His Majesty having been pleased, by His Order in Council of the 9th of this Instant, to refer unto this Committee the humble Petition of Richard Partridge, Agent for and in behalf of the House of Representatives of the Colony of New Jersey in America, humbly Praying, for the Reasons therein contained, That His Majesty will be graciously pleased to signify His Royal Pleasure to the Governor or Commander in Chief of the said Colony, for the time being, to give his Assent to a Bill prepared by the said House of Representatives, in March last, Entituled “An Act for making “Current Sixty Thousand Pounds in Bills of Credit, “to be emitted on Loan within the Colony of New

of 1755-6 against the French he commanded a company in the fourth battalion of the Royal Americans, and after Col. Schuyler's capture at Oswego succeeded to the command of the New Jersey troops who had escaped capture. In July, 1757, he was at Fort William Henry, with the rank of colonel, and in seeking to attack the advance guard of the French at Ticonderoga, with three hundred and fifty men, was ambushed, losing all but about eighty of his party. He died 1762, at Port Royal, in the West Indies, where he had engaged in active service against the French.—*Whitehead's History of Perth Amboy, etc.*, 130-133; *Gordon's History of New Jersey*, 127-8.—W. N.

“ Jersey, The Interest whereof to sink the further Sum
 “ of Twenty Nine Thousand Pounds, to be also made
 “ Current for the Immediate Service of the Crown, if
 “ the same should be needed, otherwise for the Relief
 “ of the said Colony.” The Lords of the Committee
 this day took the same into their Consideration, and
 are hereby pleased to refer the said Petition (a Copy
 whereof is hereunto annexed) to the Lords Commis-
 sioners for Trade and Plantations, to consider thereof,
 and Report their Opinion thereupon to this Committee.

W. SHARPE

TO GEORGE THE SECOND KING OF GREAT BRIT-
 AIN &C^A IN COUNCIL.

THE PETITION of Richard Partridge Agent for
 and in behalf of the House of Representa-
 tives of the Colony of New Jersey in
 America.

Humbly Sheweth

That the said House of Representatives in General
 Assembly met, have represented that the continued
 Distresses of this the Kings dutiful and loyal Colony
 oblige them to renew their Application, That the
 King would be graciously pleased to accept of the
 little Assistance they are capable of giving, towards
 carrying on the War against the Common Enemy in
 those Parts, in a Manner that will best promote the
 End, and at the same time considerably lighten the
 Burthen of the King's willing Subjects.

That the Paper Currency within this Colony has
 ever preserved its Credit, and, when emitted on Loan,
 has been of the greatest Advantage to Our Settlers,
 having enabled many Hundreds of them to begin, and
 go on with Improvements, that might otherwise have
 been either ruined in a Goal, or in a great Measure

useless to the Community; It has contributed greatly to the Value of Lands, and the Increase of the Kings Dominions in those Parts, and is generally acknowledged to have been greatly beneficial to this Young Colony in several other Respects. having been ever emitted on a Fund incapable of depreciating or deceiving; As such they humbly presume to offer a Bill for the Kings Royal Approbation, Entituled "An Act for making current Sixty Thousand Pounds in Bills of Credit to be emitted on Loan within the Colony of New Jersey. The Interest Whereof to sink the further Sum of Twenty Nine Thousand Pounds to be also made Current for the immediate Service of the Crown, if the same should be needed, otherwise for the Relief of the said Colony" Signed by Rob^t Lawrance Speaker, dated 17th of March 1757 Which Bill the said Assembly hath sent over to the Petitioner (and is ready to be produced) being formed on the same Plan, and intended in the same Manner in every respect as the former Acts, but this Variation, That the Interest Money has heretofore been applied to the Support of this Government of New Jersey, but is now designed to be a fund for Sinking the Sum of Twenty Nine Thousand Pounds to be immediately prepared, and to be ready to be applied for Your Majestys Service for carrying on the present War in such Manner as the Legislature of this Colony shall find necessary.

This Method for providing against next Summers or future Campaigns is the more expedient as the real Distress in which the War has already involved this Colony, both in defending itself against the Indians, in Furnishing at least the said Colonys Proportion of Men for Services Abroad, and in diverse other Respects, are such as require an Exertion of every Prudent Measure to prevent their being disabled from assisting the Common Cause hereafter, and thereby

run the Risque of declining in the Affections of their Gracious Sovereign, a Calamity they would by all Means willingly to avoid—

And therefore it is most humbly Prayed that the King would be graciously pleased to signify His Royal Pleasure to the Governor or Commander in Chief of the said Colony for the time being for giving his Assent to the said Bill

Which is humbly Submitted

London Nov^r 8. 1757.

RICH^d PARTRIDGE

Letter from Lieutenant William Skinner to his father, Rev. William Skinner, of Perth Amboy—giving an account of his promotion from the Provincial to the Royal troops.

[From a copy among manuscripts of W. A. Whitehead, from the original in the possession of Lord Gage, Lieutenant Skinner's grandson.]

GOSPORT Nov^r 25th 1757

Dear Sir

I have the pleasure to acquaint you that I am a Lieut^t in the first Battallion of General Cornwallis's Regiment & have Nine or Ten under me. The difficultys I mett with in Arriving to that rank are more than you can Imagine. When I gott to London which was some time in June last, I made up my Provincial Regimentals, drew up a memorial and presented it to my Lord Barrington the Secretary at Warr. The answer I gott from him was quite contrary to what I expected. for his Lordship told me that he pitied my Case but could do nothing for me, because I was a Provincial Officer, and of Consequence not under his Department, this answer chagreened me much, and what other step to take I cou'd not tell, but being deter-

mined to try every method, and lucky for me at that time, getting acquainted with M^r Fitzroy, Brother to the Duke of Grafton, who was a courting Miss Warren, I was resolved to petition the King, which I did at a time when the Court was in Mourning for the Queen of Prussia, and as every Officer that has a petition to deliver goes in his Regimentals, I did the same, when I entered into the first room, whom shou'd I meet, but the Yeoman of the Guards who came up to me in a rough manner, and told me the Court was in Mourning, and that my Dress was not suitable to the times, and cou'd not be admitted, the answer I gave him was very short, which was, that I had a Petition to deliver the King, and was determined to see him, and passed him Immediately, and gott into a Room where there was a large Levy of most of the Nobility in England. I looked about me for my good Friend Fitz-Roy, who I at last Discovered, and spoke to him, he went directly to my Lord Harford, the Duke of New Castle, Lord Lennox, and many others, and told them I was a Relation of Lady Warrens, and a friend of his, and Introduced me to them which made every body else in the Levy room Inquisitive to know who I was, and my Business, which my good friend told them, The next thing was to know where I should place myself and in what manner I shou'd present my Petition to the King; which my Lord Harford was so kind as to Instruct me in, and took the trouble to place me himself which was by the door that the King passed through to his bed chamber, and ordered me when the King returned that way, to kneel upon my right knee and present it to him, which I did with great Resolution, and a genteel posture, considering where I was born, when I presented it, the King stopped and looked at me, took it out of my hand went into his Bed Chamber and did me the honour of reading it himself, upon which my Lord Harford came to me and told me, that

he did not doubt but that it would succeed, for says he the King has read your Petition which I never knew him to do before, for Lord in waiting always reads it to the King. This Reception gave me great Encouragement, and went home well satisfied. Three Days after that I attended My Lord Barringtons Levy, and asked him whether the King had spoken to him about me, his Lordship told me that he had, and repeated the Words as the King spoke them, which were, that one Cap^t Skinner an American, belonging to a Provincial Regiment had Deliv^d a Petition, I like the the Mans looks, he is fitt to serve me, provide for him. Immediately, upon which I asked his Lordship whether I should gett what I petitioned for, he told me he did not know, but that I shou^d be provided for Immediately. I waited three Months and Rec^d a letter from his Lordship, telling me that he had the pleasure to acquaint me that I was appointed a Lieu^t in Gen^l Cornwallis Regiment, and made the Eldest in y^o Augmentation. I waited on him and told him I would not accept of it, for I thought, my serving required something better, but at last took it, with the promise that I should be soon promoted. The next thing was to gett my Brother^l provided for, and how to do that I did not know, for he had gott the same answer from my Lord Barrington that I had first, and was advised by M^r Fitz Roy to petition my Lord Anson for a Lieu^{ty} in the Marines, which so far succeeded, that he gott the promise of the first Vacancy, and as there was a search expedition going on, I

¹ John Skinner entered the Provincial service at the same time with his brother, became a Lieutenant in his company and was taken prisoner with him at Oswego. The regiment to which he became attached, as in the text, was sent to America, and on June 10th, 1768, he was promoted to a Captaincy, became a major in the 70th Regiment, returned with it to England, and remained there during the Revolution. He subsequently returned to America, took up his residence at Amboy, and married a daughter of Philip Kearny, and died there in December, 1797.—See *Contributions to the Early History of Perth Amboy*, p. 119.—Ed.

advised him to go a Volunteer in my Lord Loudon's Regiment which he did and did duty in the Grenadier Comp^y, his Behaviour there was so agreeable to the officers, that when they Returned they Petitioned my Lord Barrington that he should be appointed to that Regiment, where he is now an Ensign.

To relate the trouble I have mett with in getting Subsistance for the Provincial Troops, as they landed from Old and New France would be too Tedious to mention, but can't help telling you that Mr Partridge the Agent for our Province, is a Dammed Scoundrell, all that he would do, was this, if Mr Pitt y^e Secretary of State (to whom I had wrote several letters about subsisting the Provincials and sending them to America) would advance money to the Provincial Officers for their Subsistence, he would give his note for y^e sum, to be p^d out of the next Cash he had in his hands belonging to the Province, but wou'd not advance it himself, tho he is worth at least £30000 Sterling—he is much such another as old John Watson.¹ Therefore not fitt for the Post he is Intrusted with. * * * *

In the last letter I wrote you I begged it as a particular favor that you wou'd send me a Negro boy of about 12 or 13 years old, whom I have promised to M Fitz Roy (if he is younger so much the better) Pray Indulge me with one, for a present of that kind will be of more Service to my Bro^r and me, than you can Imagine, lett him be sent by a Man of Warr, to Lady Warrens Cavendish Square London

Be so good as he write Mr Fitz Roy and thank him for his goodness to me and my Bro^r for [I] do assure [you] there is no body here that I am so much obliged to as I am to him.

There are more Reg^{ts} to be sent to America in the

¹ John Watson, the artist, an old resident of Perth Amboy, whose penurious habits gained for him among his neighbors the titles of miser and usurer. — *Contributions to the Early History of Perth Amboy*, p. 126.— Ed.

Spring, and in all probability this will be one as it lyes
 so convenient to Embark which I hope may be the
 Case that I may once more have the happiness to see
 America * * * *

Dear Sir Your Most affectionate
 and Dutiful Son

W^m SKINNER

License to Joseph Price as Branch Pilot.

[From New York Colonial MSS., Vol. LXXXV, p. 47.]

We the Subscribers appointed Master and Wardens
 of the Port of New York by Virtue of an Act of the
 Governor Councill and General Assembly of this
 Province lately made Entituled [An Act for regulating
 the Pilots and Establishing their Pilotage between
 Sandy Hook and the Port of New York and other
 purposes therein mentioned] Do hereby Certify that
 We having Examined Joseph Price of the Province of
 East New Jersey Boatman (According to the Direc-
 tions of the said Act) do find him duly Qualified for
 the Office of a Branch Pilot—As Witness our Hands
 and Seals this Fourteenth Day of December In the
 year of our Lord One thousand Seven hundred and
 fifty Seven.

| | |
|---------------------------|---------|
| JAS P HARMER | [L. S.] |
| JAS. JAUNCEY | [L. S.] |
| LEONARD LISPENARD | [L. S.] |
| JN ^o WADDELL | [L. S.] |
| JN ^o LEAKE | [L. S.] |
| RICH ^d JEFFERY | [L. S.] |

*Warrant settling the Rank of Provincial Officers in
North America.*

[From New York Colonial MSS., fol. 60.]

GEORGE R.

[L. s.] Whereas by our Warrant bearing date the twelfth day of November 1754 in the twenty-eighth year of our Reign We were pleased to declare, 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 Presidents for the time being of our Provinces in North America; and that the General and Field Officers of the Provincial Troops should 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 Presidents for the Time being of the said Provinces to Command and take Post of the said Provincial officers of the like Rank, tho' the Commission of the said Provincial Officers of the like Rank should be of Elder date. *And Whereas* by another Warrant bearing date the twelfth day of May 1756 in the Twenty ninth year of our Reign We were pleased, further to declare, that all General and Field Officers serving by Commission from the Governors, Lieutenant or Deputy Governors or Presidents of the Council for the Time being of our Provinces in North America should take Rank as eldest Captains on all Detachments, Courts Martial or other Duty, wherein the said General and Field Officers may be employed in North America, in Conjunction with our Regular Forces *And Whereas*

notwithstanding the Regulations above recited, Difficulties have arisen with regard to the Rank of the Provincial Officers, when acting in Conjunction with our Regular Forces; AND WE being willing to give due Encouragement to Officers serving in Our Provincial Troops, are hereby pleased to declare, that it is our Will and Pleasure, that, for the future, all General Officers and Colonels serving by Commission from the Governors, Lieutenant or Deputy Governors or Presidents of the Council for the Time being of our Provinces and Colonies in North America shall on all Detachments, Courts Martial or other duty, wherein they may be employed in Conjunction with our Regular Forces take Rank next after all Colonels serving by Commissions Signed by Us, though the Commissions of such Provincial Generals and Colonels should be of elder date : And in like manner that all Lieutenants Colonels, Majors, Captains and other Inferior Officers serving by Commissions from the Governors, Lieutenant or Deputy Governors or Presidents of the Council for the time being of our said Provinces and Colonies in North America shall on all Detachments, Courts Martial or other duty, wherein they may be employed in Conjunction with our Regular Forces, have Rank next after all Officers of the like Rank serving by Commissions Signed by Us or by our General Commander in chief in North America, though the Commissions of such Provincial Lieutenant Colonels, Majors, Captains and other Inferior Officers should be of elder date to those of like Rank signed by Us or by our said General. *Given* at our Court at St. James's the thirteenth day of December 1757 in the thirty first Year of our Reign.

By his Majesty's Command

W. PITT

New York.

A true Copy of the Original Exam^d by

GEO BANYAR D Secry

Order of His Majesty in Council approving a Representation of the Lords of Trade, proposing Francis Bernard to be Governor of New Jersey and directing a Commission to be prepared.

[From P. R. O. B. T., New Jersey, Vol. 8, I. 60.]

AT THE COURT AT ST JAMES'S THE 27TH DAY OF
JANUARY 1758

PRESENT

L. S.

THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL

Upon reading this day at the Board, a Representation from the Lords Commissioners for Trade and Plantation, dated the 26th of this Instant, Proposing that Francis Bernard Esq^r may be appointed Captain General and Governor in Chief of the Province of New Jersey, in the room of Jonathan Belcher Esq^r deceased. His Majesty in Council approving thereof, is pleased to Order, as it is hereby Ordered, that the said Francis Bernard Esq^r be constituted and appointed Captain

Fra. Bernard was descended from a respectable family in England. had been educated at Oxford, and was engaged in the profession of the Law at the time of his appointment, being a Proctor or Solicitor at Doctor's Commons in London. He landed at Perth Amboy Wednesday, June 14th, 1758, from "His Majesty's Ship the Terrible," on board of which he had come from England, having with him his wife and family, and the papers of the day furnish a very particular account of his reception in the Province. On the second day after his arrival, attended by the members of his Council, the Mayor and other authorities of the City, the Governor proceeded to the town hall and published his commission in the usual mode, by causing it to be read aloud in the presence and hearing of the assembled multitude. The ensuing day the Corporation of the City waited upon him, and, by Samuel Nevill, the Mayor, presented him with the usual complimentary address, and the Corporation of Elizabeth the same day went through the same ceremony. Burlington, sharing with Amboy the honors of government, it was necessary that his commission should also be proclaimed there. He started

General and Governor in Chief of His Majesty's said Province of New Jersey, in the room of the said Jonathan Belcher Esq' deceased. And that the said Lords Commissioners for Trade and Plantations, do prepare a Draught of a Commission, and Warrant for passing the same under the Great Seal, and also Draughts of Instructions for the said Francis Bernard, and lay the same before His Majesty at this Board for His Royal Approbation.

W. BLAIR.

therefore from Amboy on the 21st June, escorted by most of the inhabitants of note, and on his arrival at New Brunswick was received by the city authorities, James Hude, the Mayor, presenting their written address. The next morning he proceeded to Princeton, and the Trustees were prepared to introduce him into Nassau Hall. He was conducted through the building, shown the curiosities, and was then honored by an oration from one of the students in Latin, to which, we are told, "his Excellency returned an elegant and polite Latin answer extempore:" an undertaking which few, if any, of his predecessors or successors would have ventured upon. After receiving and replying to an address from the Trustees, the Governor proceeded on to Burlington, arriving there the same day, and again experienced the gratification of having "his knowledge in the law, justice and candor" enulogized by the Corporation, the minister and vestry of the Church adding their congratulations. Governor Bernard took up his residence in Perth Amboy, and merits a conspicuous niche in the gallery of New Jersey Governors, and greater consideration than he has hitherto received at the hands of historians. His character is thus summed up by Elliott in his Biographical Dictionary: "He was sober and temperate, and had fine talents for conversation if the subject pleased him. He had an extensive knowledge of books, and memory so strong as to be able to refer to particular passages with greater facility than most men of erudition. He would sometimes boast that he could repeat the whole of the plays of Shakespeare. He was a friend of literature, and interested himself greatly in favor of Harvard College, when Harvard Hall with the library and philosophic apparatus were destroyed by fire; after which he presented to it a considerable part of his own private library. The building which now bears the name of Harvard is a specimen of his taste in architecture. * * * He was a believer in the principles of Christianity, the effect of study as well as of education, and was regular in his attendance upon public worship; attached to the Church of England, but no bigot, * * * when in the country attending service at the nearest Congregational Church." The Trustees of Princeton College in their address to Governor Boone, spoke of Bernard as having shown himself a friend of that institution, but in what way is not stated. He subsequently became Sir Francis Bernard, Baronet of Nettlehouse, in Lincolnshire.—*Contributions to the Early History of Perth Amboy and adjoining country; Sabine's American Loyalists; Elliott's Biographical Dictionary.* His career in Massachusetts presented a sorry contrast to his pleasant experience in New Jersey.—*Ed.*

Soon after his entering upon the duties of Governor of the former colony, the struggle between the friends and enemies of America became marked, and Governor Bernard, naturally siding with the party that gave him office, became exceedingly obnoxious to the patriots, who assailed him in the Legislature and the

Draft of the Commission of Francis Bernard as Governor of New Jersey, submitted to the Attorney or Solicitor General.

[From P. R. O. B. T. New Jersey, Vol. 16, page 25.]

GEORGE THE SECOND by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, &c. To Our trusty and Wellbeloved Francis Bernard Esq^r Greeting: We reposing especial Trust and Confidence in the Prudence, Courage and Loyalty of you the said Francis Bernard, of our especial Grace certain Knowledge and meer motion, have thought fit to constitute and appoint, and by these Presents do constitute and appoint you the said Francis Bernard to be Our Capⁿ General and Governor in Chief in & over Our Province of Nova Cæsarea or New Jersey, Viz: the Division of East and West New Jersey in America,

public prints.—*Parson's Life of Franklin*, II., 563; *Gordon's New Jersey*, 132. In a pamphlet published by Governor Bernard in London in 1774, he quotes from addresses of the Massachusetts Legislature to himself to show that the kindest relations existed between him and them until he attempted to enforce the stamp act in 1765, which, by the way, he says he was opposed to passing. In June, 1769, that legislature petitioned the king for his removal, on charges almost purely political, and in August he sailed for England to contest the matter, with such success, that in March, 1770, the petition was dismissed by his Majesty's privy council.—*Select Letters on the Trade and Government of America*, etc., by Governor Bernard, London, 1774, pp. 89-130. However, he never returned to America. He had some time before this been knighted. John Adams says bitterly: "At such times you will see a Governor of a Province, for unwearied industry in his endeavors to ruin and destroy the people, whose welfare he was under every moral obligation to study and promote, knighted and ennobled."—*Works*, II, 351. The summary sketch of Governor Bernard, given by Mr. Adams in his "Novanglus," is interesting, though unjustly severe: "Bernard was the man for the purpose of the Junto. Educated in the highest principles of monarchy; naturally daring and courageous; skilled enough in law and policy to do mischief, and avaricious to a most infamous degree; needy, at the same time, and having a numerous family to provide for, he was an instrument suitable in every respect, excepting one, for this Junto to employ. The exception I mean was blunt frankness, very opposite to that cautious cunning, that deep dissimulation, to which they had, by long practice, disciplined themselves. However, they did not despair of teaching him this necessary artful quality by degrees, and the event showed that they were not wholly unsuccessful in their endeavors to do it."—*Works*, IV, 21.—W, N.

which we have thought fit to reunite into one Province and settle under one entire Government.

And We do hereby require and command you to do and execute all things in due manner, that shall belong unto your said Command and the Trust We have reposed in you, according to the several Powers and Directions granted or appointed you by this present Commission, and the Instructions and Authorities herewith given you, or by such further Powers, Instructions and Authorities as shall at any time hereafter be granted or appointed you under Our Signet and Sign Manual or by Our Order in Our Privy Council, and according to such reasonable Laws and Statutes, as now are in Force, or hereafter shall be made and agreed upon by you, with the Advice and Consent of Our Council and the Assembly of Our said Province under your Government, in such manner and form as is hereafter expressed.

And Our Will and Pleasure is, that you the said Francis Bernard, after the Publication of these Our Letters Patents, do in the first Place take the oaths appointed to be taken by an Act passed in the first Year of Our late Royal Father's Reign, entituled, *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors*: As also that you make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the Reign of King Charles the Second, Entituled *an Act for preventing Dangers which may happen from Popish Recusants*, and likewise that you take the usual Oath for the due Execution of the office and Trust, of Our Captain General and Governor in Chief in and over Our said Province of Nova Cæsarea or New Jersey; as well with regard to the due and impartial

Administration of Justice, as otherwise; and further that you take the Oath requir'd to be taken by Governors of Plantations to do their utmost, that the several Laws relating to trade and the Plantation be observed; which said Oaths and Declaration Our Council in Our said Province or any three of the Members thereof, have hereby full Power and Authority, and are required to tender and administer unto you, and in your Absence to Our Lieutenant Governor, if there be any upon the Place; all which being duly performed. You shall administer to each of the Members of Our said Council, as also to Our Lieutenant Governor, if there be any upon the Place, the Oaths mentioned in the said Act, entituled, *an Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors*; You shall also cause them to make and subscribe the aforementioned Declaration, and administer to them the Oath for the due Execution of their Places and Trusts.

And We do hereby give and grant unto you full Power and Authority to suspend any of the Members of Our said Council, from sitting, voting and assisting therein, if you shall find just Cause for so doing.

And if it shall at any time happen, that by the Death, Departure out of Our said Province, or suspension of any of Our said Councillors or otherwise, there shall be a Vacancy in Our said Council, any three whereof We do hereby appoint to be a Quorum; Our Will and Pleasure is, that you signify the same unto us by the first opportunity, that We may under Our Signet and Sign Manual constitute and appoint others in their Stead.

But that Our Affairs may not suffer at that Distance, for Want of a due Number of Councillors, if ever it

shall happen that there be less than seven of them residing in Our said Province; We do hereby give & grant unto you the said Francis Bernard full Power and Authority to chuse as many Persons out of the Principal Freeholders, Inhabitants thereof, as will make up the full Number of Our said Council to be seven, and no more; which Persons so chosen and appointed by you, shall be to all intents and purposes Councillors in Our said Province, untill either they shall be confirmed by Us, or that by the Nomination of Others by Us under Our Sign Manual and Signet, Our said Council shall have seven or more Persons in it.

And We do hereby give and grant unto You full Power & Authority, with the Advice and Consent of Our said Council, from time to time as need shall require, to summon and call general Assemblies of the said Freeholders and Planters within your Government, in manner and form as shall be directed in Our Instructions, which shall be given you together with this Our Commission.

And Our Will and Pleasure is, that the Persons thereupon duly elected by the Major Part of the Freeholders of the respective Counties and Places, and so returned, shall, before their sitting, take the Oaths mentioned in the said Act, entitled, *an Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, And for extinguishing the hopes of the pretended prince of Wales and His open and secret Abettors*; as also make and subscribe the aforementioned declaration, or being of the people called Quakers, shall take the Affirmation, and make and subscribe the declaration appointed to be taken and made instead of the Oaths of Allegiance, Supremacy and Abjuration, by an Act passed within Our said Province of Nova Cæsarea or

New Jersey, in the first Year of our Reign, entituled, *an Act prescribing the Forms of Declaration of Fidelity, the Effect of the Abjuration, Oath and Affirmation, instead of the Forms heretofore required in such Cases; and for repealing the former Acts in the like Cases made & provided*; which Oaths, Affirmation & Declaration You shall commissionate fit Persons under Our Seal of Nova Cæsarea or New Jersey to tender and administer unto them; and until the same shall be so taken, made & subscrib'd, no person shall be capable of sitting though elected, And We do hereby declare that the persons so elected and qualified shall be call'd and deemed the General Assembly of that Our Province.

And you the said Francis Bernard, with the Consent of Our said Council, [and] Assembly or the Major Part of them respectively, shall have full Power and Authority to make, constitute and ordain Laws, Statutes and Ordinances for the publick Peace, Welfare & good Government of Our said Province and of the People and Inhabitants thereof, and such others as shall resort thereto, and for the Benefit of Us, Our Heirs and Successors; which said Laws, Statutes and Ordinances are not to be repugnant, but as near as may be agreeable unto the Laws and Statutes of this Our Kingdom of Great Britain; provided that all such Laws, Statutes and Ordinances, of what Nature or duration soever, be, within three Months or sooner after the making thereof, transmitted unto Us under Our Seal of Nova Cæsarea or New Jersey, for Our Approbation or disallowance of the same, as also Duplicates thereof by the next Conveyance.

And in case any or all of the said Laws, Statutes and Ordinances (being not before confirm'd by Us) shall at any time be disallow'd and not approved, and so signified by Us, Our Heirs or Successors under Our or their Sign Manual and Signet, or by Order of Our

or their Privy Council unto you the said Francis Bernard or to the Commander in Chief of Our said Province for the time being, then such and so many of the said Laws, Statutes and Ordinances as shall be so disallowed and not approved, shall from henceforth cease, determine and become utterly void and of none Effect, any thing to the contrary thereof notwithstanding.

And to the end that nothing may be passed or done by Our said Council or Assembly, to the Prejudice of us, Our Heirs and Successors, *We Will & Ordain*, that you the said Francis Bernard shall have and enjoy a Negative Voice in the making and passing of all Laws, Statutes and Ordinances, as aforesaid.

And you shall and may likewise from time to time, as you shall judge it necessary, adjourn, prorogue and dissolve all General Assemblies, as aforesaid.

And Our further Will & Pleasure is, that you shall and may use and Keep the Publick Seal of Our Province of Nova Cæsarea or New Jersey, for sealing all things whatsoever that pass the Great Seal of Our said Province under your Government.

And We do further give & grant unto you the said Francis Bernard full Power and Authority from time to time and at any time hereafter, by Yourself or by any other to be authorized by you in that behalf, to administer and give the abovementioned Oaths and Affirmations to all and every such Person and Persons as you shall think fit, who shall at any time or times pass into Our said Province or shall be resident or abiding there.

And We do further by these Presents give and grant unto you the said Francis Bernard full Power and Authority with the Advice and Consent of Our said Council, to erect, constitute and appoint such & so many Courts of Judicature and publick justice within Our said Province under your Government, as you and they shall think fit and necessary for the

hearing and determining all causes, as well Criminal as Civil, according to Law and Equity, and for awarding of Execution thereupon, with all reasonable and necessary Powers, Authorities, Fees and Privileges belonging thereto; as also to appoint and commissionate fit Persons in the several parts of your Government to administer the Oaths mentioned in the aforesaid Act, Entituled, *an Act for the further Security of Our Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors*; as also to tender and administer the aforesaid Declarations and Affirmations unto such Persons belonging to the said Courts as shall be obliged to take the same.

And We do hereby authorize and empower You to constitute and appoint Judges (and in Cases requisite Commissioners of Oyer and Terminer,) Justices of the Peace, and other necessary Officers and Ministers in Our said Province for the better Administration of Justice and putting the Laws in Execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due Execution and Performance of Offices and Places, and for the clearing of Truth in Judicial Causes.

And We do hereby give and grant unto you full Power and Authority where you shall see Cause, or shall judge any offender or offenders in criminal Matters, or for any Fines or Forfeitures due unto Us, fit Objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines and Forfeitures, Treason and Willful Murder only excepted, in which Cases you shall likewise have Power upon extraordinary Occasions to grant Reprieves to the Offenders, untill and to the Intent Our Royal Pleasure may be Known therein.

And We do by these Presents authorize and empower you to collate any Person or Persons to any Churches, Chapels or other Ecclesiastical Benefices within Our said Province, as often as any of them shall happen to be void.

And We do hereby give and grant unto you the said Francis Bernard by yourself or by your Captains and Commanders by you to be authorized, full Power and Authority to levy, arm, muster, command, and employ all Persons whatsoever residing within Our said Province of Nova Cæsarea or New Jersey under your Government, and, as Occasion shall serve, to march from one place to another, or to embark them for the resisting and withstanding of all Enemies, Pirates and Rebels, both at Sea and Land, and to transport such Forces to any of Our Plantations in America (if necessity shall require) for the Defence of the same against the invasion or Attempts of any of Our Enemies, and such Enemies, Pirates and Rebels, if there shall be occasion, to persue and prosecute in or out of the Limits of Our said Province and Plantations or any of them; and, if it shall so please God, them to vanquish, apprehend and take, and being taken either according to Law to put to Death, or Keep and preserve alive at your Discretion, & to execute Martial Law in time of Invasion or other times when by Law it may be executed, and to do and execute all and every other thing and things which to Our Captain General and Governor in Chief doth or ought of Right to belong.

And We do hereby give and grant unto you full Power & Authority, by and with the Advice and Consent of Our said Council, to erect, raise and build in Our said Province of Nova Cæsarea or New Jersey such and so many Forts and Platforms, Castles, Cities, Boroughs, Towns and Fortifications, as You by the Advice aforesaid shall judge necessary; and the same or any of them to fortify and furnish with Ordnance, Ammunition, and all sorts of Arms fit and necessary

for the security & Defence of our said Province, and by the Advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient.

And for asmuch as divers Mutinies and Disorders may happen by Persons shipped and employ'd at Sea, during the time of War, and to the end that such as shall be shipped & employed at Sea during the time of War, may be better gov'n'd and order'd; We do hereby give and grant unto You the said Francis Bernard full Power and Authority to constitute and appoint Captains, Lieutenants, Masters of Ships and other Commanders and officers, and to grant unto such Captains, Lieutenants, Masters of Ships and other Commanders and officers, Commissions to execute the Law Martial, during the time of War, according to the Directions of an Act passed in the 22^d year of Our Reign, entitled, an Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of his Majestys' Ships, Vessels and Forces by Sea; and to use such proceedings, Authorities, Punishments, Corrections and Executions upon any offenders, who shall be Mutinous, Seditious, Disorderly or any way unruly, either at Sea or during the time of their Abode or Residence in any of the Ports, Harbours, or Bays of Our said Province, as the Cause shall be found to require, according to Martial Law and the said Directions, during the time of War, as aforesaid, Provided that nothing here in contain'd shall be construed to the enabling you, or any by your Authority, to hold plea or have any Jurisdiction of any offence, Cause, Matter or Thing committed or done upon the high Sea, or within any of the Havens, Rivers or Creeks of Our said Province under your Government, by any Captain, Commander Lieutenant, Master, officer, Seaman, Soldier or other Person whatsoever, who shall be in actual Service and pay, in or on Board any of Our Ships of War or other Vessels acting by immediate Commission or Warrant

from our Commissioners for executing the office of Our High Admiral, or from Our High Admiral of Great Britain for the time being under the Seal of Our admiralty; but that such Captain, Commander, Lieutenant, Master, officer, Seaman, Soldier, or other Person so offending, shall be left to be proceeded against and tryed as their offences shall require; either by Commisison under Our Great Seal of Great Britain, as the Statute of the 28th of Henry the eight directs; or by Commission from Our said Commissioners for executing the office of Our High Admiral; or from Our High Admiral of Great Britian for the time being, according to the aforementioned *Act for amending, explaining and reducing into one Act of parliament the Laws relating to the Government of His Majestys' Ships, Vessels and Forces by Sea*, and not otherwise.

Provided nevertheless that all Disorders and Misdemeanors committed on Shore by any Captain, Commander, Lieutenant, Master, officer, Seaman, Soldier or other Person whatsoever, belonging to any of Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our said Commissioners for executing the office of Our High Admiral, or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be tryed and punished according to the Law of the place where any such Disorders, offences and Misdemeanours shall be committed on Shore. notwithstanding such offender be in Our actual Service and born in Our Pay on Board any such Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our said Commissioners for executing the office of Our High Admiral or from Our High Admiral of Great Britain for the time being as aforesaid, so as he shall not receive any protection for the avoiding Justice for such offences committed on Shore, from any pretence of his being employed in Our Service at Sea.

Our further Will & Pleasure is, that all publick

Money raised or which shall be raised by any Act hereafter to be made within Our said Province, be issued out by Warrant from You, by and with the advice & Consent of Our Council, and disposed of by you for the Support of the Government, and not otherwise.

And We do hereby give you the said Francis Bernard full Power and Authority to order and appoint Fairs, Marts and Markets, as also such and so many Ports, Harbours, Bays, Havens and other Places for the Convenience and Security of Shipping and for the better Loading and unloading of Goods and Merchandize, as by you, with the Advice and Consent of Our said Council, shall be thought fit and necessary.

And We do hereby require and command all Officers & Ministers Civil and Military, and all other Inhabitants of Our said province to be obedient, aiding and assisting unto you the said Francis Bernard in the execution of this Our Commission, and of the Powers and Authorities herein contain'd; And in Case of your Death or Absence out of Our said Province, to be Obedient, aiding and assisting unto such Person as shall be appointed by Us to be Our Lieutenant Governor or Commander in Chief of Our said province, to whom We do therefore by these presents give and grant all and singular the powers and Authorities herein granted to be by him executed & enjoyed during Our pleasure, or until your arrival within Our said province.

And if upon your Death or Absence out of Our said province there be no person upon the place commissioned or appointed by us to be Our Lieutenant Governor or Commander in Chief of Our said province, Our Will & Pleasure is, that the eldest Councillor whose name is first placed in Our said Instructions to you, and who shall be at the time of your Death or Absence residing within Our said province of New Jersey, shall take upon him the Administration of the Government,

& execute Our said Commission and Instructions and the several Powers and Authorities therein contain'd, in the same Manner and to all Intents and purposes as other Our Governor or Commander in Chief of Our said province shou'd or ought to do, in Case of your Absence untill you return, or in all Cases untill Our further Pleasure be Known therein.

And We do hereby declare, ordain and appoint, that you the said Francis Bernard shall and may hold, execute and enjoy the office & Place of Our Captain General and Governor in Chief in and over Our province of Nova Cæsarea or New Jersey, together with all and Singular the Powers and Authorities hereby granted unto you for and during Our Will and Pleasure. In Witness whereof We have caused these our Letters to be made Patents. Witness Ourselves at Westminster the —— day of —— 1758 in the thirty first year of Our Reign. And for so doing this shall be your Warrant. Given at Our Court at S^t James's the —— day of —— 1758 in the thirty first year of Our Reign.

Report of the Lords of Trade upon the Petition of the Agent of New Jersey, respecting a Bill for issuing £89,000 in paper Bills of Credit.

[From P. R. O. B. T., New Jersey, Vol. 16, Page 55.]

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

My Lords,

Pursuant to Your Lordships Order dated the 16 of Nov^r last, We have taken into Our Consideration the humble Petition of Richard Partridge, Agent for & in

behalf of the House of Representatives of the Colony of New Jersey, humbly praying, for the Reasons therein contain'd that His Majesty will be graciously pleased to signify his Royal Pleasure to the Governor or Commander in Chief of the said Colony for the Time being, to give his Assent to a Bill prepared by the said House of Representatives In March last, intitulated, *an Act for making current £60,000 in Bills of Credit, to be emitted on Loan within the Colony of New Jersey, the interest whereof to sink the further Sum of £29,000, to be also made current for the immediate Service of the Crown if the same should be needed, otherwise for the Relief of the said Colony.* And having been attended by the said Agent & his Counsel, & heard what they had to offer in Support of the Petition, We beg leave to acquaint your Lordships, that this Bill appears to us to be liable to many very material objections. 1st by the manner in which the Clause of appropriation is expressed, the House of Representatives seem to have assumed to themselves not only a power or joining with the Gov^r & Council in the disposal & issuing the money granted for his Majesty's Service, but likewise to have made themselves judges of the Services to which it is to be applied.

2^{ndly} The Surplus of the interest arising from the Loan of the Bills of Credit, which shall remain after sinking the £29,000 granted for his Majesty's Service, is to be substituted as a Fund for sinking Bills of Credit heretofore emitted, in lieu of Taxes which have been already establish'd for that purpose.

3^{rdly} The Bills of Credit are declared to be legal Tenders in payment of all Debts & Contracts.

With respect to the first of these objections, We must observe that the Assembly's assuming to themselves a Right to join in the disposal & issuing of publick money is in all Cases a deviation from the fundamental Principles of the Constitution of that

Colony, as establish'd by His Majesty's Commission & Instructions. That, independent of this consideration, as the Services to be performed by this Grant ought not to be in their nature either local or provincial, the Assembly cannot be the proper judges of them; & therefore the money granted by this Bill to his Majesty's Use ought to have been appropriated to such Services in general, as His Majesty or the Commander in Chief of his Forces in America should think proper to direct or recommend, to be issued & disposed of by Warrant of the Gov^r & Council to such Services only.

With respect to the 2^d of these objections, it will be necessary to state to your Lordships, that in the Years 1755, 1756, & 1757, paper Bills of Credit, to the Amount of £82,500, have been issued & made current for five years, & Taxes are imposed to constitute a Fund for sinking them within that term. That by substituting the Interest of this Loan in Lieu of those Taxes, the provision made for sinking them within a reasonable time will be set aside, & the currency of them protracted to a much longer time, which is such a violation of the Publick Faith, as has in other Colonies always produced a Depretiation of the Credit of the Paper Currency, and was one of those Evils which gave rise to the necessity of the Act of Parliament passed in the Year 1750 for restraining the Paper Currency in the four Colonies of New England.

With regard to the third objection; the making Bills of Credit legal Tenders in all payments is contrary to the sense of Parliament, as express'd in their Resolutions of the 5th of April 1740, & in the above mentioned Act passed in the year 1750, as we have frequently had occasion to observe in former Reports; in which we have declared, that, tho' a Paper Currency may be advantageous to a Trading Colony, yet that it ought never to be admitted, unless it can be effected without

enforcing the legality of the Tender of the Bills so to be issued; which we are of opinion is by no means impracticable, if some part of the Interest raised upon such Bills should be appropriated to support their Circulation; & this Method, We believe might not only be easily and successfully pursued, but wou'd be likewise with the strictest propriety an application of the whole & every part of the money so raised to the publick Service. But however this be, We were of opinion in our former Reports, & still continue to be so, that the Inconveniences of making Bills of Credit legal Tenders so greatly overballance the advantages which can accrue to the Publick from the Interest of them, that the latter ought not to be accepted, unless the former can be avoided.

Having stated to your Lordships the Objections to which this Bill appears to be liable with such Observations as have occur'd to Us in support of them, it only remains for Us to take Notice of the two principal Reasons assigned in the Preamble of the Bill for establishing this Paper Currency, namely, the inability of the People in their present circumstances to carry on Trade or even their Dealings for the Common necessities of Life, & to continue their Assistance to the common cause in carrying on the War against his Majesty's Enemies.

With respect to the first of these Reasons, we find, upon enquiry into the present State of the paper currency in New Jersey, that the Bills now outstanding & current in that Colony amount in the whole to about £107,000; & as that sum appears to Us sufficiently large for all purposes in the ordinary Course of commercial Dealings, we conceive there can be no room to pretend an immediate necessity of that sort. As to the Plea of necessity arising from their Inability to contribute towards the Prosecution of the War, it may be obviated by His Majestys' permitting his Gov^t

to give his Assent to any Bill or Bills for issuing such Quantity of Paper Currency as may be necessary for defraying the expence of such military Services, as shall be required by His Majesty or his commander in Chief in America; provided the Credit of such Bills be properly ascertain'd & Funds be establish'd for sinking them within a reasonable time not exceeding five years, conformable to the Directions perscrib'd in the like Cases by His Majestys' Instructions to his late Gov^r of the Province of New York.

We are, My Lords, &c

DUNK HALIFAX.

T. PELHAM.

SOAME JENYNS.

W. G. HAMILTON.

W. SLOPER.

Whitehall

Feb^y 21. 1758

Representation to the King from the Lords of Trade with a draft of General Instructions and those relating to Trade for Francis Bernard Governor of New Jersey.

[From P. R. O. B. T., New Jersey, Vol. 16, p. 61.]

WHITEHALL, Feb'y 23, 1758.

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

In obedience to your Majesty's Order in Council dated the 27th of Jan^y last, We have prepared Draughts of General Instructions & of those which relate to the observance of the Acts of Parliament for the Encouragement & Regulation of Trade & Navigation, for Francis Bernard Esq^r whom Your Majesty has been

pleased to appoint Captain Gen^l & Governor in Chief of your Majesty's Province of New Jersey: In which Draughts we have made alterations from the Instructions given by your Majesty to Jona^s Belcher Esq^r the late Gov^r of that Province, in the following Respects.

There being but eleven Persons appointed by your Majesty to be of your Council in New Jersey, We have in the first Article of this Draught of Gen^l Instructions, added the name of W^m Alexander Esq^r, who has been recommended to Us as a person qualified to supply the Vacancy.

We have omitted the 19th Article of the former instructions, whereby the Governor was directed not to give Assent to any Act for issuing Paper Bills of Credit, upon any Account whatever, unless a Draught of such Act was previously transmitted for your Majesty's Directions, or a Clause inserted in it, suspending its Execution till your Majesty's Pleasure should be Known thereupon. As such an Instruction might deprive the Legislature of New Jersey of the Means of providing for any Military Services, or sudden Emergency, which may arise in time of War, it appeared to Us improper to be continued in the present Conjunction, We have therefore inserted in its place the 22^d Article of the present Draught, which is exactly conformable to the Instruction given by your Majesty to your late Gov^r of New York whereby he is permitted to assent to Acts for issuing paper Currency in Cases of Emergency & for Military purposes in time of War, upon such Conditions & under such Regulations as are prescribed in the like Cases by the Act of Parliament pass'd in the Year 1750 for restraining the paper Currency in the four Colonies of New England.

We have also omitted in gen^l all such Articles of the Instructions given to the late Gov^r, as appeared to Us to have become obsolete, useless or improper, and have inserted such Articles of the Instructions given to the

Governors of your Majesty's other Colonies, as seem well adapted to the Situation & Circumstances of New Jersey, making the same conformable to what has been approved by your Majesty in the Instructions given to such of the said Governors as have been lately appointed.

The Draught of Instructions for the observance of the Acts of Parliament for the Encouragement & Regulation of Trade and Navigation, is made conformable to the Instructions which have been approved and given by your Majesty for the like Purposes to other Governors on the Continent of North America.

All which is most humbly submitted.

DUNK HALIFAX
 JAMES OSWALD
 SOAME JENYNS
 W. G. HAMILTON
 W^m SLOPER.

INSTRUCTIONS to Our Trusty and Well beloved
 FRANCIS BERNARD ESQ^r: Our Captain General
 and Governor in Chief in and over Our
 province of Nova Cæsarea or New Jersey
 in America. Given at Our Court at S^t
 James's the —— day of —— 1758 in the
 thirty first day of Our Reign.

1st *With* these Our Instructions your will receive Our Commission under Our Great Seal of Great-Britain, constituting You Our Captⁿ General and Governor in Chief in and over Our province of New Jersey, You are therefore with all convenient Speed to repair to Our said Province, and being there arrived, You are to take upon you the Execution of the Peace and Trust We have reposed in You, and forthwith to call together the Members of Our Council in and for

that province, viz:^t Jn^o Reading, Robert Hunter Morris, Edward Antill, James Hude, Andrew Johnston, Peter Kimbold, Thomas Leonard, Rich^d Salter, David Ogden, Lewis Ashfield, Samuel Woodruffe and W^m Alexander Esq^{rs}

2^d *And* you are with all due Solemnity to cause Our said Commission to be read and published at the said Meeting of Our Council, which being done, You shall then take and also administer to each of the Members of Our said Council the Oaths mention'd in an Act pass'd in the first Year of His late Majesty Our Royal Father's Reign, entituled, *an Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late princess Sophia being Protestants, and for extinguishing the hopes of the pretended prince of Wales and His open and secret Abettors* : as also make and subscribe and cause the Members of Our said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the Reign of King Charles the second, entituled, *an Act for preventing Dangers which may happen by Popish Recusants*; And you, and every of them, are likewise to take an Oath for the due Execution of your and their places and Trusts with Regard to your and their equal and impartial Administration; of Justice; and you are also to take the Oath required by an Act pass'd in the 7 & 8 Years of the Reign of King William the 3^d to be taken by Governors of Plantations to do their utmost that the Acts of Parliament relating to the plantations be observed.

3. *You* shall administer or cause to be administered the Oaths mentioned in the aforesaid Act, entituled, *an Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the pretended*

Prince of Wales, and his open and secret Abettors; to the Members and officers of the Council and Assembly, and to all Judges, Justices, and all other Persons, that hold any Office or Place of Trust or Profit in the said Province, whether by virtue of any patent under Our Great Seal of this Kingdom, or the Publick Seal of New Jersey, or otherwise; And you shall also cause them to make and subscribe the aforesaid Declaration; without the doing of all which you are not to admit any person whatsoever to any publick Office, nor suffer those who have been admitted formerly, to continue therein.

4. *You* are forthwith to communicate to Our said Council such and so many of these Our Instructions wherein their Advice and Consent are required, as likewise all such others from time to time as you shall find convenient for Our Service to be imparted to them.

5. *You* are to permit the Members of Our said Council to have and enjoy Freedom of Debate and Vote in all Affairs of publick Concern, that may be debated in Council.

6. *And* although by Our Commission aforesaid We have thought fit to Direct, that any three of Our Councillors make a Quorum, it is nevertheless *Our Will and Pleasure*, that you do not act with a Quorum of less than five Members, unless upon extraordinary Emergencies, when a greater Number cannot be conveniently had.

7. *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 from time to time, when any Vacancies shall happen in Our said Council, forthwith to transmit unto Our Commissioners for Trade and Plantations, in order to be laid before Us, the Names of three persons, Inhabitants of the Eastern Division, and the Names of three other Persons Inhabitants of the Western Divis-

ion, of Our said Province, whom you shall esteem the best qualified for that Trust.

8. *And* whereas by Our Commission You are impower'd, in Case of the Death or Absence of any of Our Council of the said Province, to fill up the Vacancies in Our said Council to the number of seven, and no more; you are from time to time to send to Our Commissioners for Trade and Plantations, in order to be laid before Us, the Name or Names and Qualities of any Member or Members by you put into Our said Council by the first conveniency after your so doing.

9. *And* in the Choice and nomination of the Members of Our said Council, as also of the Chief Officers, Judges, Assistant Justices and Sheriffs; You are always to take Care, that they be men of good Life, well affected to Our Government, of good Estates, and of Abilities suitable to their Employments.

10. *You* are neither to augment nor diminish the Number of Our said Council, as it is already establish'd, nor to suspend any of the Members thereof without good and sufficient Cause, nor without the Consent of the Majority of the said Council signified in Council, after due Examination of the Charge against such Councillor and his answer thereunto. And in Case of Suspension of any of them, You are to cause your Reasons, for so doing, together with the Charges and proofs against the said Persons, and their Answers thereunto, to be duly entred upon the Council Books; and forthwith to transmit Copies thereof, to Our Commissioners for Trade and Plantations, in Order to be laid before us. Nevertheless if it should happen, that you should have Reasons for suspending any Councillor not fit to be communicated to the Council, you may in that Case suspend such Person without their Consent; but you are thereupon immediately to send to Our Commissioners for Trade and Plantations, in Order to be laid before Us, an Account

of your proceedings therein, with your Reasons at large for such Suspension, as also for not communicating the same to the Council, and Duplicates thereof by the next Opportunity.

11. *And* whereas We are sensible, that effectual Care ought to be taken to oblige the Members of Our Council to a due Attendance therein, in Order to prevent the many inconveniences that may happen for want of a Quorum of the Council to transact Business, as Occasion may require ; It is *Our Will & Pleasure*, that, if any of the Members of Our said Council residing in the said Province shall hereafter absent themselves, from Our Said Province, and continue absent above the Space of twelve months together, without leave from you or from Our Governor or Commander in Chief of the said Province for the time being, first obtain'd under your or his Hand and Seal, or shall remain absent for the Space of two Years successively, without Our Leave given them under Our Royal Sign Manual, their place or places in Our said Council shall immediately thereupon become void ; and that if any of the Members of Our said Council residing in our said Province shall hereafter willfully absent themselves from the Council Board when duly summon'd without a just and lawfull Cause, and shall persist therein after Admonition, you suspend the said Councillors, so absenting themselves, till Our further pleasure be known, giving timely notice thereof to Our Commissioners for Trade and plantations, in Order to be laid before Us ; And We do hereby Will and require you, that this Our pleasure be signified to the several Members of Our Council aforesaid, and that it be enter'd in the Council Books of Our said Province as a standing Rule.

12. *And Our Will and Pleasure is*, that with all convenient Speed you call together one general Assembly for the enacting of Laws for the joint and mutual Good of the whole province ; that the first meeting of

the said general Assembly be at Perth Amboy in East New Jersey, in case the last was at Burlington; And that all future General Assemblies do meet and sit at one or the other of these Places alternately, or otherwise as You, with the Advice of Our foresaid Council, shall think fit in Case of extraordinary Necessity to appoint them.

13. *Our Will & Pleasure is*, and you are accordingly to make the same Known in the most publick Manner, that the Method of choosing Representatives for the future shall be, as follows; Viz: two by the Inhabitants—Householders of the City or Town of Perth Amboy in East New Jersey, and two by the Freeholders of each of the Five Counties in the said Division of East New Jersey; Two by the Inhabitants Householders of the city or Town of Burlington in West New Jersey, and two by the Freeholders of each of the five Counties in the said Division of West New Jersey; which Persons, so to be chosen, make up together the Number of twenty four Representatives. And it is *Our further Will & Pleasure*, that no Person shall be capable of being elected a Representative by the Freeholders of either Division, as aforesaid, or afterwards of sitting in general Assembly, who shall not have one thousand Acres of Land an Estate of Freehold in his own Right within the Division for which he shall be chosen, or have a personal Estate in Money, Goods or Chattels to value of five hundred pounds sterling and all Inhabitants of Our-said Province being so qualified, as aforesaid, are hereby declared capable of being elected accordingly.

14. *You* are to choose in the passing of Laws, that the Stile of enacting the same be by the Governor, Council and Assembly and no other; You are also, as much as possible, to observe in the passing of all Laws, that whatever may be requisite upon each different matter be accordingly provided for by a

different Law, without Intermixing in one and the same Act such things as have no proper relation to each other, and you are more especially to take care, that no Clause or Clauses be inserted in or annexed to any Act, which shall be foreign to what the Title of such respective Act imports; and that no perpetual Clause be made part of any temporary Law; and that no Act whatsoever be suspended, altered, continued revived or repeated by general Words, but that the Title and Date of such Act so suspended, alter'd, continued, revived or repealed be particularly mentioned and expressed in the enacting part.

15. *And* whereas several Laws have formerly been enacted in several of Our Plantations in America, for so short a time, that the Assent or refusal of Our Royal predecessors cou'd not be had thereupon before the time, for which such Laws were enacted, did expire; You shall not for the future give Your Assent to any Law; that shall be enacted for a less time than two Years, except in the Cases herein after mention'd. And you shall not reenact any Law to which the Assent of Us or Our Royal predecessors has once been refused, without express Leave for that purpose first obtained from Us, upon a full Representation by you to be made to Our Commissioners for Trade and Plantations, in order to be laid before Us, of the reason and necessity for passing such Law, nor give your Assent to any Law for repealing any other Act pass'd in Your Government, whether the same is or has not received Our Royal Approbation, unless You take care that there be a Clause inserted therein suspending and deferring the Execution thereof until Our Pleasure be known concerning the same.

16. *And* whereas great Mischiefs do arise by the Frequent passing Bills of an unusual and extraordinary Nature and Importance in Our Plantations, which Bills remain in force there from the time of enacting

until Our Pleasure be signified to the contrary; We do hereby Will and require you not to pass or give your Consent hereafter to any Bill or Bills in the Assembly of Our said Province of unusual and extraordinary Nature and importance, wherein Our Prerogative, or the Property of Our Subjects may be prejudiced, or the Trade or Shipping of this Kingdom any Ways affected, until you shall have first transmitted to Our Commissioners for Trade and Plantations, in order to be laid before Us, the Draught of such a Bill or Bills, and shall have receiv'd Our Royal Pleasure thereupon, unless you take care in the passing of any Bill of such Nature as beforementioned, that there be a Clause inserted therein, suspending and deferring the Execution thereof until Our Pleasure shall be known concerning the same.

17. *You* are also to take Care, that no private Act, whereby the property of private Persons may be affected, be passed, in which there is not a saving of the Right of Us, Our Heirs and Successors, all Bodies Politick or corporate, and of all other Persons, except such as are mentioned in the said Act and those claiming by, from and under them; And further you shall take Care, that no such private Act be passed without a Clause suspending the Execution thereof, until the same shall have Our Royal Approbation. It is likewise Our *Will and Pleasure*, that you do not give your Assent to any private Act, until Proof be made before you in Council (and entred in the Council Books,) that publick notification was made of the Parties Intention to apply for such Act in the several Parish Churches, where the premises in Question lye, for three Sundays at least successively, before any such Act shall be brought into the Assembly; and that a Certificate under your hand be transmitted with and annexed to every such private Act, signifying that the same has passed through all the forms above mention'd.

18. *You* are to take Care, that in all Acts or Orders to be passed within that Our said Province, in any Case for levying Money or imposing Fines and Penalties, express mention be made, that the same is granted or reserved to Us, Our Heirs or Successors for the Publick Uses of that Our Province and the support of the Government thereof, as by the said Act or Order shall be directed, and you are particularly not to pass any Law or do any Act by Grant, Settlement or otherwise, whereby Our Revenue may be Lessened or impaired without Our especial leave or Command therein.

19. *You* are not to suffer any publick Money whatsoever to be issued or disposed of, otherwise than by Warrant under your hand, by and with the Advice and Consent of Our said Council, but the Assembly may be nevertheless permitted from time to time to view and examine the Accounts of Money or Value of Money disposed of by Virtue of Laws made by them, which you are to signify unto them, as there shall be occasion.

20. *You* are not to permit any Clause whatsoever to be inserted in any Law for the Levying Money or the Value of money, whereby the same shall not be made lyable to be accounted for unto Us. and to Our Commissioners of Our Treasury or Our High Treasurer for the time being, and audited by Our Auditor General of Our Plantations or his Deputy for the time being. And we do particularly require and enjoyn you, under the pain of Our highest Displeasure, to take Care, that fair Books of Accounts of all Receipts & payments of all publick Money be duly kept, and the Truth thereof attested upon Oath And that all such Accounts be audited and attested by the Auditor General of Our Plantations or his Deputy, who is to transmit Copies thereof to Our Commissioners of Our Treasury or to Our High Treasurer for the time being, and

that you do every half Year or oftener send another Copy thereof attested by yourself to Our Commissioners for Trade and Plantations, and Duplicates thereof by the next Conveyance; In which Books shall be specified every particular Sum raised, and disposed of, together with the names of the Persons to whom any Payment shall be made, to the end We may be satisfied of the Right and due application of the Revenue of Our said province with the probability of the increase or Diminution of it under every head or Article thereof.

21st *It is Our express Will and Pleasure*, that no Law for raising any imposition on Wines or other strong Liquors be made to continue for less than one whole Year, and that all other Laws made for the supply and Support of the Government shall be indefinite and without Limitation, except the same be for a temporary Service, and which shall expire and have their full effect within the time therein prefixt.

22. *Whereas* Acts have been passed in some of Our Plantations in America for striking Bills of Credit and issuing out the same in lieu of Money, and for declaring the said Bills to be legal Tenders in payment of all private Contracts, Debts, Dues and Demands whatsoever, in Order to discharge their publick Debts and for other purposes; from whence several Inconveniences have arisen; It is therefore *Our Will and Pleasure*, that you do not give your Assent to or pass any Act in the Province of New Jersey under your Government, whereby Bills of Credit may be struck or issued in lieu of Money, unless upon sudden and extraordinary Emergencies of Government, in Case of War or Invasion, and upon no other occasion whatever, and provided that in every such Act so to be passed by you, due care be taken to ascertain the real Value of such Bills of Credit, and that an ample and

This Article was struck out by the Lords of the Council, & in lieu thereof was insert'd the 19th Article of the Instructions given to Jonathan Belcher Esq^r the late Gov^r

Vide order in Council dated 1st of April 1758

Bund^e

sufficient fund be provided, for calling in, sinking and discharging the said Bills within a reasonable time, not exceeding five Years; and provided also, that such Bills of Credit shall not be declared to be a legal Tender in payment of any private Contracts, Bargains, Debts, Dues or Demands whatsoever within Our said Province; and it is Our further *Will & Pleasure*, that you do not upon any pretence whatsoever give your Assent to any Act or Acts, whereby the time limited or the Provision made for the calling in, sinking and discharging such paper Bills of Credit, as are already subsisting or passing in payment within Our said Province, shall be protracted or postponed, or whereby any of them shall be depreciated in Value, or whereby they shall be re-issued, or obtain a new and further Currency.

23. *Whereas* several Inconveniences have arisen to Our Governments in the Plantations by Gifts and Presents made to Our Governors by the general Assemblies; you are therefore to propose unto the Assembly at their first meeting after your Arrival, and to use your utmost Endeavour with them, that an Act be passed for raising and settling a publick Revenue for defraying the necessary Charge of the Government of Our said Province, and that therein Provision be particularly made for a competent Salary to yourself as Captain General and Governor in Chief of Our said Province, and to other Our succeeding Captains General and Governors in Chief for supporting the Dignity of the same Office, as likewise due Provision for the Contingent Charges of Our Council and Assembly, and for the Salaries of the respective Clerks and other Officers thereunto belonging, as likewise of all other Officers necessary for the Administration of that Government, and particularly that such Salaries be enacted to be paid in Sterling or Proclamation Money or in paper Bills of Credit current in that Prov-

ince in proportion to the Value such Bills shall pass at in Exchange for Silver, that thereby the respective Officers may depend on some certain income, and not be lyable to have their Stipends varied by the uncertain Value of Paper Money, and that in such Act all Officers Salaries be fixed to some reasonable yearly Sum, except the Members of the Council and Assembly and the Officers attending them, or others whose Attendance on the publick is uncertain, who may have a reasonable pay established per Diem during their Attendance only; And when such Revenue shall have been so settled and Provision made as aforesaid, then Our express *Will & Pleasure is*, that neither you Our Governor, nor any Governor, Lieuten^t Governor, Commander in Chief, or President of Our Council of Our said Province of New Jersey for the time being, do give your or their Consent to the passing of any Law or Act for any Gift or Present to be made to You or them by the Assembly; and that neither you nor they do receive any Gift or Present from the Assembly or others on any Account or in any Manner whatsoever, upon pain of Our Highest Displeasure and of being recalled from that Our Government. And We do further direct and require that this Declaration of Our Royal Will and Pleasure be communicated to the Assembly at their first meeting after your Arrival in Our said Province, and entred in the Register of Our Council and Assembly, that all Persons, whom it may concern, may govern themselves accordingly.

24. *And* whereas an Act of Parliament was passed in the sixth Year of the Reign of Her late Majesty Queen Anne, intituled *an act for ascertaining the Rates of foreign Coins in Her Majesty's Plantations in America*, which Act the respective Governors of all Our Plantations in America have from time to time been instructed to observe and carry into execution; And whereas notwithstanding the same, Complaints

have been made, that the said Act has not been observed, as it ought to have been, in many of Our Colonies and Plantations in America, by means whereof many indirect Practices have grown up, and various and illegal Currencies have been introduced in several of the said Colonies and plantations, contrary to the true intent and meaning of the said Act, and to the prejudice of the Trade of Our Subjects; It is therefore *Our Royal Will & Pleasure*, and you are hereby strictly required and commanded, under pain of Our highest Displeasure and of being removed from your Government, to take the most effectual care for the future, that the said Act be punctually and bona fide observed and put in execution, according to the true Intent and meaning thereof.

25. *And* whereas complaint has been made to Us by the Merchants of Our City of London in behalf of themselves and of several others of Our good Subjects of Great Britain trading to Our Plantations in America, that greater Duties and Impositions are laid on their Ships and Goods, than on the Ships and Goods of Persons who are Natives and Inhabitants of the said Plantations; It is therefore *Our Will & Pleasure*, that you do not, on pain of Our Highest Displeasure give your Assent for the future to any Law, wherein the Natives or Inhabitants of Our Province of New Jersey, under Your Government are put on a more advantageous footing, than those of this Kingdom, or whereby Duties shall be laid upon British Shipping, or upon the Product or Manufactures of Great Britain upon any Pretence whatsoever.

26. *Whereas* Acts have been passed in some of Our Plantations in America for laying Duties on the Importation and exportation of Negroes, to the great Discouragement of the Merchants trading thither from the Coast of Africa; and whereas Acts have likewise been passed for laying Duties on Felons imported, in

direct Opposition to an Act of Parliament passed in the fourth Year of His late Majesty's Reign, *for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons*; it is Our Pleasure, that you do not give your assent to or pass any Act imposing Duties upon Negroes imported into the said province under your Government, payable by the importer, or upon any Slaves exported that have not been sold in the said Province, and continued there for the space of twelve Months: It is *Our further Will & Pleasure*, that you do not give your Assent to or pass any Act whatsoever for imposing Duties on the importation of any Felons from this Kingdom into the province under Your Government.

27. *You* are likewise to examine, what Rates and Duties are charged and payable upon any Goods imported or exported within Our Province of Nova Cæsarea or New Jersey, whether of the growth or Manufacture of Our said Province or otherwise; and you are to suppress the engrossing of Commodities, as tending to the prejudice of that Freedom which Trade and Commerce ought to have: And to use your best Endeavours for the Improvement of Trade in those parts by settling such Orders and Regulations therein, with the advice of the Council, as may be most acceptable to the generality of the Inhabitants; and to send unto Our Commissioners for Trade and Plantations, in Order to be laid before Us, yearly or oftener as occasion may require, the best and most particular Account of any Laws that have at any time been made, Manufactures set up, or Trade carried on in the province under your Government, which may in any wise affect the Trade and Navigation of this Kingdom.

28. *You* are to transmit Authentick Copies of all Laws, Statutes and Ordinances that are now made and in Force which have not yet been sent, or which

at any time hereafter shall be made or enacted within the said province, each of them separately under the Publick Seal unto Our said Commissioners for Trade and Plantations within three months or by the first Opportunity after their being enacted, together with Duplicates thereof by the next Conveyance, upon pain of Our highest Displeasure and of the Forfeiture of that year's Salary, wherein you shall at any time or upon any pretence whatsoever, omit to send over the said Laws, Statutes and Ordinances, as aforesaid, within the time above limited, as also of such other penalty as We shall please to inflict; but if it shall happen, that no shipping shall come from the said Province within three Months after the making such Laws, Statutes and Ordinances, whereby the same may be transmitted, as aforesaid, then the said Laws, Statutes and Ordinances are to be transmitted, as aforesaid, by the next Conveyance after the making thereof, whenever it may happen, for Our Approbation or Disallowance of the same.

29. *And Our further Will & Pleasure is*, that the Copies and Duplicates of all Acts that shall be transmitted, as aforesaid, be fairly abstracted in the Margin, and that in every Act there be the several Dates or respective times when the same passed the Assembly and the Council and receiv'd Your Assent; and you are to be as particular as may be in your Observations (to be sent to Our Commissioners for Trade and Plantations) upon every Act, that is to say, whether the same is introductive of a New Law, declaratory of a former Law, or does repeal a law then before in being, And you are likewise to send to Our said Commissioners the reasons for the passing of such law, unless the same do fully appear in the preamble of the said Act.

30. *You* are to require the Secretary of Our said Province or his Deputy for the time being to furnish you with Transcripts of all such Acts and publick

Orders as shall be made from time to time, together with a Copy of the Journals of the Council; and that all such transcripts and Copies be fairly abstracted in the Margins, to the end the same may be transmitted to Our Commissioners for Trade and Plantations, as above directed, in Order to be laid before Us; which he is duly to perform upon Pain of incurring the Forfeiture of his place.

31. *You* are also to require from the Clerk of the Assembly or other proper Officer transcripts of all the said Journals, and other proceedings of the said Assembly; and that all such transcripts be fairly abstracted in the Margins, to the end the same may in like manner be transmitted, as aforesaid.

32. *Whereas* it is necessary that Our Rights and Dues be preserved and recovered, and that speedy and effectual Justice be administred in all Cases relating to Our Revenue; you are to take Care that a Court of Exchequer be called and do meet at all such times as shall be needfull; and you are upon your Arrival to inform us by Our Commissioners for Trade and Plantations, whether Our Service may require that a Constant Court of Exchequer be settled and established there.

33. *You* shall not erect any Court or Office of Judicature not before erected or established, nor dissolve any Court or Office already erected or establish'd without Our especial Order. But in regard We have been informed, that there is a great Want of a particular Court for determining of small Causes, you are to recommend it to the Assembly of Our said Province, that a Law be passed, if not already done, for the constituting such Court or Courts for the Ease of Our Subjects there.

34. *And* whereas frequent Complaints have been made to Us of great Delays and undue proceedings in the Courts of Justice in several of Our Plantations,

whereby many of Our Subjects have very much suffered; and it being of the greatest importance to Our Service and to the Welfare of Our Plantations, that Justice be every where speedily and duly administered, and that all Disorders, Delays and undue Practices in the Administration thereof be effectually prevented; We do particularly require you to take especial Care, that in all Courts, where you are authorized to preside, Justice be impartially administered, and that in all other Courts established within Our said province all Judges and other Persons therein concerned do likewise perform their several duties without any Delay or partiality.

35. *You* are to take Care that no Man's Life, Member, Freehold or Goods be taken away or harmed in Our said province, otherwise than by established and Known Laws, not repugnant to, but as much as may be agreeable to, the Laws of this Kingdom.

36. It is Our further *Will & Pleasure*, that no persons be sent as Prisoners from this Kingdom, from New Jersey without sufficient Proofs of their Crimes, and that Proof transmitted along with the said Prisoners.

37. *You* shall endeavour to get a Law passed (if not already done) for the restraining of any Inhuman Severity, which by ill Masters, or Overseers may be used towards their Christian Servants, and their Slaves; and that Provision be made therein, that the willfull killing of Indians and negroes may be punish'd with Death, and that a fit Penalty be imposed for the maiming of them.

38. *You* are to take Care that all Writs be issued in Our Name throughout Our said Province.

39. *Our Will & Pleasure* is, that you or the Commander in Chief of Our said province for the time being, do in all civil Causes, on Application being made to you or the Commander in Chief for the time

being, for that purpose, permit and allow Appeals from any of the Courts of common Law in Our said province unto You or the Commander in Chief or the Council of our said Province; and you are for that purpose to issue a Writ in the manner which has usually been accustomed, returnable before yourself and the Council of Our said Province, who are to proceed to hear and determine such Appeal, wherein such of Our Council 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 permitted 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 Appeals 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 judgment of you or the Commander in Chief for the time being and Council, as aforesaid, *Our Will and Pleasure* is, that they may then appeal unto Us in Our privy Council, provided the Sum or Value so appealed for unto Us exceed five hundred pounds Sterling, and that such Appeals be made within fourteen days after Sentence, & good Security given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by Us, in Case the Sentence of you or the Commander in Chief for the time being and Council be affirmed; provided nevertheless, 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 Rights in future may be bound, in all such cases you are to admit an Appeal to Us in Our privy Council, though the immediate Sum or value appealed for be of a less Value; and it is Our further *Will & Pleasure*, that in all cases whereby your Instructions, you are to admit Appeals to Us in Our privy Council, execution be suspended until 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 or Decree, in case upon the Determination of such Appeal such Decree or Judgment should be reversed, and Restitution awarded to the Appellant.

40. *You* are also to permit Appeals to Us in Council in all Cases of Fines imposed for Misdemeanors, provided the Fines so imposed amount to or exceed the Value of £200 Sterling, the Appellant first giving good security, that he will effectually prosecute the same, and answer the Condemnation if the Sentence by which such Fine was imposed in Our said province of New Jersey, shall be confirmed.

41. *You* shall not appoint any person to be a Judge or Justice of the peace without the Advice and Consent of at least three of Our Council signified in Council; nor shall you execute yourself or by Deputy any of the said Offices; And it is Our further *Will & Pleasure*, that all Commissions to be granted by you to any person or persons to be Judges, Justices of the Peace, or other necessary Officers be granted during Pleasure only.

42. *You* shall not displace any of the Judges, Justices, Sheriffs or other Officers or Ministers within Our said Province without good and sufficient cause, which you shall signify in the fullest and most distinct manner to Our said Commissioners for Trade and Plantations, in order to be laid before Us, by the first Opportunity after such Removal.

43. *You* shall not suffer any Person to execute more Offices than one by Deputy.

44. *You* are, with the Advice and Consent of Our said Council, to take especial Care to regulate all Salaries and Fees belonging to places, or paid upon Emergencies, that they be within the Bounds of Moderation; and that no exaction be made on any Occasion whatsoever; as also that all Tables of Fees be publickly hung up in all places where such Fees are to be paid; and you are to transmit Copies of all such Tables of Fees to our Commissioners for Trade and Plantations, in order to be laid before Us, as aforesaid.

45. *Whereas* there are several Offices in Our Plantations, granted under Our great Seal of this Kingdom, and that Our Service may be very much prejudiced by reason of the absence of the Patentees, and by their appointing Deputies not fit to officiate in their stead, you are therefore, upon your Arrival, to inspect such of the said Offices as are in your Government, and to enquire into the Capacity and behaviour of the Persons now exercising them, and to report thereupon to Our Commissioners for Trade and Plantations, what you think fit to be done or altered in relation thereunto; and you are upon the misbehaviour of any of the said Patentees, or their Deputies, to suspend them from the Execution of their places, till you shall have represented the whole matter and receiv'd Our Directions therein; and in case of the Death of any such Deputy, It is Our express *Will & Pleasure*, that you take Care the Person appointed to execute the place, untill the Patentee can be informed thereof and appoint another Deputy, do give sufficient Security to the Patentee, or in case of Suspension to the person suspended, to be answerable to him for the Profits accruing during such interval by Death or during suspension, in Case we shall think fit to restore him to his place again. It is nevertheless *Our Will & Pleasure*, that the person

executing the place during such Suspension, shall, for his Encouragement receive the same profits as the Person dead or suspended did receive; And it is Our further Will & Pleasure that in Case of the Suspension of a Patentee, the person appointed by you to execute the Office, during such Suspension, shall, for his encouragement, receive a Moiety of the Profits which would otherwise [have] accrued and become due to such patentee, giving Security to such Patentee to be answerable to him for the other Moiety, in case We shall think fit to restore him to his place again: And it is Our further *Will & Pleasure* that you do countenance and give all due encouragement to all Our Patent Officers, in the enjoyment of their legal and accustomed Fees, Rights, Priviledges, and Emoluments, according to the true Intent and meaning of their Patents.

46. *You* shall not, by Colour of any Power or Authority hereby or otherwise granted or mention'd to be granted unto you, take upon you to give, grant or dispose of any Office or place within Our said Province, which now is or shall be granted under the great Seal of Great Britain or to which any person is or shall be appointed by Warrant under Our Signet or Sign Manual, any otherwise than that you may, upon the Vacancy of any such Office or Place, or Suspension of any such Officer by you, as aforesaid, put in any fit person to officiate in the interval, till you shall have represented the matter unto Our Commissioners for Trade and Plantations, in order to be laid before us, as aforesaid, which you are to do by the first Opportunity, and untill the said Office or Place be disposed of by Us, Our Heirs or Successors, under the Great Seal of Great Britain, or until some Person shall be appointed thereto under Our Signet or Sign Manual, or that Our further Directions be given therein.

47. *And* whereas several Complaints have heretofore been by made the Surveyor General and other Officers of

Our Customs in Our Plantations in America, that they have been frequently obliged to serve on Juries and personally to appear in Arms, whenever the Militia is drawn out, and thereby are much hindred in the Execution of their Employments, Our Will and Pleasure is, that you take effectual Care and give the necessary Directions, that the several Officers of Our Customs be excused and exempted from serving on any Juries.

48. *And* whereas the Surveyors General of Our Customs in the Plantations are impower'd in case of the Vacancy of any our Offices of the Customs by Death, Removal or otherwise, to appoint other Persons to execute such Offices untill they receive further Directions from Our Commissioners of Our Treasury, or Our High Treasurer or Commissioners of Our Customs for the time being, but in regard the Districts of the said Surveyors General are very extensive, and that they are required at proper times to visit the Officers in the several Governments under their Inspection, and that it may happen, that some of the Officers of Our Customs in the Province of Nova Cæsarea or New Jersey, may dye at the time when the Surveyor is absent in some distant part of his District, so that he cannot receive Advice of such Officers Death within a reasonable time and thereby make Provision for carrying on the Service, by appointing some other Person in the room of such Officer who may happen to die, therefore that there may be no delay given on such Occasion to the Masters of Ships or Merchants in their Dispatches, It is Our further *Will & Pleasure*, in case of such Absence of the Surveyor General, or if he should happen to die, and in such Cases only, that upon the Death of any Collector of Our Customs within that Our Province, you shall make choice of a Person of Known Loyalty, Experience, Diligence and Fidelity, to be imploy'd in such Collectors room for the purposes aforesaid, untill the Surveyor General of Our

Customs shall be advised thereof, and appoint another to succeed in their places or that further Directions shall be given therein by Our Commissioners of Our Treasury, or Our High Treasurer, or by the Commissioners of Our Customs for the time being, which shall be first signified, taking Care that you do not under pretence of this Instruction, interfere with the Powers and Authorities given by the Commissioners of Our Customs to the said Surveyors General, when they are able to put the same in Execution.

49. *Whereas* it is convenient for Our Service, that all the Surveyors Gen^l of Our Customs in America for the time being should be admitted to sitt and vote in the respective Councils of Our several Islands and Provinces within their Districts as Councillors extraordinary, during the time of their Residence there, We have therefore thought fit to constitute and appoint, and do hereby constitute and appoint the Surveyor General of Our Customs for the Northern District and the Surveyor General of Our Customs within the said District for the time being, to be Councillors extraordinary in Our said Province. And it is *Our Will & Pleasure*, that he and they be admitted to sit and vote in the said Council, as Councillors extraordinary, during the time of his or their Residence there; But it is Our Intention, if thro' length of time the said Surveyor General or any other Surveyor General should become the senior Councillor in Our said Province, that neither he nor they shall by virtue of such Seniority, be ever capable to take upon him or them the Administration of the Government there, upon the Death or Absence of Our Captains Gen^l or Governors in chief for the time being; but whenever such Death or Absence shall happen, the Government shall devolve upon the Councillor next in seniority to the Surveyor General, unless We should hereafter think it for Our Royal Service to nominate the said Surveyor General

or any other of Our said Surveyors General Councillors in ordinary in any of Our Governments within their Survey, who shall not in the Case be excluded any Benefit which attends the Seniority of their Rank in the Council.

50. It is Our further *Will & Pleasure*, and you are hereby required by the first Opportunity to move the Assembly of Our said Province under your Government, that they provide for the Expence of making Copies for the Surveyor General of Our Customs in the said District for the time being, of all Acts and Papers which bear any relation to the Duty of his Office; and in the mean time you are to give Orders, that the said Surveyor General for the time being, as aforesaid, be allowed a free Inspection in the publick Offices within your Government of all such Acts and papers without paying any Fee or reward for the same.

51. *You* are to transmit unto Our Commissioners for Trade and Plantations, with all convenient speed, in Order to be laid before Us, a particular Account of all Establishments of Jurisdictions, Courts, Offices and Officers, Powers, Authorities, Fees and Privileges, granted or settled or which shall be granted or settled within Our said Province, together with an Account of all the Expences attending the Establishments of the said Courts, and of such Funds as are settled and appropriated for discharging such Expences.

52. *Our Will and Pleasure is*, that for the better quieting the Minds of Our good Subjects Inhabitants of Our said Province, and for settling the Properties and Possessions of all Persons concerned therein, either as General Proprietors of the Soil, under the first original Grant of the said Province made by the late King Charles the Second to the late Duke of York, or as particular Purchasers of any Parcels of Land from the general Proprietors, you shall propose to the General Assembly of Our said Province the passing of

such Act or Acts whereby the Right or Property of the said General Proprietors to the Soil of our said Province may be confirmed to them according to their respective Rights and Titles together with all such Quit Rents, as have been reserved or are or shall become due to the said General Proprietors from the Inhabitants of Our said Province and all such Priviledges as are expressed in the Conveyances, made by the said Duke of York excepting only the Right of Government which remains in Us, And you are further to take Care that by the said Act or Acts so to be passed the particular Titles and Estates of all the Inhabitants of that Province and other purchasers, claiming under the said General Proprietors be confirmed & settled, as of Right does appertain, under such Obligations as shall tend to the best and speediest Improvement or Cultivation of the same provided always that you do not Consent to any Act or Acts to lay any Tax upon unprofitable Lands.

53. *You* shall not permit any other person or persons besides the said general Proprietors or Agents to purchase any Lands whatsoever from the Indians within the Limits of their Grants.

54. *You* are to permit the Surveyors and other Persons appointed by the forementioned General Proprietors of the Soil of that Province for surveying and recording the Surveys of Land granted by and held of them to execute accordingly their respective Trusts and you are likewise to permit and if need be aid and assist such other Agent or Agents as shall be appointed by the said Proprietors for that End to collect and receive the Quit Rents which are or shall be due unto them from the particular Possessors of any Parcels or Tracts of Land, from time to time, provided always that such surveyors Agents or other Officers appointed by the said General Proprietors do not only take proper Oaths for the due Execution and performance

of their respective Offices or Employments And give good and sufficient Security for their so doing, but that they likewise take the oaths mentioned in the foresaid Act entituled, *an Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late princess Sophia being protestants and for the extinguishing the Hopes of the Pretended Prince of Wales and his open and Secret Abettors*: as also make and subscribe the Declaration aforesaid and you are more particularly to take Care that all Lands purchased from the said Proprietors be cultivated and improved by the possessors thereof. And you are to take Care that no Fees be exacted or taken by any of the Officers under you, for the Grants of Lands made by the Agents of the Proprietors, which Agents are to deliver over to you in Council Duplicates of all such Grants to be registred in Our Council Books.

55. *Whereas* for some Years past the Governors of some of Our Plantations have seized and appropriated to their own use the produce of Whales of several kinds taken upon those Coasts upon pretence that Whales are Royal Fishes, which tends greatly to discourage this Branch of Fishery in Our Plantations and prevent Persons from settling there, it is therefore Our Will & Pleasure that you do not pretend to any such Claim nor give any manner of discouragement to the fishery of Our Subjects upon the Coast of the Province under your Government but on the Contrary that you give all possible Encouragement thereto.

56. *You* shall not remit any fines or Forfeitures whatsoever above the Sum of ten pounds, nor dispose of any Forfeitures whatsoever, until upon signifying unto Our Commissioners of Our Treasury or Our High Treasurer for the [time ?] being, and to Our Commissioners for Trade and Plantations the Nature of the Offence, and the Occasion of such Fines and Forfei-

tures with the particular Sums or Value thereof (which you are to do with all speed) you shall have receiv'd Our Directions therein, but you may in the mean time suspend the payment of the said Fines and Forfeitures.

57. *Whereas* We have thought it necessary for Our Service to constitute and appoint a Receiver General of the Rights and Perquisites of the Admiralty. It is therefore *Our Will & Pleasure* that you be aiding and assisting to the said Receiver General; his Deputy or Deputies in the Execution of the said Office of Receiver General; And we do hereby require and enjoin you to make up your Accounts with him, his Deputy or Deputies of all Rights of Admiralty as you or your Officers have or shall or may receive, and to pay over to the said Receiver General, his Deputy or Deputies for Our Use all such Sum or Sums of Money, as shall appear upon the foot of such Accounts to be and remain in your hands, or in the Hands of any of your Officers; And whereas Our said Receiver General is directed, in case the Parties Chargeable with any part of such Our Revenue, refuse, neglect or delay payment thereof, by himself or sufficient Deputy to apply to Our Governors, Judges, Attornies General or any other Our Officers or Magistrates to be aiding and assisting to him in recovering the same; it is therefore *Our Will & Pleasure* that you Our Governor, Our Judges, Our Attornies General and all other Our Officers whom the same may concern, do use all lawfull Authority for the recovering and levying thereof.

58. *You* are to permit a Liberty of Conscience to all Persons (except Papists) so they be contented with a quiet and peaceable enjoyment of the same, not giving Offence or Scandal to the Government.

59. *You* shall take especial Care that God Almighty be devoutly and duly served throughout your Government, the Book of Common Prayer as by Law established, read each Sunday and Holy day and the blessed

Sacrament administred according to the Rites of the Church of England.

60. *You* shall be carefull that the Churches already built there be well and orderly Kept, and that more be built, as the province shall by God's blessing be improved, and that besides a competent Maintenance to be assign'd to the Minister of each orthodox Church, a Convenient house be built at the common Charge for each Minister and a competent proportion of Land assigned to him for a Glebe and Exercise of His Industry, and you are to take Care that the parishes be bounded and settled as you shall find most convenient for the accomplishing this good Work.

61. *You* are not to prefer any Minister to any Ecclesiastical Benefice in that Our province without a Certificate from the Right Reverend Father in God the Lord Bishop of London of his being conformable to the Doctrine and Discipline of the Church of England and of a good Life and Conversation, and if any person already prefer'd to a Benefice shall appear to you to give Scandal either by his Docrine or Manners you are to use the proper and usual means for the removal of him.

62. *You* are to give order that every Orthodox minister within your Government be one of the Vestry in his respective parish, and that no vestry be held without him except in Case of Sickness, or that after Notice of a Vestry sunmon'd he omit to Come.

63. *You* are to enquire whether there be any Minister within your Government who preaches and administers the Sacrament in any Orthodox Church or Chapel without being in due Orders & to give account thereof to the said Lord Bishop of London.

64. *And* to the End the Ecclesiastical Jurisdiction of the said Lord Bishop of London may take place in Our said Province so far as conveniently may be. We do think fit that you give all Countenance & En-

couragement to the Exercise of the Same, except only the Collating to Benefices, Granting Licences for marriages, and probate of Wills, which we have reserved to you Our Governor and the Commissioner in Chief of Our said province for the time being.

65. We do further direct that no Schoolmaster be henceforth permitted to come from England and to keep School in the said province without the Licence of the said Bishop of London, and that no other person now there or that shall come from other parts, shall be admitted to keep School in that Our said province of New Jersey, without your Licence first obtained.

66. And you are to take especial Care, that a Table of Marriages established by the Canons of the Church of England be hung up in every Orthodox Church and duly observed And you are to endeavor to get a Law passed in the Assembly of Our said Province (if not already done) for the strict Observation of the said Table.

67. The Right Reverend Father in God Edmund late Lord Bishop of London having presented a petition to his late Majesty Our Royal Father, humbly beseeching him to send Instructions to the Governors of all the several plantations in America, that they cause all Laws already made against Blasphemy, prophaneness, Adultry, Fornication, Polygamy, Incest, prophanation of the Lord's day, Swearing and Drunkenness in their respective Governments to be vigorously executed. And We thinking it highly just that all persons, who shall offend in any of the particulars aforesaid, should be prosecuted and punished for their said Offences. It is therefore *Our Will and Pleasure*, that you take due Care for the punishment of the fore-mentioned Vices, and that you earnestly recommend it to the Assembly of New Jersey to provide effectual Laws for the Restraint and punishment of all such of the aforementioned Vices against which no Laws are

as yet provided, and also you are to use your Endeavors to render the Laws in being more effectual by providing for the punishment of the aforementioned Vices by presentment upon Oath to be made to the temporal Courts by the Church Wardens of the several parishes, at proper times of the year to be appointed for that Purpose. And for the further discouragement of vice and Encouragement of Virtue and good Living (that by such Example the Infidels may be invited and desire to embrace the Christian Religion) you are not to admit any person to publick Trusts and Employments in the said Province under your Government whose ill Fame and Conversation may occasion Scandal. And it is Our further *Will and Pleasure* that you recommend to the Assembly to enter upon proper Methods for the erecting and maintaining of Schools, in Order to the training up of Youth to Reading and to a necessary Knowledge of the principals of Religion, and you are also with the Assistance of the Council and Assembly to find out the best means to facilitate and encourage the Convesion of Negroes and Indians to the Christian Religion.

68. *You* shall send unto Our Commissioners for Trade and Plantations by the first Conveyance in order to be laid before us, an Account of the present Number of Planters and Inhabitants, Men, Women, and Children, as well Masters as Servants free and unfree and of the Slaves in Our said province as also an yearly Account of the increase or decrease of them and how many of them are fit to bear Arms in the Militia of Our said province. You shall also cause an exact Account to be kept of all Persons born and christned and buried, and you shall yearly send fair Abstracts thereof to Our Commissioners for Trade and Plantations as aforesaid.

69. *And We* do further expressly command and require you to give unto Our Commissioners for Trade

& plantations once in every year the best Account you can procure of what number of Negroes Our said province is yearly supplied with.

70. *You* shall take Care that all planters and Christian Servants be well and fitly provided with Arms and that they listed under good Officers and when and as often as shall be thought fit mustred and trained whereby they may be in a better readiness for the defence of Our said province under your Government.

71. *You* are to take especial care that neither the frequency nor unreasonableness of their Marches, Musters, and trainings be an unnecessary Impediment to the affairs of the Inhabitants.

72. *You* shall not upon any Occasion whatsoever establish or put in Execution any Articles of War or other Law Martial upon any of Our Subjects, Inhabitants of Our said province without the Advice and Consent of Our Council there.

73. *And* whereas there is no Power given you by your Commission to execute Martial Law in time of Peace upon Soldiers in pay and that nevertheless it may be necessary that some Care be taken for the keeping good Discipline amongst those that We may at any time think fit to send into Our said province (which may properly be provided for by the legislative power of the same) you are therefore to recommend to the general Assembly of Our said province that they prepare such Act or Law for the punishing of Mutiny, Desertion and false Musters and for the better preserving of good Discipline amongst the said Soldiers, as may best answer those Ends.

74. *You* are to encourage the Indians upon all Occasions so as to induce them to trade with Our Subjects rather than any others of Europe.

75. *And* for the greater Security of Our province of New Jersey you are to appoint fit Officers and Commanders in the several parts of the Country bordering

upon the Indians who upon any Invasion may raise Men and Arms to oppose them till they shall receive your Directions therein.

76. *And* whereas you will receive from Our Commissioners for Executing the Office of High Admiral of Great Britain and of Our plantations a Commission of Vice Admiralty of Our said province of New Jersey, You are hereby required and directed carefully to put in execution the several powers thereby granted you.

77. *And* there having been great Irregularities in the Manner of granting Commissions in the plantations to private Ships of War. You are to govern yourself whenever there shall be occasion according to the Commissions and Instructions granted in this Kingdom, Copies whereof will herewith be delivered you. But you are not to grant Commissions of Marque or Reprizal against any Prince or State or their Subjects, in Amity with us to any Person whatsoever without Our Especial Command, and you are to oblige the Commanders of all Ships having private Commissions to wear no other Colours than such as are described in Our Order of Council of the 7th of Jan^y 1730 in relation to Colours to be worn by all Ships and Vessels except Our own Ships of War. A Copy of which Order will be herewith be delivered to you.

78. *Whereas* we have been informed that during the time of War Our Enemies have frequently got Intelligence of the State of Our plantations by letters from private persons to their Correspondents in Great Britain taken on Board Ships coming from the plantations, which may be of dangerous Consequence if not prevented for the future. *Our Will and Pleasure is*, that you signify to all Merchants, planters and others that they be very Cautious in time of War, in giving any Account by Letters of the publick State and Condition of Our said province of New Jersey, and you are further to give Directions to all Masters of Ships

or other persons to whom you may intrust your Letters, that they put such Letters in a Bag with a sufficient Weight to sink the same immediately, in Case of imminent danger from the Enemy. And you are also to let the Merchants and planters know how greatly it is for their Interest that their Letters should not fall into the Hands of the Enemy, and therefore that they should give the like Orders to the Masters of Ships in relation to their Letters. And you are further to advise all Masters of Ships that they do sink all Letters in Case of Danger in the manner before mentioned.

79. *And* whereas the Merchants and planters in America have in time of War corresponded and traded with Our Enemies and carried Intelligence to them, to the great prejudice and Hazard of the English plantations. You are therefore by all possible Methods to endeavour to hinder all such trade and Correspondence in time of War.

80. *And* whereas Commissions have been granted unto several persons in Our respective plantations in America, for the trying of pirates in those parts pursuant to the Acts for the more effectual Suppression of Piracy, and by a Commission already sent to Our province of New Jersey, you as Captain General and Governor in Chief of Our said province are impowered together with others mentioned, to proceed accordingly in reference to Our said province, *Our Will & Pleasure is*, that in all matters relating to pirates, you govern yourself according to the Intent of the Acts & Commission aforementioned.

81. *Whereas* it is absolutely necessary, that we be exactly informed of the State of Defence of all Our plantations in America, as well in relation to the Stores of War that are in each plantation, as to the forts and Fortifications there, and what more may be necessary to be built for the Defence and Security of the same. You are so soon as possible to prepare an Account

thereof with relation to Our said province of Nova Cæsarea or New Jersey in the most particular manner, and you are therein to express the present State of the Arms, Ammunition and other Stores of War belonging to the province either in any publick Magazines or in the hands of private persons together with the State of all places either already fortified or that you judge necessary to be fortified for the Security of Our said province, and you are to transmit the said Accounts to Our Commissioners for Trade and plantations, in order to be laid before us, as also a Duplicate thereof to Our Master General or principal Officers of Our Ordnance, which Accounts are to express the particulars of Ordnance, Carriages, Ball, Powder, and all other sorts of Arms and Amunition in Our publick Stores at your said Arrival, and so from time to time of what shall be sent to you b bought with publick Money and to specify the time of the Disposal and the occasion thereof and other like Accounts half yearly in the same manner.

82. *Whereas* divers Acts have from time to time been passed in several of Our Colonies in America imposing a Duty of powder on every Vessel that enters and clears in the said Colonies, which has been of great Service in furnishing the Magazines with powder for the Defence of Our said Colonies in time of Danger: it is *Our Express Will & Pleasure*, and you are hereby required and directed to recommend to the Assembly of New Jersey to pass a Law for Collecting a powder Duty, and that the Law for that purpose be made perpetual, that a certain time in the said Act, not exceeding twelve months, be allowed for giving Notice thereof to the several masters of Vessels trading to New Jersey, and that for the more ample Notification thereof, a proclamation be also published in your said Government declaring that from and after the Expiration of the time limited by the said Act for such

Notice, no Commutation shall be allow'd of but upon evident Necessity, which may some time happen, whereof you or Our Commander in Chief for the time being are to be the Judge; in which Case the said Master shall pay the full price Gunpowder sells for there, and the monies so collected shall be laid out as soon as may be in the purchase of Gunpowder; and you are also to transmit every six months to Our Commissioners for Trade and Plantations, an Account of the particular Quantities of Gunpowder collected under the said Act in your Government; and likewise a Duplicate thereof to the Master General or principal Officers of Our Ordnance.

83. *You* are to take especial Care, that fit Store-houses be settled throughout Our said province for receiving and keeping of Arms, Ammunition, and other publick Stores.

84. *And* in Case of any distress of any of Our plantations, you shall upon Application of the respective Governors to you, assist them with what Aid the Condition and safety of your Government will permit; and more particularly in Case Our province of New York be at any time attacked by an Enemy, the Assistance you are to contribute towards the Defence thereof, whether in Men or Money, is to be according to the Quota or Repartition which has already been signified to the Inhabitants of Our foresaid province under your Government, or according to such other Regulation as We shall hereafter make in that behalf, and shall signify to you or the Commander in Chief of Our said province for the time being.

85. *You* shall transmit unto Our Commissioners for Trade and plantations, by the first Opportunity, to be laid before us, a Map with the exact Description of Our whole Territory under your Government, and of the several plantations that are upon it.

86. *You* are from time to time to give an Account, as before directed, what Strength your bordering

Neighbours have, be the Indians or others, by Sea & Land & of the Condition of their plantations, & what Correspondence you do keep with them.

87. *You* are likewise from time to time to give unto Our Commissioners for Trade and Plantations, as aforesaid, in order to be laid before us, an Account of the Wants and Defects of Our said province ; what are the Chief Products thereof, what new improvements are made therein by the Industry of the Inhabitants or planters ; and what further Improvements you conceive may be made, or Advantages gained by trade, and in what manner We may best Advance the same.

88. If any thing shall happen that may be of Advantage and Security to Our said province, which is not herein or by Our Commission provided for, We do hereby allow unto you, with the Advice and Consent of Our Council, to take order for the present therein, giving unto Our Commissioners for Trade and plantations speedy notice thereof, in order to be laid before Us, that so you may receive Our Ratification, if We shall approve of the same, provided always that you do not by Colour of any power or Authority given you, commence or declare War without Our Knowledge and particular Commands therein, except it be against Indians upon Emergencies, wherein the Consent of Our Council shall be had and speedy Notice given thereof unto Our Commissioners for Trade and plantations in Order to be laid before Us.

89. *And* whereas great Prejudice may happen to Our Service and the Security of Our said province under your Government by your Absence from those parts, you are not upon any pretence whatsoever, to come to Europe from your Government, without first having obtained leave for so doing under Our Signet and Sign Manual, or by Our Order in Our privy Council.

90. *And* whereas We have been pleased by Our Commission to direct, in Case of your Death or Absence

from our said province, and in Case there be at that time no person upon the place commissioned or appointed by Us, to be Our Lieutenant Governor or Commander in Chief, the eldest Councillor whose name is first placed in these Instructions to you, and who shall be at the time of your Death or Absence residing within our said province, shall take upon him the Administration of the Government and execute Our said Commission and Instructions and the several powers and Authorities therein contained, in the manner therein directed; It is nevertheless Our express *Will and Pleasure*, that in such Case the said eldest Councillor, or President shall forbear to pass any Act or Acts such as shall be immediately necessary for the peace and Wellfare of Our said province without Our particular Order for that purpose, and that he shall not take upon him to dissolve the Assembly then in being, nor to remove or suspend any of the Members of Our said Council nor any Judges, Justices of the peace or other Officers civil or military without the Advice or Consent of at least seven of the Council, and Our said President is to transmit to Our Commissioners for Trade and Plantations by the first Opportunity, the reasons of such Alterations, signed by himself and Our Council, in order to be laid before Us.

91. *And* whereas We are willing in the best manner to provide for the support of the Government of Our said Province by setting a part sufficient Allowances to such as shall be Our Governor, Lieutenant Governor, Commander in Chief or President of Our Council, residing for the time being within the same; Our *Will & Pleasure* therefore is, that when it shall happen that you shall be absent from the Territory of New Jersey of which We have appointed you Governor one full moiety of the Salary and of all perquisites and Emoluments whatsoever which would otherwise become due, unto you, shall during the time of your Absence, from the said Territory be paid and satisfied

unto such Governor, Lieutenant Governor, Commander in Chief or President of Our Council, who shall be resident upon the place for the time being, which We do hereby order and allot unto him, towards his maintenance, and for the better support of the Dignity of that Our Government.

92. *And* you are upon all Occasions to send unto Our Commissioners for Trade and plantations only, a particular Account of all your proceedings and of the Condition of Affairs within your Government, in order to be laid before Us, provided nevertheless whenever any Occurrence shall happen within your Government of such a Nature and importance as may require Our more immediate Direction by one of Our principal Secretaries of State, and also upon all Occasions & in all Affairs wherein you may receive Our Orders by one of the principal Secretaries of State, you shall in all such Cases transmit to the Secretary of State only, an Account of all such Occurrences & of your proceedings relative to such Orders.

ORDERS & INSTRUCTIONS to Our Trusty and Welbeloved Francis Bernard Esq^r Our Captain General & Governor in Chief in and over Our province of Nova Cæsarea or New Jersey in America in pursuance of several Laws relating to the Trade and Navigation of this Our Kingdom of Great Britain and Our Colonies and Plantations in America given at Our Court at S^t James's the —— day of —— 1758 in the thirty first Year of Our Reign.

1st You shall inform yourself of the principal Laws relating to the Plantation Trade. [Then follows in the original document the titles of numerous navigation

acts, covering several pages, which it was thought unnecessary to reproduce.]

An Act for encouraging and increasing of Shipping and Navigation; made in the 12th Year of the Reign of King Charles the Second; An Act for preventing frauds and regulating Abuses in the Customs; made in the 13th & 14th Years of the said King's Reign, An Act for the Encouragement of Trade made in the 15th Year of the said King's Reign; An Act to prevent planting of Tobacco in England; and for regulating the Plantation Trade, made in the 22 & 23^d Years of the said King's Reign; an Act for the Encouragement of the Greenland and Eastland Trades, and better securing the plantation Trade; made in the 25th Year of the said King's Reign; An Act for preventing Frauds and regulating Abuses in the plantation Trade; made in the 7th & 8th Years of the Reign of King William the 3^d; An Act for the encrease and encouragement of Seamen; made in the same Years of the said King's Reign; An Act to enforce the Act for the increase and Encouragement of Seamen; made in the eighth year of the said King's Reign; an Act for raising a Sum not exceeding two Millions &c. and for settling the Trade to the East Indies; made in the 9th & 10th Years of the said King's Reign; an Act to prevent the Exportation of Wooll out of Ireland and England into Foreign parts and for the Encouragement of the Woolen Manufacture in the Kingdom of England; made in the 10th & 11th Years of the said King's Reign; An Act to encourage the Trade to Newfoundland; made in the same Years of the said King's Reign; An Act for the more effectual Suppression of piracy; made in the 11th & 12th Years of the said King's Reign; an Act to punish Governors of plantations in this Kingdom for Crimes by them committed in the plantations; made in the same years of the said King's Reign; An Act for granting a further subsidy on Wines and Merchandizes imported;

made in the 2^d & 4th Years of the Reign of Queen Anne; An Act to permit the Exportation of Irish Linen Cloth to the plantations, &c. made in the same Years of the said Queen's Reign; An Act for encouraging the Importation of Naval Stores from Her Majesty's plantations in America; made in the same Years of the said Queen's Reign; An Act for an union of the two Kingdom's of England & Scotland; made in the fifth year of the said Queen's Reign; An Act for ascertaining the rates of foreign Coins in Her Majesty's plantations in America; made in the Sixth Year of said Queen's Reign; An Act for the Encouragement of the trade to America, made in the same Year of the said Queen's Reign; An Act for continuing several Impositions &c. and to limit a time for prosecution upon certain Bonds called in the Act plantation Bonds, made in the eighth year of the said Queen's Reign; an Act for the Encouragement of the Trade to America; made in the 9th Year of the said Queen's Reign; an Act for the Relief of Merchants importing prize Goods, from America, made in the tenth Year of the said Queen's Reign; An Act for the further preventing Robbery, Burglary, and other Felonies &c. and for declaring the Law upon some points relating to Pirates; made in the 4th Year of His late Majesty Our Royal Father's Reign; An Act against clandestine running of uncustomed Goods and for the more effectual preventing of Frauds relating to the Customs; made in the fifth Year of his said late Majesty's Reign; an Act for the better securing the Lawful Trade of His Majesty's Subjects to and from the East Indies, and for the more effectual preventing all His Majesty's Subjects trading thither under Foreign Commissions, made in the same Year of His said late Majesty's Reign; an Act for the further preventing His Majesty's Subjects from trading to the East Indies under Foreign Commissions and for encouraging and further securing

the lawful Trade thereto; made in the seventh Year of His said late Majesty's Reign, An Act for giving further Encouragement for the Importation of Naval Stores; and for other purposes therein mentioned; made in the eighth year of His said late Majesty's Reign; An Act for encouragement of the Silk Manufactures of this Kingdom, &c. and for Importations of all Furr's of the product of the British plantations into this Kingdom only &c. made in the same Year of His said late Majesty's Reign; An Act to prevent the Clandestine Running of Goods &c. and to Subject Copper Ore of the Production of the British plantations to such Regulations as other enumerated Commodities of the like production are subject to, made in the same Year of His said late Majesty's Reign; an Act for the more effectual Suppression of piracy, made in the same Year of His said late Majesty's Reign; an Act for encouraging the Greenland fishery, made in the tenth year of His said late Majesty's Reign; An Act for repealing the Duties laid upon Snuff, &c. and for giving a further Encouragement to the Greenland Fishery, made in the twelfth year of His said late Majesty's Reign; An Act to revive the Laws therein mentioned &c. for making Copper Ore of the British Plantations an enumerated Commodity, for making perpetual an Act therein mentioned for Suppression of Piracy &c. made in the second year of Our Reign; an Act for the better preservation of His Majesty's Woods in America; and for the importation of Naval Stores from thence, &c. made in the same year of Our Reign; An Act for reducing the Annuity or Fund of the united East India Company and for ascertaining their Right of Trade to the East Indies; made in the same year of Our Reign; an Act for importing from His Majesty's Plantations in America directly into Ireland Goods not enumerated in any Act of Parliament, made in the fourth year of Our Reign; An Act for granting

an Allowance upon the Exportation of British made Gunpowder; made in the same year of Our Reign; an Act for further encouraging the Manufacture of British Sail Cloth by taking off the Duties and Drawbacks therein mentioned, and allowing an additional Bounty &c. made in the same year of Our Reign; An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America, made in the same year of Our Reign; an Act to prevent the Exportation of Hats out of any of His Majesty's Colonies or Plantations in America; and to restrain the number of Apprentices taken by Hat Makers in the said Colonies or Plantations; and for the better encouraging the making Hats in Great Britain; made in the same year of Our Reign; an Act for encouraging the Greenland Fishery; made in the same year of Our Reign; an Act for reviving an Act, made in the fifth year of the Reign of His late Majesty King George the first, for better securing the lawful trade of His Majesty's Subjects to and from the East Indies &c. made in the same year of Our Reign; An Act for the further encouragement of the Whale fishery; made in the sixth year of Our Reign; An Act for encouraging and regulating the Manufacture of British Sail Cloth &c.^a made in the ninth year of Our Reign; an Act for laying a Duty upon Apples imported and for continuing an Act passed in the 4th year of Our Reign for granting an Allowance upon the Exportation of British made Gunpowder, and for taking off the Drawback upon the Exportation of Foreign Paper and for the better securing the Payment of the Bounty on the Exportation of British made Sail Cloth; made in the 10th year of Our Reign; An Act to continue to several Acts therein mentioned, one for encouraging the Growth of Coffee in His Majesty's plantations in America, and the other for the better securing and encouraging the Trade of His Majesty's

Colonies in America; made in the 11 year of Our Reign: An Act for taking off the duties upon woolen and Bay Yarn imported from Ireland to England and for the more effectual preventing the Exportation of Wool from Great Britain and of Wool manufactured from Ireland to foreign parts, made in the 12th year of Our Reign; An Act for granting a Liberty to carry Sugars of the growth produce or manufacture of any of His Majesty's Sugar Colonies in America from the said Colonies directly to foreign parts in Ships built in Great Britain and navigated according to Law; made in the same year of Our Reign; an Act to rectify a Mistake in an Act made in the 6th year of the Reign of His late Majesty King George the first for preventing frauds &c, to obviate a doubt which had arisen upon An Act made in the 7th year of His said late Majesty's Reign for the further preventing His Majesty's Subjects from trading to the East Indies under foreign Commissions &c. made in the same year of Our Reign; an Act to continue several Laws therein mentioned &c^a and for better Securing the Lawfull Trade of His Majesty's Subjects to and from the East Indies &c. made in the same year of Our Reign; an Act for the better Supply of Mariners and Seamen to serve in His Majesty's Ships of War and on board Merchants Ships and other trading Ships and Privateers, made in the 13th Year of Our Reign; an Act for the more effectual Securing and encouraging the Trade of His Majesty's British Subjects to America, and for the Encouragement of Seamen to enter into His Majesty's Service; made in the same Year of Our Reign, an Act for continuing the several Laws therein mentioned relating to the premiums upon the Importation of Masts, Yards and Bowsprits, Tar, Pitch and Turpentine, to british made Sail Cloth and the Duties payable on foreign made Sail Cloth, to the Greenland and to the Whale Fishery and for granting a further

Bounty, &c. &c. made in the same year of Our Reign; an Act for naturalizing such foreign protestants and others therein mentioned as are settled or shall settle in any of His Majesty's Colonies, in America, made in the same Year of Our Reign; an Act for restraining and preventing several unwarrantable Schemes and undertakings in His Majesty's Colonies and plantations in America, made in the fourteenth Year of Our Reign; an Act for the Encouragement and increase of Seamen and for the better and spedier Manning His Majesty's Fleets; made in the same Year of Our Reign; an Act to revive several Acts, &c. &c. and for extending the Liberty given by the Act of the 12th Year of the Reign of His present Majesty for carrying Sugar of the growth of the British Sugar Colonies in America &c. to Ships belonging to any of His Majesty's Subjects residing in Great Britain, and navigated according to Law &c. &c. made in the 15th Year of Our Reign; an Act for further regulating the Plantation trade &c.^a made in the same Year of Our Reign; an Act to continue several Laws for the Encouragement of the making of Sail Cloth in Great Britain, made in the same Year of Our Reign; an Act for continuing several Laws relating to the Exportation of British made Gunpowder to the Importation of Navall Stores from the British Colonies in America &c. made in the 16th Year of Our Reign; an Act to continue the several Laws therein mentioned for preventing Theft and Rapine &c.^a and for granting a Liberty to carry Sugars of the Growth, Produce or Manufacture of any of His Majesty's Sugar Colonies in America from the said Colonies directly to Foreign parts &c. mde in the 17th Year of Our Reign, An Act for the better Encouragement of Seamen in His Majesty's Service and Privateers to annoy the Enemy made in the same Year of Our Reign; An Act for giving a publick Reward to such Person or Persons His Majesty's Subject or Sub-

jects, as shall discover a North West passage thro' Hudson's Streights to the Western and Southern Ocean of America, made in the 18th Year of Our Reign; an Act to amend an Act made in the 11th Year of the Reign of King William the Third, entituled an Act for the more effectual Suppression of Piracy, made in the same Year of Our Reign; an Act to continue two Acts of Parliament, one for encouraging the Growth of Coffee in His Majesty's plantations in America, and the other for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in America, made in the 19th Year of Our Reign; an Act for the more effectual securing the Duties now payable on foreign made Sail Cloth imported into this Kingdom and for charging all foreign made Sails with a Duty and for explaining a doubt concerning Ships be obliged at their first setting out to Sea to be furnished with one compleat Set of Sails made of British Sail Cloth, made in the same Year of Our Reign; an Act for the better encouragement of the Trade of His Majesty's Sugar Colonies in America, made in the same Year of Our Reign; an Act for the better securing the payment of Shares of prizes taken from the Enemy to the Royal Hospital at Greenwich and for preventing the Embezzlement of Goods and Stores belonging to the said Hospital, made in the 20th Year of Our Reign; an Act to extend the provision of an Act made in the 13th Year of His present Majesty's Reign intituled an Act for Naturalizing such Foreign Protestants and others therein mentioned as are settled or shall Settle in any of His Majesty's Colonies in America, to foreign protestants who conscientiously scruple the taking of an Oath, made in the same Year of Our Reign; an Act to continue several Laws for prohibiting the Importation of Books reprinted abroad &c^a and for better securing the lawfull Trade of His Majesty's Subjects to and from the East Indies &c. made in the

same Year of Our Reign ; an Act to continue several Laws relating to the Manufactures of Sail Cloth an Silk and to give further time for the payment of Duties omitted to be paid for the Indentures or Contracts of Clerks and Apprentices, &c. &c made in the same Year of Our Reign ; An Act to continue several Laws &c. relating to Rice, to Frauds in the Customs &c^a and to Copper Ore of the British plantations &c^a made in the same Year of Our Reign ; an Act for further regulating the proceedings upon Courts Martial in the Sea Service ; and for extending the Discipline of the Navy to the Crews of His Majesty's Ships wrecked, lost or taken, and for continuing to them their Wages upon certain Conditions, made in the 21st Year of Our Reign ; an Act for permitting tea to be exported to Ireland and His Majesty's plantations in America, without paying the Inland Duties charged thereupon by an Act of the 18th Year of His present Majesty's Reign &c^a made in the same Year of Our Reign, an Act for encouraging the making of Indico in the British plantations in America, made in the same Year of Our Reign ; an Act to continue and amend several Laws for the relief of Debtors &c^a and to rectify a Mistake in an Act passed in the last Session of Parliament for continuing several Laws therein mentioned &c^a made in the same Year of Our Reign ; an Act for encouraging the people known by the name of Unitas fratrum or united Brethren, to settle in His Majesty's Colonies in America, made in the 22^d Year of Our Reign ; an Act for amending, explaining & reducing into one Act of parliament the Laws relating to the Government of His Majesty's Ships, Vessels and Forces by Sea, made in the same Year of Our Reign ; an Act for the further Encouragement and Enlargement of the Whale Fishery, and for continuing such Laws as are therein mentioned relating thereto, and for the Naturalization of such foreign Protestants as

shall serve for the time therein mentioned on board such Ships as shall be fitted out for the said Fishery, made in the same year of Our Reign ; an Act for encouraging the Growth and Culture of Raw Silk in His Majesty's Colonies or plantations in America, made in the 23^d Year of Our Reign ; an Act to Encourage the Importation of Pig & Bar Iron from His Majesty's Colonies in America, and to prevent the Erection of any Mill or other Engine for slitting or rolling of Iron ; or any plateing Forge to work with a Tilt Hammer, or any Furnace for making steel in any of the said Colonies, made in the same year of Our Reign ; an Act for regulating the Commencement of the Year, and for correcting the Calendar now in Use, made in the 24th Year of Our Reign ; An Act for the more effectual securing the Duties upon Tobacco made in the same Year of Our Reign ; an Act for encouraging the making of Pott Ashes and pearl Ashes in the British plantations in America, made in the same Year of Our Reign ; an Act for continuing several Laws therein mentioned relating to the præmiums upon the Importation of Masts, Yards and Bowsprits, Tar, Pitch and Turpentine, to British made Sail Cloth and the Duties payable upon foreign Sail Cloth, and to the Allowance upon the Exportation of British made Gunpowder, made in the same Year of Our Reign ; an Act to continue several Laws therein mentioned and for granting a Liberty to carry Sugars of the Growth, produce or Manufacture of Any of His Majesty's Sugar Colonies in America from the said Colonies directly in to foreign parts in Ships built in Great Britain and navigated according to Law &c. &c. made in the same year of Our Reign ; an Act for avoiding and putting an End to certain Doubts and Questions relating to the Attestation of Wills and Codicils concerning real Estates in that part of Great Britain called England, and in His Majestys Colonies and plantations in America,

made in the 25th year of Our Reign ; an Act to restrain the making Insurances on Foreign Ships, bound to or from the East Indies, made in the same year of Our Reign ; an Act to amend an Act made in the last Session of Parliament entituled an Act for regulating the Commencement of the Year, and for correcting the Calendar now in Use ; made in the same Year of Our Reign ; An Act for continuing the Act for the encouraging the Growth of Coffee in His Majesty's plantations in America ; and also for continuing under certain Regulations so much of an Act as relates to the præmiums upon the Importation of Masts, Yards, and Bowsprits, Tar, pitch and Turpentine, made in the same year of Our Reign ; An Act for continuing several Laws relating to the punishment of persons going armed or disguised in Defiance of the Laws of Custom or Excise, &c. &c. and for encouraging the Trade of the Sugar Colonies in America, &c. &c. made in the 26th Year of Our Reign ; all which Laws you will herewith receive and you shall take a solemn Oath to do your utmost that all the Clauses, Matters and things contained in the before recited Acts and in all other Acts of Parliament now in force or that hereafter shall be made relating to Our Colonies or plantations be punctually and bona fide observed according to the true Intent and meaning thereof.

2^d *And* as by the aforesaid Act made made in the seventh and eighth years of King William the third the Officers appointed for performance of certain things mentioned in the aforesaid Act for the Encouragement of Trade, commonly known by the Name of the Naval Officers, are to give Security to the Commissioners of Our Customs in Great Britain for the time being, or such as shall be appointed by them for Our Use for the true & faithful performance of their duty, you shall take Care that the said Naval Officers give such Security to the said Commissioners of Our

Customs, or the Surveyor General of the Customs for the Northern District, who is empower'd to take the same in the Manner thereby enjoin'd, and that he or they produce to you a Certificate from them of his or their having given Security pursuant to a Clause in the said Act, and you are not to admit any person to Act as naval Officer who does not within two Months or as soon as conveniently may be, after he has entred upon the Execution of his Office, produce a certificate of his having given such Security as aforesaid.

3^d *And* whereas it is necessary for the more effectual Dispatch of Merchants and others that the Naval Officers and the Collectors of the Customs should reside at the same Port or Towns, you are therefore to take Care that this Regulation be observed, and to consult with the Surveyor General of Our Customs in what place it may be most convenient to have the Custom House fixed in each part of his District and to take Care that the Collector and Naval Officer reside within a convenient Distance of the Custom House for the dispatch of Business.

4 *Whereas* by the said Act of Navigation no Goods or Commodities whatsoever are to be imported into or exported out of any of Our Colonies or plantations in any other Ships or Vessels whatsoever, but such as do truly and without fraud belong only to Our people of Great Britain or Ireland, or of the Built of and belonging to any of Our Lands, Islands or Territories, as the proprietors and right-Owners thereof, and whereof the Master and three fourths of the Mariners at least are British under the penalty of the Forfeiture and Loss of all the Goods and Commodities, which shall be imported into or exported out of any of the said places in any other Ship or Vessel, as also of the Ship or Vessel with her Guns, Furniture &c. and whereas by a Clause in the aforesaid Act of Frauds no foreign built Ship, that is to say, not built in any of Our Dominions of

Asia, Africa, or America, shall enjoy the privilege of a Ship belonging to Great Britain or Ireland, altho' owned and manned by British Subjects; (except such Ships only as shall be taken at Sea by Letters of Mart or Reprizal, and Condemnation thereof made in Our Court of Admiralty as lawful prize,) but all such Ships shall be deemed as aliens Ships, and be liable to all Duties that Aliens Ships are liable to by Virtue of the aforesaid Act for the encouraging and encreasing of Shipping and Navigation; and whereas by a Clause in the aforesaid Act for preventing frauds and regulating Abuses in the plantation Trade, it is enacted that no Goods or Merchandizes whatsoever shall be imported into or exported out of any of Our Colonies or plantations in Asia, Africa or America, or shall be laden in or carried from any one port or place in the said Colonies or plantations to any port or place to the same or to Our Kingdom of Great Britain in any Ship or Bottom, but what is or shall be of the Built of Great Britain or Ireland, or of the said Colonies or plantations, and wholly owned by the people thereof or any of them, and navigated with the Master and three fourths of the Mariners of the said places only, (except such Ships only as shall be taken prize, and Condemnation thereof made in one of the Courts of Admiralty in Great Britain, Ireland, or the said plantations, to be navigated by the Master and three fourths of the Mariners, British or of the said plantations as aforesaid, and whereof the property doth belong to British Subjects) on pain of Forfeiture of Ship and Goods; and whereas by another Clause in the said Act, for the more effectual prevention of Frauds, which may be used by Colouring foreign Ships under British Names, it is further enacted that no Ship or Vessel whatsoever shall be deemed or pass as a Ship of the Built of Great Britain, Ireland, Guernsey, Jersey, or any of Our plantations in America, so as to be qualified to trade

to, from or in any of the said plantations, untill the person or persons claiming property in such Ship or Vessel shall register in manner thereby appointed, you shall take Care and give in Charge that these Matters and things be duly observed within Our said province under your Government, according to the true Intent and Meaning of the said Acts, and the Offences & Offenders prosecuted according to the Directions thereof; and where it is required that the Master and three fourths of the Mariners be British, you are to understand that the true Intent and meaning thereof is, that they shall be such during the whole Voyage, unless in Case of Sickness, Death or being taken prisoners in the Voyage, to be proved by the Oath of the Master or other Chief Officer of the Ship, and none but Our Subjects of Great Britain, Ireland or the plantations are to be accounted British.

5 *Whereas* by the said Act of Navigation, as the same stands amended and altered by the aforesaid Act for regulating the plantation Trade, it is enacted that for every Ship or Vessel that shall set sail out of or from Great Britain for any british plantation in America, Asia or Africa, sufficient Bond shall be given with one Surety to the Chief Officer of the Customs of Such port or Place, from whence the said Ship shall set Sail, to the Value of £1,000, if the Ship be of less burthen than one hundred Tons, and of the Sum of £2,000, of the ship greater Burthen, that in case the said Ship or Vessel shall load any of the Commodities therein enumerated. viz. Sugar, Tobacco, Cotton, Wool, Indigo, Ginger, Fustick or other dying Wood of the growth production or Manufacture of any British plantation in America, Asia or Africa, at any of the said British plantations, the said Commodities shall by the said Ship be brought to some port of Great Britain, and be there unladen and put on Shore, the Danger of the Seas only excepted, and for

all Ships coming from any port or place to any of the aforesaid plantations, which by this Act are permitted to trade there, that the Governors of such British plantations shall before the said Ship or Vessel be permitted to load on board any of the said Commodities, take Bond in Manner and to the Value aforesaid for each respective Ship or Vessel, that such Ship or Vessel shall carry all the aforesaid Goods that shall be loaden on board the said Ship or Vessel to some other of the said British plantations or to Great Britain, and that every Ship or Vessel which shall load or take on board any of the aforesaid Goods until such Bond be given to the said Governor or Certificate produced from the Officers of any Custom House of Great Britain, that such Bond hath been there duly given, shall be forfeited with her Guns, Tackle, Apparel and Furniture, to be employed and recovered as therein is directed; And whereas by the two aforementioned Acts passed in the 3^d & 4th Years of Queen Anne, the one entituled an Act for granting to Her Majesty a further Subsidy on Wines and Merchandizes imported, and the other, an Act for encouraging the Importation of Naval Stores from Her Majesty's plantations in America, and by two other aforementioned Acts passed in the eighth Year of His said late Majesty's Reign, the one, entituled, an Act for Encouragement of the Silk Manufactures of this Kingdom, and for taking off several Duties on Merchandizes exported, and for reducing the Duties upon Beaver Skins, pepper, Mace, Cloves and Nutmegs imported, and for Importation of all Furs of the product of the British plantations into this Kingdom only, the other entituled, an Act to prevent the Clandestine running of Goods, &c. and to subject Copper Ore of the production of the British plantations to such Regulations as other enumerated Commodities of the like production are subject, continued by an Act passed in the 8th Year of Our Reign

and is still in force, all Rice (except under the Regulations prescribed in the beforementioned acts of the 3^d & 8th Years of Our Reign) Melasses, Furs, Hemp, pitch- Tar, Turpentine, Masts, Yards, Bowsprits and Copper Ore are under the like Securities and penalties restrained to be imported into this Kingdom as the other abovementioned enumerated Commodities; you are therefore to take particular care and give the necessary Directions, that the true Intent and meaning of All the said Acts be strictly and duly complied with.

6 You shall carefully examine all Certificates which shall be brought to you of Ships giving Security to this Kingdom to bring their Lading of plantation Goods hither, as also Certificates of having discharged their Ladings of plantation Goods in this Kingdom pursuant to their Securities, and whereas the better to prevent any of the aforesaid Certificates from being counterfeited, the Commissioners of Our Customs have thought fit to Sign the same, It is therefore *Our Will & Pleasure*, that no such Certificates be allowed of, unless the same be under the Hands and Seals of the Customer, Collector and Comptroller of the Customs in some port of this Kingdom or two of them; as also under the Hands of four of Our Commissioners of the Customs at London, or three of Our Commissioners of the Customs at Edinburgh, and where there shall be reasonable Ground of Suspicion that the Certificate of having given Security in this Kingdom is false and counterfeit, in such Case you or the person or persons appointed under you shall require and take sufficient Security for the discharge of the plantation Lading in this Kingdom, and where there shall be cause to suspect, that the Certificate of having discharged the Lading of plantation Goods in this Kingdom is false and counterfeit, You shall not cancel or vacate the Security given in the plantations untill you shall be informed from the Commissioners of Our Customs in

Great Britain, that the Matter of the said Certificate is true ; and if any person or persons shall counterfeit, raze or falsify any such Certificate for any Vessel or Goods or shall knowingly or willingly make use thereof, you shall prosecute such person for the Forfeiture of the sum of five hundred pounds according to a Clause of the aforesaid Act for preventing Frauds and regulating Abuses in the plantation Trade and pursuant to the said Act you shall take, that in all such Bonds to be hereafter given or taken in the presence under your Government, the Sureties therein named be persons of known Residences and Ability there for the Value mentioned in the said Bonds, and that the Condition of the said Bonds be within eighteen Months after the Date thereof, the Danger of the Seas excepted, to produce a Certificate of having landed and discharged the Goods therein mentioned in one of Our plantations or in this Kingdom, otherwise to attest the Copy of such Bonds under your Hand and Seal, and to cause prosecution thereof, And it is Our further *Will & Pleasure* that you do give Directions to the Naval Officer or Officers not to admit any person to be Security for another, who has Bonds standing out undischarged, unless he be esteemed responsible for more than the Value of such Bonds.

7 *And* you are also to give Directions to the said Naval Officer or Officers to advise with the Collector of the port or District in taking bonds, and not to admit any person to be security in the plantation Bond, untill approved by the said Collector. And whereas Lists of all Certificates granted in South Britain for the Discharge of Bonds given in the plantations are every Quarter sent to the Collectors of the Districts where such Bonds are given, the said Naval Officer or Officers is or are to take Care that no Bond be discharged or be cancelled by him or them without first advising with the Collector and examining the said

List to see that the Certificate is not forged or counterfeited: and whereas the Surveyors General of Our Customs in America are directed to examine from time to time whether the plantation Bonds be duly and regularly discharged you are to give Directions that the Surveyor General for the Southern District be permitted to have recourse to said Bonds as well as the Book or Books in which they are or ought to be entred, and to examine as well whether due Entry thereof be made, as whether they are regularly taken and discharged, and where it shall appear that Bonds are not regularly discharged, you are to order that such Bonds be put in Suit.

8 *You* are understand that the payment of the Rates & Duties imposed by the aforesaid Act for the Encouragement of the Greenland and Eastland Trades and for the better securing the plantation Trade on the several plantation Commodities therein enumerated doth not give Liberty to carry the said Goods to any other place than to some of Our plantations or to Great Britain only, and that notwithstanding the payment of the said Duties, Bond must be given to carry the said Goods to some of the said Plantations or to Great Britain and to no other place.

9 *You* shall every three months or oftner or otherwise as there shall be opportunity of Conveyance transmit to the Commissioners of Our Treasury or Our High Treasurer for the time being, to Our Commissioners for Trade & plantations and to the Commissioners of Our Customs in London, a List of all Ships and Vessels trading in the said province according to the form and Specimen hereunto annexed, together with a List of the Bonds taken pursuant to the Act passed in the 22^d & 23^d Years of King Charles the Second's Reign, entituled *an Act to prevent planting Tobacco in England and for regulating the plantation Trade*. And you shall cause demand to be made of every Master

at his Clearing of an Invoice of the Contents and Quality of his Lading &c. according to the Form hereunto also annexed, and to enclose a Copy thereof by some other Ship, or for want of such Opportunity, by the same Ship, under Cover sealed and directed to the Commissioners of Our Treasury or Our High Treasurer for the time being, to Our Commissioners for trade and plantations, and to the Commissioners of Our Customs in London, & send another copy of the said Invoice in like manner to the Collector of that Port in this Kingdom for the time being to which such Ships shall be said to be bound.

10 *Whereas* by the aforesaid Act for the Encouragement of Trade no Commodities of the Growth, production or Manufacture of Europe, except Salt for the Fishery of New England & Newfoundland, Wines of the Growth of the Maderas or Western Islands or Azores, Servants and Horses from Ireland, and all Sorts of Victuals of the Growth and production of Ireland, and Salt to the province of Pennsylvania and New York in pursuance of two Acts, the one passed in the thirteenth Year of his said late Majesty's Reign and the other in the third year of Our Reign, shall be imported into any of Our Colonies or plantations but what shall be bona fide and without fraud laden and shipp'd in Great Britain, and in Ships duly qualified. You shall use your utmost Endeavour for the due Observance thereof, and if contrary hereunto any Ship or Vessel shall import into Our said province under your Government any Commodities of the Growth production or Manufacture of Europe, but are before excepted, of which due proof shall not be made that the same were shipt or laden in some port of Great Britain by producing Cocquets or Certificates under the Hands and Seals of the Officers of Our Customs in such port or place where the same were laden, such Ship or Vessel and Goods shall be forfeited, and you

are to give in Charge that the same be seized and prosecuted accordingly.

11 *And* in Order to prevent the Acceptance of forged Cocquets or Certificates which hath been practised to Our great prejudice, you are to give effectual Orders, that for all such European Goods as by the said Act are to be ship'd and laden in Great Britain Cocquets for the same from hence be produced to the Collectors, or other Officers of Our Customs in Our foresaid province under your Government for the time being, before the unloading thereof, and you shall give Order that no European Goods be landed but by Warrant from the said Collector in the presence of an Officer appointed by him, and for the better prevention of Frauds of this Kind you shall take Care that according to the said Act of Trade, no Ship or Vessel shall be permitted to lade or unlade any Goods or Commodities whatsoever untill the Master or Commander thereof shall first have made Known to you or such Officer, or other person as shall be thereunto authorized and appointed, the Arrival of such Ship or Vessel, with her Name and the Name and Sirname of the Master, and hath Shewn that she is a Ship navigated and otherwise qualify'd according to Law, and hath delivered to you or such other person as aforesaid a true and perfect Inventory of her Lading, together with the place, or Places in which the said Goods were laden and taken into the said Ship or Vessel under Forfeiture of such Ship and Goods.

12. *You* shall not make or allow of any Laws, by Laws, Usages or Customs in Our said province under your Government, which are repugnant to the Laws herein before mentioned or any of them, or to any other Law already made or hereafter to be made in this Kingdom, so far as such Laws relate to and mention the said plantations, but you shall declare all such Laws, by Laws, Usages or Customs in Our said prov-

ince under your Government, which are any wise repugnant to the said Laws or any of them to be illegal, null and void to all Intents and purposes whatsoever.

13. *You* shall be aiding and assisting to the Collectors & other Officers of Our Admiralty and Customs appointed or that shall hereafter be appointed by the Commissioners of Our Customs in this Kingdom by and under the Authority and Directions of the Commissioners of Our Treasury or Our high Treasurer of Great Britain for the time being, or by Our High Admiral or Commissioners for executing the office of High Admiral of Great Britain for the time being, in putting in Execution the several Acts of Parliament before mentioned, and you shall cause due prosecution of all such persons as shall any ways hinder or resist any of the said Officers of Our Admiralty or Customs in the performance of their Duty ; It is likewise Our *Will & Pleasure* and You are hereby required by the first Opportunity to move the Assembly of Our said province, that they provide for the Expence of making Copies for the Surveyor General of Our Customs in Our said province for the time being, of all Acts and papers which bear any relation to the Duty of his Office, and in the mean time you are to give Orders that the said Surveyor General for the time being as aforesaid be allowed a free Inspection in the publick Offices within your Government, of all such Acts and papers without paying any for or Reward for the same.

14. *Whereas* the Commissioners appointed for collecting the Six pence $\frac{7}{8}$ Month from Seamen's Wages for the Royal Hospital at Greenwich, pursuant to an Act of parliament passed in the second Year of Our Reign, entituled, an Act for the more effectual collecting in Great Britain and Ireland and other parts of his Majesty's Dominions the Duties granted for the Support of the Royal Hospital at Greenwich, haven given, In-

structions to their Receivers in foreign parts for their Government therein, It is therefore *Our Will & Pleasure*, that you be aiding and assisting to the said Receivers in your Government in the due Execution of their Trusts.

15. *And* whereas by an Act passed in the sixth year of Our Reign, entitled, an Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies, in America, a Duty is laid on all Rum, Melasses, Syrups, Sugar and Paneles of the produce and Manufacture of any of the plantations not in Our possession or under Our Dominion, which shall be imported into any of Our Colonies and plantations, notwithstanding which we are informed that great Quantities of foreign Rum, Melasses, Syrups Sugars and Paneles are Clandestinely landed in Our plantations without payment of the said Duty, *Our Will & Pleasure* is, that you be aiding and assisting to the Collectors and other Officers of Our Customs in your Government in collecting the said Duties and seizing all such Goods as shall be so clandestinely landed or put on Shore without payment of the Duty, and you shall cause due prosecution of all such Rum, Melasses, Syrups, Sugar and Paneles as shall be seized for Non payment of the Duty, as well as the persons aiding and assisting in such unlawful Importations or that shall hinder, resist or molest the Officers in the due execution of the said Law.

16. *You* shall take Care that upon any Actions, Suits and Informations that shall be brought commenced or entred in Our said province under Your Government upon any Law or Statute concerning Our Duties, or Ships, or Goods to be forfeited by reason of any unlawful Importations or Exportations, there be not any Jury but of such as are Natives of Great Britain or Ireland, or are born in any of Our said plantations.

17. *You* shall take Care that all places of Trust in the Courts of Law or in what relates to the Treasury of Our said province under your Government be in the Hands of Our Native Born Subjects of Great Britain or Ireland or the plantations.

18. *And* that there may be no Interruption or Delay in Matters of Prosecution and Execution of Justice in Our Courts of Judicature within Our said province under your Government by the Death or Removal of any of Our Officers employed therein, untill We can be advised thereof, and appoint others to succeed in their places, you shall make Choice of persons of Known Loyalty, Experience, Diligence and Fidelity, to be employed for the purposes aforesaid, until you shall have Our Approbation of them, or the Nomination of others from hence.

19. *You* shall from time to time correspond with the Commissioners of Our Customs in London for the time being, and advise them of all Failures, Neglects, Frauds and Misdemeanours of any of the Officers of Our Customs in Our said province under your Government, and shall also advise them, as Occasion shall offer, of all Occurrences necessary for their Information, relating either to the aforesaid Laws of Trade and Navigation to Our Revenue of Customs and other Duties under their Management both in Great Britain and the plantations.

20. *If* you shall discover that any persons or their Assigns claiming any Right or Property in any Island or Tract of Land in America by Charter or by Letters Patents, who shall at any time hereafter alien, sell or dispose of any Island, Tract of Land or propriety other than to any of Our natural born subjects of Great Britain without the Licence or Consent of Us, Our Heirs or Successors signified by Our or their Order in Council first had and obtained, You shall give Notice thereof to Us and to Our Commissioners of Our Treas-

ury or Our High Treasurer of Great Britain for the time being.

21. *Whereas* by the aforesaid Act for preventing Frauds and regulating Abuses in the plantation Trade it is provided for the more effectual prevention of Frauds which may be used to elude the Intention of the said Act by colouring foreign Ships under British Names, that no Ship or Vessel shall be deemed or pass as a Ship of the Built of Great Britain or Ireland, Guernsey, Jersey or any of Our plantations in America, so as to be qualified to trade to or from or in any of our said plantations, until the Person or persons claiming property in such Ship or Vessel shall register the same in Manner thereby directed, you shall take Care that no foreign Built Ship be permitted to pass as a Ship belonging to Our Kingdom of Great Britain or Ireland until proof be made upon Oath of one or more of the owners of the said Ship before the Collector or Comptroller of Our Customs in such port, to which she belongs or upon like Proof before yourself with the principal Officer of Our Revenue residing in Our foresaid province under your Government, if such Ship belong to the said province; which Oath you and the Officers of Our Customs respectively are authorized to administer in manner thereby directed, and being attested by you and them so adminstring the same, and registred in due form according to the Specimen hereunto annexed, you shall not fail immediately to transmit a Duplicate thereof to the Commissioners of Our Customs in London in order to be entred in a general Register to be there kept for that purpose, with penalty upon every Ship or Vessel trading to, from, or in any of Our said plantations in America, as aforesaid, and not having made proof of Her built and property as by the fore-mentioned Act is directed, that she shall be lyable to such prosecution and Forfeiture as any foreign Ship

(except Prizes condemned in Our High Court of Admiralty) would for trading with Our plantations by the said Law be liable unto, with this Proviso that all such Ships as have been or shall be taken at Sea by Letters of Mart or Reprizal, and Condemnation thereof made in Our High Court of Admiralty as lawful Prize, shall be specially registred, mentioning the Capture & Condemnation instead of the Time and place of building, with Proof also upon Oath the entire property is British before any such prize be allow'd the Privilege of a British built Ship according to the meaning of the said Act, and that no Ships Name registred be afterwards changed without registering such Ship *de Novo*, which by the said Act is required to be done upon any transfer of Property to another port, and delivering up the former certificate to be cancelled under the same penalties and in like Method and in Case of any Alteration of property in the same port by the Sale of one or more Shares in any Ship after registering thereof, such Sale shall always be acknowledged by endorsement on the Certificate of Register before two Witnesses in order to prove that the entire Property in such Ship remains to some of Our Subjects of Great Britain, if any dispute shall arise concerning the same.

22 *Whereas* by the Act passed in the 21st Year of Our Reign, for encouraging the making of Indigo in the British plantations in America, a Premium of six pence per pound is allow'd on the Importation of Indigo of the growth of the British plantations, and there are likewise contain'd in the said Act several provisions to prevent Frauds by importing foreign plantation made Indigo or any false Mixtures in what is made in the British Plantations with a View to recover the said premium. It is therefore Our *Will and Pleasure* that if there now are or hereafter shall be any plantations of Indigo within Our said province

under your government you do take particular Care that the said provisions be duly and punctually complied with and do likewise from time to time transmit to Our Commissioners for trade and plantations, in order to be laid before us, an Account of all such plantations of Indigo with the Names of the planters and the Quantity of Indigo they make, as also the Quantity of such Indigo exported from the said province, distinguishing the time when exported and the port where shipped, the Names of the Vessels and the Port to which bound, and if there be any Foreign Indigo imported into the said province, it is our further *Will & Pleasure* that you do in like manner transmit an Account of such foreign Indigo imported, distinguishing the time when and the place from whence imported, together with an Account of such foreign Indigo exported and the port where shipped, the Names of the Vessels and the ports to which bound.

23 *Whereas* by an Act pass'd in the tenth Year of the Reign of King William the third, to prevent the Exportation of Wool out of the Kingdoms of Ireland and England into foreign parts, and for the Encouragement of the Woollen Manufactures in the Kingdom of England. It is amongst other things therein enacted, that no Wool, Woolfels, Shorthings, Northings, Wool flocks, Worsted Bay, or Woolen-Yarn, Cloth, Serge, Bays, Herseys, Says, Frizes, Druggets, Cloth Serges, Shalloons, or any other Drapery Stuffs or Woolen Manufactures whatsoever made or mixed with Wool or Wool-flocks, being of the product or Manufacture of any of the British plantations in America, shall be laden or Laid on Board in any Ship or Vessel in any place or port within any of the said British plantations upon any pretence whatsoever, as also that no such Wool or other the said Commodities, being of the product or Manufacture of any of the said British plantations shall be loaden upon any Horse, Cart or other

Carriage, to the Intent and purpose to be exported, transported, carried or conveyed out of the said British Plantations to any other of Our plantations, or to any other place whatsoever, upon the same and like pains, Penalties and Forfeitures to and upon all the Offender and Offenders therein within all and every of Our said British Plantations respectively, as are provided and prescrib'd by the said Act for the like Offences committed within Our Kingdom of Ireland, you are to take effectual Care, that the true Intent and meaning thereof so far forth as it relates to you, be duly put in Execution.

24 *In* the Act made in the 24th Year of Our Reign for the more effectual securing the Duties upon Tobacco, there is a Clause to prevent Frauds in the Importation of Bulk Tobacco, enacting that no Tobacco shall be imported into this Kingdom otherwise than in Cask, Chest or Case containing 450 pounds Weight of Tobacco each, under penalty of Forfeiture thereof; You shall take Care that this Part of the said Act be made publick, that none may pretend Ignorance, and that the true Intent and meaning thereof be duly put in Execution within your Government.

25 *And* whereas His said late Majesty was inform'd that a clandestine Trade had been carried on as well by British as Foreign Ships from Madagasear and other Parts beyond the Cape of bona Esperanza within the Limits of Trade granted to the united East India Company directly to Our plantations in America, to the great Detriment of these Realms and in Breach of the several Laws in force relating to Trade and Navigation, *Our Will and Pleasure* is, that you the said Francis Barnard or in your Absence the Commander in Chief of Our said province of New Jersey for the time being do duly and Strictly observe and cause to be observed the several good Laws and Statutes now in force for the regulating of Trade and Navigation,

particularly the several Acts of Parliament already mentioned in your general and in these Instructions, and in order to the better Execution of the Laws and Statutes abovementioned, upon the first Notice of the Arrival of any Ship or Ships within the Limits of any port of or belonging to your Government, which have or are suspected to have on board any Negroes, Goods or Commodities of the Growth, Produce or Manufacture of the East Indies, Madagasear or any other Parts or places beyond the Cape of bona Esperanza within the Limits of Trade granted to the united East India Company, pursuant to the aforementioned Act of the ninth and tenth of King William, you shall immediately cause the Officers of Our Customs in your Government (and any other Officers or persons in Aid of them,) to go on board such Ship or Ships and to visit the same, and to examine the Masters or other Commanders, the Officers and Sailors on board such Ship or Ships, and their Charter Parties, Invoices, Cocquets, and other Credentials, Testimonials or Documents, and if they find that such Ship or Ships came from the East Indies, Madagasear, or any other Parts or places beyond the Cape of bona Esperanza within the Limits of Trade granted to the said united East India Company, and there are on board any such Goods, Commodities or Negroes as is above mentioned, that they do give Notice to the Master or other Person having then the Command of such Ship or Ships forthwith to depart out of the Limits of your Government without giving them any Relief, Support, Aid, or Assistance, although it should be pretended that such Ship or Ships were or the same really should be in Distress, Want, Disability, Danger of sinking, or for or upon any other Reason or Pretence whatsoever; and that you Our Governor or Commander in Chief, do by no means suffer any Goods, Merchandize or Negroes from on board such Ship or Ships to be landed or brought

on Shore upon any Account or Excuse whatsoever; And it is Our further *Will & Pleasure* that if any such Ship or Ships being foreign having on board any such Goods, Merchandize or Negroes do not upon Notice given to the Master or other Person having the Command thereof as soon as conveniently may be depart out of the Limits of your Government and from the Coasts thereof without landing, selling or bartering any of the said Goods or Negroes, you our Governor or the Commander in Chief for the time being shall cause the said Ship or Ships and Goods and Negroes to be seized, and proceeded against according to Law; but if such Ship or Ships having such Goods or Negroes on board, and entring into any port or Place, or coming upon any of the Coasts or Shores of Our said Province under your Government, do belong to Our Subjects and do break, Bulk, or sell, barter, exchange or otherwise dispose of the said Goods or Negroes or any part thereof, contrary to Law, you are to take Care that such Ship or Ships with the Guns, Tackle, Apparel and Furniture, thereof, and all goods and Merchandize laden thereupon, and the proceed and Effects of the same be immediately seized, and that the Laws in such Case made and provided be put in Execution with the greatest Care, diligence and application: but if any Ship belonging to the Subjects of any foreign State or Potentate, having on board any Negroes or East India Commodities, shall be actually be bound to some place or Port in the West Indies belonging to any foreign Prince or State, from some European Port, and such Ship shall happen to be driven by necessity, and be in real Distress the same may be supplied with what is absolutely necessary for Her Relief. but you shall not take, have or receive, nor permit or suffer any Person to take, have or receive any Negroes or other the said East India Commodities in Payment or Satisfaction for such Relief;

That if any Officer of Our Customs or other Officer employ'd by you Our Governor or Commander in Chief in visiting, searching or seizing such Ship or Ships, Goods, Merchandize or Negroes be corrupt, negligent or remiss in the discharge of his Duty therein, We do hereby require you to suspend him from the Execution of his said Office and that you do by the first Opportunity send an Account of such Officers Behaviour to Our Commissioners for trade and plantations, that Care may be taken that such Officer be removed from his Employment and further punished according to his Demerit: And Our further *Will & Pleasure* is, that you Our Governor or Commander in Chief do constantly and from time to time and by the first Opportunity that shall offer, send Our Commissioners for Trade and plantations true, full and exact Accounts of your Proceedings and of all other Transactions and Occurrences in or about the premises or any of them, in order to be laid before Us.

26 *And* whereas, notwithstanding the many good Laws made from time to time for preventing of Frauds in the Plantation Trade, which have been enumerated in these and former Instructions, it is manifest that very great Abuses have been and continue still to be practised to the prejudice of the same, which Abuses must needs arise either from the Insolvency of Persons who are accepted for Security or from the Remissness or Connivance of such as have been or are Governors in the several plantations, who ought to take Care that those persons who give bond should be duly prosecuted in case of non-performance, you are to take Notice, that We take the Good of Our plantations, and the Improvement of the Trade thereof by a strict and punctual Observance of the several Laws in Force concerning the same; to be of so great Importance to the Benefit of this Kingdom, and to the advancing the Duty of Our Customs here; that if We shall hereafter

be informed, that at any Time there shall be any failure in the due Observance of those Laws & of the present Instructions by any wilful Fault or Neglect on your part. We shall esteem such Neglect to be a breach of the aforesaid Laws; And it is Our fixed and determined *Will & Resolution*, that you or the Commander in Chief respectively be for such Offence not only immediately removed from your Employments, and be Liable to the Fine of one thousand pounds, as likewise suffer such other Fines, Forfeitures, Pains and Penalties as are inflicted by the several Laws now in Force relating thereunto, but shall also receive the most rigorous Marks of Our highest Displeasure and be prosecuted with the utmost severity of Law for your Offence against Us in a Matter of this Consequence, that We now so particularly charge you with.

[The Instructions were approved April 1, 1758.—See Analytical Index to New Jersey Documents, p. 345—W. N.]

Memorial of Richard Partridge, Agent for New Jersey, respecting a Bill passed in that Colony for emitting £89,000 in Bills of Credit.

[From P. R. O. B. T., New Jersey, Vol. 8. I. 62.]

TO THE LORDS COMMISS^{RS} FOR TRADE AND PLANTATIONS

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

Humbly sheweth

That the Draft of the present Bill sent over hither by that Province & now before yo^r Lordships “For making current £60,000 in Bills of Credit to be emitted on Loan within y^e Colony of New Jersey, the Inter-

“est whereof to sink the further Sum of £29000 to be
 “also made curr^t for the immediate Service of the
 “Crown if the same sh^d be needed, otherwise for the
 “Relief of the s^d Colony” was prepared and sent
 hither for yo^r previous Approbation, hoping there
 could be no ground to find any material Fault there-
 with as it was calculated for the Good & Ease of the
 Province in general by preventing any new Taxes on
 the Inhabitants with which the Province is already
 loaded, supplying a greater medium in Trade by lend-
 ing it out in small Sums under the legal Rate of Inter-
 est there; and granting so large a Sum as £29000. for
 his Maj^{ty}s Service and by ye same Act appropriating it.

That your Memorialist apprehends it remains no
 Doubt but that in such a Country as New Jersey is,
 paper Currency is the principal Medium of Trade, &
 in its present Exigency of a State of War the only
 immediate Fund to raise Money to pay their Troops, &
 defend their Country w^{ch} they have hitherto done by
 5 year Acts most of them now near expiring, the
 Sums thereby raised are to be paid off by Taxes which
 are almost insupportable.

That as it is allowed a paper Currency is always
 useful in North America & more so upon Emergencys
 of Governm^t; The only Two real Objections that can
 be raised agst it (as yo^r Memorialist humbly appreh-
 ends) must arise either from the *Quantum* or the
Mode of raising it.

As to the *Quantum* your Memorialist humbly appre-
 hends it has been fully proved at your Board by Wit-
 nesses of Reputation and Credit in that Country &
 knowledge in those Affairs, That his Maj^{ty}s loyal Prov-
 ince of New Jersey has ever maintained its Credit in
 this respect, and is capable of supporting a much
 larger Sum than is now prayed for.

And as to the *Mode* of doing it yo^r Memorialist hum-
 bly hopes that y^e more Easy and general any Tax is

(if this may be called one) the more it ought to be favour'd. The Money to be emitted by this Act is to be lent out on Land Security of double the Value & to be repaid by Installments in 16 Years, the Interest whereof is to sink the £29,000. & thereby a Tax is avoided, & by the length of Time allowed for paying in the £60,000 to be emitted on Land Security as aforesaid, it will hardly be felt by the Borrower; And tho' it is objected that this ought not to be made a legal Tender, Yet when it is considered if it was otherwise, it must by designing Men be unavoidably reduced in its value & quite render'd ineffectual;

And that by this same Act it is declared, and enacted that any Deficiencies (wth might happen) shall be made good by a Provincial Tax in the manner therein directed, it is presumed that having Land Security of double the value, & all deficiencies made good by a Provincial Tax it has virtually the same Basis as if it was only made Curr^t for 5 Years, and it is so much the better in the present Method as it is not to be sunk by a Tax or all at once, but by easy Installments respecting the £60,000; and the £29,000. to be sunk out of the low Interest of the s^d £60,000, and the Deficiency finally (if any) is to be made good by a Tax.

In short the difference between creating a Medium of Trade by a loan Act & that of an Act for Taxing the Inhabitants is this. That the One tends to render the Method of it entirely to the Ease and quiet of the People & yet answer in a great Measure y^e purposes & Exigencys of the Governm^t without being Injurious to any persons whatsoever; Whereas the latter Method will be exceedingly Grievous, distressing & well nigh if not quite insupportable & add to their affliction especially when there is such a great call & Demand for a publick Supply in this Time of the Calamity of War.

That your Memorialist humbly apprehends not any

one Merch^t or Gentleman whatsoever either British or North American attempting to oppose this Bill before yo^r Lordships, is y^e highest corroborative Circumstance of its Utility & Fitness.

And therefore prays that yo^r Lordships will Report in Favour thereof under the present deplorable Circumstances of this Province they having a Number of Forces to maintain upon the Continent, and relying on the Kings paternal Goodness that such an Act might pass for their Relief.

RICH^d PARTRIDGE

London 2^d mo. or Feb. 25. 1758.

*Letter from John Reading, Acting-Governor, to William Denny.*¹

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

BURLINGTON March y^e 10th 1758

S^r

The Inclosed Dispatches² are Duplicates of those sent to your Honour the sixth Instant which with two Letters directed to the Senior Captains of his Majesties Ships at Virginia and South Carolina were sent to me from Com^odore Durell³ to forward to the different

¹Deputy-Governor of Pennsylvania, August, 1756, to November, 1759.—[W. N.]

²Circular from Secretary William Pitt to the Governors of Massachusetts's Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey. Whitehall. Dec. 30th 1757. Published in N. Y. Colonial Docs., VII., 339.—[W. N.]

³Philip Durell, commissioned Captain in the Royal Navy, February 6, 1742; subsequently became Commodore, and in 1758 was dispatched to Halifax, to expedite the embarkation of the army against Louisbourg; and on the reduction of that place (in which the Navy rendered most effective and decisive service) he was made Rear-Admiral of the Blue, and left in command of the North American station. He was very active at Quebec, and in 1762 became Vice-Admiral of the Blue. He died about 1766.—[W. N.]

Governors on the Continent The[re]fore request the
Care of your Honour to dispatch the same pursuant
to their perticular directions

I am Your Honours
most obedient Hum^l Serv^t



The Honourable William Denny Esq^t

*Letter from Governor Pownall, of Massachusetts, to
President Reading.*

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

BOSTON March 11. 1758.

Sir:

Yesterday I received his Majesty's Orders to co-
operate with the Forces of his Province of Massachu-
setts Bay, with his Majesty's Regular Forces in a gen-
eral Invasion of Canada.

I recommended the Matter to the General Court,
and the House have this day come to an unanimous
Vote to raise a sufficient Number of Men for that
Purpose, and then determined that the Number they
would raise should be seven thousand Men.

It was thought proper that this Province should set
the Example; We have set the Example; and I hope
it will be chearfully followed by the other Govern-
ments without the least Delay, that we shall answer
his Majesty's Expectations from Us, and that by the
Blessing of God we shall Now be able to put an End
to those Distresses which the Colonies have so long

suffered, and wholly to extirpate their barbarous and perfidious Enemies.

I do not send this to your Honor as a Circular Letter only, which as Governor of Massachusetts bay I have sent to the several Northern Governments to whom the R^t Hon^{ble} M^r Secretary Pitts Letter was directed; But also as my Duty as L^t Governor of his Majesty's Province of New Jersey calls upon me, To recommend this Service to you & the Legislature of the Province in the strongest manner.

I am sir Your Honor's
Most obed^t & most humble serv^t

T. POWNALL

The Hon^{ble} M^r President Reading.

Letter from the Lords Commissioners for Trade and Plantations to the Attorney and Solicitor General, inclosing Questions they wish answered.

[From P. R. O. B. T. Plantations General, No. 4. Ent: Book L., p. 138.]

To His Majesty's Attorney and Solicitor General
Gentlemen.

I am directed by the Lords Commissioners for Trade and Plantations to send you the inclosed Questions, and to desire you will take them into your consideration, and favour their Lordships with answers to them as soon as conveniently may be.

I am, Gentlemen, Your most Obed^t Serv^t

JOHN POWNALL. Secy

Whitehall }
March 22^d 1758. }

1st QUESTION. *Whether* a person born in any of His Majesty's Colonys in America, whose Father was a Subject of the Crown of Great Britain, but whose

Mother was a Savage Indian, is or is not to be deem'd a British Subject ?

2^d QUESTION. *Whether* a British Subject can legally possess Lands within the express Limits of any of His Majesty's Colonies in America, in virtue of a Grant of such Lands from the Savage Indians obtained without leave from His Majesty, or any Persons acting under His Majesty's Authority; and whether such Possession would be valid against the Possession of any other British Subject claiming the same Lands, or any part of them under a Grant or Conveyance from His Majesty or any Person acting under His Majesty's Authority; if not, what will be the proper method of supporting the Rights of the Crown in such case, & proceeding against such illegal possession ?

Report of the Lords of Trade to the Privy Council, upon the second Remonstrance of the Agent for New Jersey, respecting a Bill passed by the Assembly authorizing the issue of £89,000 in Bills of Credit.

[From P. R. O. B. T. New Jersey, Vol 16, p. 250.]

To the Right Hon^{ble} the Lords of the Committee of His Majesty's most Hon^{ble} privy Council for Plantation Affairs.

My Lords.

Pursuant to your Lordships Order dated 13th March last, We have taken into Our Consideration the further humble petition and Remonstrance of Richard Partridge Agent for and in behalf of the House of Representatives of the Colony of New Jersey, setting forth several Matters by way of Observations and Answers

to the Objections contain'd in Our Report to your Lordships of the 21st of Feb^{ry} last, upon a former Petition of the said Agent, humbly praying, that His Majesty would be graciously pleased to signify his Royal Pleasure to the Governor of the said Colony to give his Assent to a Bill prepared by the said House of Representatives in March 1757, *entitled an Act for making current £60,000 in bills of Credit to be emitted on Loan within the Colony of New Jersey, the Interest whereof to sink the further Sum of £29,000 to be also made Current for the immediate Service of the Crown, if the same should be needed, otherwise for the Relief of the said Colony.* And having been attended by M^r Partridge and heard what he had to offer in the Support of the several Matters set forth in his said further Remonstrance, We beg leave to report to your Lordships;

That we do not find in any thing which the said Agent has offer'd to Our Consideration, sufficient weight to invalidate the Force of the Objections stated in Our former Report: on the contrary he admits the Propriety of the two first of them, and has declared himself ready to acquiesce in any Alterations which We should think necessary to be made in those Clauses of the Bill, which respect the appropriation of the £29,000, and the application of the Surplus Interest of the £60,000 proposed to be emitted on Loan.

The only Question therefore which remain'd for us to consider, in obedience to your Lordships Order, is, how far a Law of this kind may be necessary to be pass'd in New Jersey, at this time. And in order to judge of that Question, it will be necessary to state to your Lordships the Reasons on which such necessity is said to be founded. Such a Law is alleged to be necessary.

1st To enable the Colony to contribute its Assistance in carrying on the War, by Keeping on foot a Regiment consisting of 500 Men.

2^{dly} On Account of the Convenience and Advantages which will result to the internal Commerce and domestick Concerns of the Colony, by operating as a Medium of Trade and a means of promoting and extending Settlements and cultivation.

With respect to the first of these Reasons, We beg leave to observe to your Lordships, that the Quota of Forces, which this Colony furnishes to the Assistance of the Common Cause for the service of the current year, is levied and actually on foot and consequently such Services must have been provided for in some other way; so that this plea of necessity cannot exist at present.

With regard to the second Reason, We have in former Reports on Bills for emitting paper Currency on Loan in this Province, and particularly in Our Report of the 18th of March, 1754, humbly offer'd it as Our Opinion, that a moderate Quantity, issued on proper Security and having a proper fund for its Redemption within a limited time, may operate to the Advantage of a trading Colony, and may 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: and We still incline to that Opinion. But as the Agent has declared to Us, that, should his Majesty be pleased to permit the passing of a Loan Bill in New Jersey, the Assembly, his Constituets, will not accept the Indulgence, unless the Bills of Credit thereby to be emitted may be declared legal Tenders in all payments, it seem'd needless to enter upon any further proposition with him upon this Subject, as We can by no means depart from Our former Opinion on this point, founded as it is, on so high an authority as the Sense of Parliament so fully expressed in their Resolutions in April 1740, and by the Act pass'd in 1750 for restraining paper Currency in the four Colonies of New England.

But if your Lordships should nevertheless judge it necessary or expedient to indulge the Colony in this particular, We would humbly offer it as Our Opinion, that an additional Instruction authorizing the Governor to give his Assent to such a Bill to be prepared and pass'd under proper Restrictions wou'd be the most proper Method, as We conceive there are many Circumstances relative to & connected with the Nature of such a Bill, which, for want of a competent Knowledge of them, cannot be properly provided for in a Draught of a Bill prepared here, but must be left to the care of the Legislature of the Colony, who alone are sufficiently acquainted with them.

We are, my Lords,

your Lordships &c.

DUNK HALIFAX.

Whitehall June 9. 1758

JAMES OSWALD.

SOAME JENYNS.

W. G. HAMILTON.

Letter from Francis Bernard, Governor of New Jersey, to the Lords of Trade, giving an account of his arrival in his Government, etc.

[From P. R. O., B. T., New Jersey, Vol. 8, I. 67.]

PERTH AMBOY June 20. 1758

To the Right Honorable the Lords Commissioners for Trade & Plantations.

My Lords

I have the honour to acquaint your Lordships That I arrived at Perth Amboy on the 14th day of June at noon after a much longer passage than was expected. I immediately issued orders for a Council to meet on Fryday following, at which time appeared seven Gen-

tlements of the Council there being but 10 now within the Province. I first took and administered the oaths according to my instructions; I then laid before them Advices I had received of an irruption of the Indians on the Frontiers next Delaware. The particulars of which that have come to my knowledge are as follows:

On the 7th of June advice being brought that a party of Indians had crossed the Delaware at Nomanack a Party of Frontier Soldiers & Inhabitants went out against them & not finding them five of the company separated from the rest & fell into an ambuscade of 17 Indians: & both parties firing at once two of our party were killed & another wounded. But the rest of the party being alarmed came to the place where they found one Indian killed & could perceive by blood & other signs that 3 others were wounded. On the 12th Near 20 Indians attacked the house of Abraham Contract & killed two persons. On the 13th about 30 Indians attacked the house of Uryon Westfall & killed seven persons & carried off four Children. It seems there were in the house 15 Men most of them New York Soldiers. But upon the Indians making the attack they chose to fortify themselves in the Cellar & Chamber from whence they drove the Indians off so as to save one Scalp of the seven killed. I must add from a Verbal Account I have had of which in my hurry I have not preserved the particulars of time & place. That a Boy seeing an Indian come down upon him & having a Gun in his hand preserved his Fire until the Indian was near him & then fired & ran away. And giving an account thereof a Party went out & by the help of Dogs found the Indian under a heap of stones. And He appears to be a Famous adverse Partisan called John Armstrong; which is most probable, for the scalp which was brought to me, is so adorned with beads & other finery that it must come from the head of some considerable Indian.

I fear this Calamity has been occasioned by an untimely piece of frugality: The frontier guard consisting of 250 Men; upon making the levies to form the Regiment that now serves under General Abercrombie 200 of these were reduced & only 50 Men left to guard this long frontier: This I imagined encouraged the Indians to make this Attack. I have therefore with the advise of the Council, ordered draughts out of the Militia of the neighbouring Counties to make up 200 men & shall encrease the Number if necessary: I have also sent orders to the commanding Officer for the better regulating the frontier guard which were Very much wanted. From these measures I hope I shall soon be able to inform your Lordships that these disorders are ceased.

I have fixed upon the 25th of July to call the Assembly together. This is the earliest day I could appoint on account of the harvest. I shall then propose to them to establish a certain & constant guard for the frontier. I have for that purpose before me a Very sensible Scheme proposed by a Quaker. It is no more than this: The whole Frontier to be guarded is of the length of 90 Miles on the banks of the Delaware. It is proposed to erect upon this line at the distance of 10 miles from each other 10 houses fortified against Muskets; and to have a guard of 25 Men at each of these houses with a sufficient Number of Dogs who are very useful in scenting the tracks of the Indians & preventing Ambuscades; To make two paths along this line of houses, the one along the banks of river, the other half a mile within land; & to have a patrol going from one house to another 3 or 4 times a day. By which means whenever any Indians pass the river It must be known in a few hours & probably before their Scent, which is very strong by their using Bears grease, is gone off the ground So that they will be

soon trackt & defeated or at least prevented in their Mischief. The chief Objection to this or some such Scheme will be the expence: But I hope to obviate that & that these barbarities will be effectually prevented for the future; of which I shall have great pleasure to be able to send an Account to your Lordships.

I find that since the death of M^r Belcher an Act has passed for emitting £50,000; I told the Council that this ought not to have been done without a Suspending Clause. They answered that His Majestys Service absolutely required it, for that they could not have sent their Regiment into the field without this aid. I observed that I was sorry to find that the Number of them sent from this province was thought by the General not to be equal to the ability of it. They said that they hoped it would be considered that within a short time they had lost two Regiments; That It was apprehended that they could not have raised more without using force which would have discredited the Service & weakened the forces themselves; That their Regiment was wholly composed of Volunteers & was universally allowed to be the best Corps of provincials that had joined the Army; And that they hoped that 1000 picked Men would do more service than 1500 indifferent ones. I believe the truth is that those Members of the Assembly who are most desirous to promote his Majestys Service, were apprehensive that if they had proposed more than 1000 they should have failed in their question; Since, as it was, there were 8 out of 20 Members present that Voted against any Augmentation.

I have ordered the Secretary to prepare Copies of all things that remain to be transmitted to England, & shall take care to send 'em to your Lordships before or soon after the meeting of the Assembly.

To morrow I sett out for Burlington to publish my

Commission there; a form which tho' not necessary has been usual: but must dispatch this before I go, as The Packet may probably sail before I return.

I have the honour to be with great respect,
 My Lords, Your Lordships Most
 obedient and Most humble Servant
 FRA. BERNARD

*Letter from Governor Bernard to the Lords of Trade
 —Had visited different parts of his Government
 and met with Governor Denny and General Forbes
 at Philadelphia about Indian invasion.*

[From P. R. O., B. T., New Jersey, Vol. 8, I. 68.]

To the R^t Hon^{ble} the Lords Commissioners of
 Trade & Plantations

PERTH AMBOY July 3. 1758

My Lords

I troubled your Lordships with a particular of what had passed here before I went to Burlington, & sent my Letter to New York that It might be ready for the Packet for England. But finding upon my return that the Packet boat had not sailed, I set down to continue my Account to the present time, hoping to get it to New York time enough for this mail.

I went from home on the 21st thro Brunswick & the next day at noon arrived at Trenton, from whence I dispatched a Messenger to Gov^r Denny at Philadelphia informing him of the invasion of Our province by Indians who were supposed to be of some of the tribes that professed Peace with his Province & that I therefore had a particular occasion for his advise & assistance in providing for the Security of the Province. In

the Evning I went to Burlington & the next day published my Commission & received the usual compliments &c. The next day being the 24th as I was preparing to return to Amboy early in the morning, I received by my Messenger Letters from Gov^r Denny, in which he signified that It was the desire of Gen^l Forbes as well as his own that I should come to Philadelphia to confer with them about the Indian Invasion. I immediately set out for that City & arrived there about 11 in the forenoon; & had two conferences with the General & the Governor, the result of which was; that I should send orders to the commanding officer on our frontiers to endeavour by all means to take a prisoner & send him to me, that I might inform myself who our Enemy were; And that as It was generally believed that this Mischief was done by the Minnissink Indians now settled on the Susquehannah, I should send a Message to them charging them with being the Authors of this Mischief & requiring them to declare whether they were friends or Enemies & if they chose to be reckoned as the former inviting them to a conference. This, We concluded must produce an Ecclaircissement that would enable me to direct my Military Operations if I am obliged to proceed with them. For these People are within our reach; & If they do not give us satisfaction I propose to repay their Visit before Winter.

The next morning early I returned to Bristol where I was attended by many of the principal Quakers of both Provinces, (who were very sollicitous to engage me to pursue peaceful Measures) & sev^ral other Gentlemen: Here I made up my Message to the Minnissinks & another to Tudeyscung King of the Wioming Indians desiring him to accompany the Message to the Minissinks & having sent for two trusty Indians I sent 'em away directing 'em to go thro' Philadelphia & there to take with them a passport from the Gov^r &

an English Flag: and I signified both in the Messages & verbally to the Messengers, that those Indians who proposed to visit us as friends must enter the Province below the falls at Trenton; for All Indians who crossed the River above Trenton would be considered as Enemies. In the Evning I returned to Trenton & the next Evning got to Amboy in good health tho' the Weather had been extremely sultry & what I should by no means have chose to march in if the public Service had not required it.

In the Course of my return I met with reports of a fresh invasion with a more numerous Enemy being intended; but from all circumstances It appeared almost certain that this was nothing but the remains of the advises of the former. However I considered with myself how I might provide against an unexpected attack without any inconvenience to the Country: And therefore soon after I got home I sent orders to four Colonels of Militia from whom I had had no detachments, to muster 50 Men each & hold 'em ready to march to the assistance of Captⁿ Gardner Commanding Officer of the frontier guard, whenever he should give notice of his wanting 'em, without waiting for orders from me. And I have signified to Captⁿ Gardner that he may send for those men when there will be an Occasion for them. So that We have now on the frontiers 200 Men, who may be reinforced by 200 more in 2 days time: the whole a force sufficient to oppose Any Enemy We can expect.

But I hope That this business is over for the present: For as I informed your Lordships that I believed It would not have happened if the frontier guard had not been drawn off & I expect It will cease upon reestablishing a guard there. I received Letters from Cap Gardner yesterday bearing date 26th of June, wherein I am informed that the only Action that has happened since the last Accounts was on the 12th, of

which I had advice of the firing being heard in my former Letters It was thus: A Serjeant & 9 men were out on the Scout & perceiving an Indian rowing along the river who escaped from them, they went along the river according to his Course. They soon after discovered 10 Indians in an Island making a raff; & lay by all night & in the Morning saw them coming over with their arms & cloaths on the raff. The Serjeant conducted his party along the river to get within reach of them when they should land. In doing this He discovered 14 Indians at a fire who immediately ran to their Arms & the Serjeant gave 'em his fire: they returned theirs & the 10 Indians in the river also fired But the Serjeants party advancing regularly & firing six rounds, the Indians made off with them 4 of their party wounded & leaving behind them the guns & Tomahawks of the 4 wounded with 3 pikes 15 pair of Mowsons & 15 pair of Stockings & many other things, Among which was part of the plunder of each of the houses that had been before attacked. I have desired Capt Gardner to thank the Serjeant &c in my Name & I will take an opportunity of rewarding him. The Serjeant had only one man wounded. This is all the Mischief that has been done except that on the 23^d a Man would go out on hunting contrary to my orders & was Shot & Scalped near the river: & the Same day an House was burnt on the Pennsylvanian Side of the river.

I have pretty well informed myself of the state of the frontiers of this province that are exposed to these irruptions & am persuaded that if the Assembly will enable me to build two or three more small forts & to raise 300 men for a constant frontier guard I shall be able to guarrantee the frontier Settlers from any attack but that of a regular Army of which We shall allways have timely advice. For I am assured that with a proper encouragement I shall have enough of

resolute men that will outdo the Indians in their own way of Making War. But I cannot promise myself this Success till I feel the pulse of the Assembly: Before whom I shall represent the State of the province in such a manner as shall be most likely to engage them to take the most effectual measures for its defence.

I have the honor to be

My Lords Y^r Lordships most obedient
& most humble Servant

FRA. BERNARD.

Letter from Governor Bernard, giving an account of the Death of Mr. Ainsley, Chief Justice of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. VIII, I. 70.]

PERTH AMBOY, July 7, 1758.

To The Right Honble The Lords Commissioners for Trade and Plantations.

My Lords

I have just received advise of the death of M^r Ainsley Chief Justice of this Province. This was occasioned by his drinking milk and water when he was Very hot on Wednesday last & he died on the next day. I thought proper to give your Lordships the most early Notice of this Event & am

My Lords Your Lordships most obedient
& most humble Servant,

FRA. BERNARD.

Message from Governor Bernard to the Minisink Indians, accompanied by a Message to Teedyescung, King of the Delaware Indians, and resulting in a Conference held at Burlington, August 7 and 8, 1758.

[From S. P. O. B. T. New Jersey, Vol. 8, I. 76.]

Brethren, the Minisink, or Munsy Indians, and those of Pompton:

It is with great pain I am to tell you, that Some Indians have invaded our province on the upper parts of the Delaware, and Shed much blood, and that you are Suspected to be Concerned in it.

If you have been instigated to this by the false Suggestions of our Enemies, the French, we pity you; for these proceedings, if not immediately prevented, must Cause a discord between us; which though it may be greatly hurtful to our people, must in the End Entirely ruin yours.

The throne of the great King is founded on Justice, and therefore if you have received any injury from any of his people living within our province, you Should have made your Complaints to me, who am ordered to do justice to all men, and I would have heard you with open Ears, and given you full Satisfaction.

If therefore you have any anger boiling in your breasts, I, by this belt, invite you to Burlington, in five weeks, at which time our great Council will be together; there to unburthen your minds, and root out of your hearts the Seeds of Enmity, before they take too deep a root. And I will kindle a Council fire, and bury all the blood, that has Stained our ground, deep in the Earth, and make a new chain of peace,

that may bind us and our children, and you and your children, in Everlasting bonds of love, that we may live together as brethren, under the protection of the great King, our Common father.

If these words Should please you, and you Should choose that we Should be your friends rather than your Enemies, let all hostilities immediately cease, and receive this passport, and go to fort Allen, from whence you shall be conducted to Bristol, where you will find deputies, who will take you by the hand and lead you to me at Burlington. But if the time and place I have mentioned, be inconvenient to you, I Shall be ready to receive you in this Government where you can more agreeably to yourselves, attend.¹

*Letter from Governor Bernard to the Lords of Trade
—had prorogued the Assembly—vacancies in the
Council, Indian Affairs, etc.*

[From P. R. O. B. T., New Jersey, Vol. 8, I. 69.]

PERTH AMBOY Aug 24. 1758.

To the Right Honble The Lords Commissioners
for Trade & Plantations

My Lords

Soon after I had the honor to make up my last dispatches to your Lordships I went to Burlington & open'd the Assembly which kept sitting till the 12th inst. when they having gone thro' all the necessary business before them I prorogued them & hope I shall

¹ The minutes of the Conference in full will be found printed in Smith's History of New Jersey, pp. 449 to 455.

not have occasion to call them together again before the next Spring. I shall inform your Lordships of the proceedings thereof as soon as I can receive the papers to be laid before your Lordships which will be a guide to me in giving my sentiments where they shall be requisite

At the meeting of the Assembly, M^r Reading the President came into Council & beg'd leave to resign his place in the Council on account of his age & infirmities he being 73, and sensible that his faculties begin to fail him. M^r Leonard another of the Council wrote to desire the same favour on the same account. I have seen him & am quite satisfied that he is unable to act any longer. I promised to recommend their request to his Majesty & according to precedent, suspended them from their office till his Majestys pleasure should be signified.

In consequence of this I am to lay before your Lordships a list of persons fit to be appointed Councillors. And as there are but two Councillors now remaining in West Jersey, I must submit to your Lordships that It may be proper to fill up both these Vacancies out of that division and shall therefore place that first.

WEST JERSEY

Charles Read Esq Member for Burlington & Dep. Secy.

John Smith of Burlington Esq a moderate Man of the Quaker persuasion.

Robert Hooper of Trenton Esq

John Ladd Esq Member for the County of Gloucester

EAST JERSEY

Peter Schuyler of Petersburgh Esq

Lewis Johnston of Amboy Esq

John Stevens Esq Member for Amboy

Whilst I was at Burlington a Deputation of Indians came to answer the Message I sent to the Mounseys in July last. They consisted of 3 Mounseys 1 Cayugan on behalf of the 6 Nations and 2 Delawares. They professed to come from the Senecas the Cayugans & the Mounsies. The substance of what they said was to invite me to a Treaty which they & many other Nations were to hold with Pennsylvania at Easton next full Moon. I promised to attend, & the Assembly has provided for the expence of it. Gov^r Denny with 3 of his Council came to Burlington on this occasion to engage us to join with them in this treaty, which We have agreed to do, but not as principals, nor to be subject to any charge but the expence of own attendance. I shall be able to send your Lordships copies of all the Indian proceedings by next week if the Packet waits so long

About a fortnight ago I received advise of a French Captⁿ & 10 Indians being set out towards our frontiers. I advised our commanding officer of it & he has been in pursuit of them but could not come up with them. They are since retired without loss having killed two in Pennsylvania & two in New York & captivated 3 children in N York but done no mischief in our province. The Assembly have granted 150 men & a new fort for the frontier service. It is about half what I wanted; but I hope to supply the defect by detachments of militia to be put under new regulations.

I have to lay before your Lordships a matter of great consequence, an address of the Assembly to beg that his Majesty would be pleased to enlarge my powers for raising money against the next Year, without which it will be impossible for the province to send any more men into the field. I cannot state this properly—without an exact Account of the provincial debt,—which I have ordered to be made out & as soon as I get it will give your Lordships the fullest information of this business that I can.

I am obliged on account of my distance from the Packet boat & the uncertainty of the time of her sailing to make up my Dispatches by parcells. I shall accordingly send this away to morrow; and shall then set about another parcell, which most probably will come time enough to accompany this.

I am, my Lords, with all due respect Yr
 Lordships most obedient &
 most humble Servant
 FRA. BERNARD

*Letter from Governor Bernard inclosing Copy of a
 Message from the Assembly.*

[From P. R. O. B. T. New Jersey, Vol. 8, I. 71.]

PERTH AMBOY Aug 31. 1758

To The Right Honble The Lords Commissioners
 for Trade & Plantations.

My Lords

I hereby lay before your Lordships a Petition of the Assembly of New Jersey as I received it & beg the favour of Your Lordships to represent the same to his Majesty in the most favourable manner, that may be. I have the honour to be, My Lords,

Yr Lordships most obedient
 & most humble Servant
 FRA. BERNARD

ORDERED that M^r Read M^r Spicer M^r Wetherill M^r Leaming do wait on his Excellency and Acquaint him in Answer to his Message of this Morning that this House have taken the same into Consideration together with the copies of his Majestys Royal Instructions communicated therewith And find by the Journal of

28 Novbr 1748 That the 22^d Instruction is in the same words with Instructions given by his present Majesty to his late Excellency Governor Belcher And this House do conceive it to have been an Instruction to Several of his Governors of his Colonies Abroad. That no Inconveniences have arisen from the passing any Act for striking of Bills of Credit in this Colony to any person whatever as the Bills struck by former Acts have been punctually sunck According to the Different periods in the Acts expressed whereby the Bills have not in the least deminished in their Credit Altho the Colony have thro their Zeal for his Majestys Service in keeping up a Standing regiment Acting with his Majestys forces and the pressing call of the Frontier Inhabitants issued large Sums great part of which lays at present as a Debt on the Colony. That this Colony have no practicable Methods to raise a Sum for immediate Service but by striking Bills of Credit to be sunck by a future tax the doing of which Not only the Governors of this but also of the Neighbouring Colonies have thought it Necessary and Expedient to Assent to, Notwithstanding the aforesaid Instructions and to prolong the time of Sinking the Same According to the Different circumstances of the Colonies, Nor have the House the least reason to Believe but that their Conduct in that respect has been Approved of by his Majesty and his Ministers. That they Inform his Excellency that the House has taken his recommendation of the Frontiers and the Afflictions of the Inhabitants there, into their most Serious Consideration and formed a Bill which they hope with the Assistance of divine providence will Effectually protect them, but as they have not Money in the Treasury for that Service they have no other method of Supporting that Expence but by Issuing of Bills of Credit which must Militate against that Instruction. That this House Entertain hopes that his Excellency will from the Calamity of the time and the Conduct of other his

Majesty Governors be induced to give his Assent to a Bill for striking Bills of Credit for the protection of this his Majestys Colony to be sunk at such periods as shall be in the Power of the Colony to Comply with. That they Earnestly request his Excellency to represent the Zeal and Loyalty of this Colony to his Majesty and that without an Indulgence in Striking Bills of Credit to be sunck at reasonable periods on a Solid and Secure fund This Colony will not be Able to give his Majesty that aid which would be most Agreeable to their Inclinations nor Contribute that protection to the Frontiers which they are in duty Bound to do. And as there are frequent calls for Expence of this kind, That he will be pleased to make the Application so that we may hope for his Majestys Licence on this head, Before any future Necessity shall Embarrass the Branches of the Legislature.

By Order of the House

THS HARTSHORNE

Burlington Aug^t 8th 1758

Letter from Governor Bernard to the Lords of Trade, respecting the manner of the Assembly's passing Bills of Credit, during the time of War, with his Observations upon the necessity of a Special Instruction to empower him to pass such Bills.

[From P. R. O. B. T., New Jersey, Vol. 8, I. 72.]

PERTH AMBOY Aug^t 31 1758

To the Right Hon^{ble} the Lords Commissioners
for Trade & Plantations

My Lords

I hereby transmit to your Lordships a Copy of a Message I received from the Assembly at their last Sitting. The Occasion of which was this: I had earn-

estly recommended to them to provide effectually for the Defence of their frontiers then greatly distressed by frequent irruptions of the Indians & very insufficiently guarded. They accordingly prepared a Bill for that purpose, in which there was a Clause for emitting paper money to be sunk at a distant day beyond five years. I being informed of this sent them a copy of my instructions: and that produced this message by four of their members, which had two purposes, one to provide for the present Exigency; the other to gain a power to provide for future necessity.

As to the first I learnt that the Year 1760 had but a Little Charge on it and would easily admit of a further charge: I therefore recommended to them to provide for the present Service by a Sum to be charged on the year 1760, so as not to charge that year with more money than some other years have been charged. And then I hoped my compliance therewith considering the crying necessity of the Service & the short time in which the Money was to be sunk, would be considered by your Lordships as not contradictory to the spirit of my instructions, tho not strictly conformable to the letter of them.

This being thus determined, the other point, to enable me to consent to the raising money for the use of his Majesty in the prosecution of this necessary War the next summer, I must now submit to your Lordships & pray your directions. And that your Lordships may better judge of this business I have sent two Schedules, the one being an Account of the provincial debt, the other of the several years appointed for the payment thereof. By which your Lordships will see what power this Province has for raising extraordinary money for the further prosecution of this War supposing the highest charge of any year is as great as the province can bear. The highest charge is on the years 1760, 1762 & 1763 which amounts to

£16530 each, besides the ordinary expences of government which are reckoned at about £3000 more. According to this rule there might be added to the charge of 1759 the further Sum of £5000 and to that of 1761 the further Sum of £2500; then follow four years wholly uncharged, the first of which will be within five years the next year. So that if the Assembly would charge all these Years equally and I should be at liberty to consent to raise £16500 on the year 1764 for the use of the next year, we should be able in the whole to raise £24000 for extraordinary service to be sunk in five years.

But I fear that £24000 will not be sufficient for the quota of this province for the next year, especially if there should be occasion (as I suppose there will be, if Peace should not intervene) for the utmost exertion of the powers of the North American Provinces. It will therefore be very expedient that his Majesties service in this province may not be obstructed, to empower me by a special instruction to raise money by bills of credit to be sunk within six, seven or eight Years for his majesties extraordinary service in prosecuting this just and necessary war. And as your Lordships will observe that it is only for the extraordinary purposes of the war that this power is desired: the application of the money may be directed to be for the raising 1000 men to be under the command of the Commander in chief & 200 men for the defence of the frontiers and such other purposes of his Majesties service as the Gov^r with the advice of the Council & the approbation of the commander in chief shall direct.

And it will be absolutely necessary that this power should be free from the exception to making the bills a legal Tender: for I am satisfied the Assembly will not pass a bill with that exception. Your Lordships will observe by perusing the Votes in 1754 that Gov^r

Belcher having procured a special instruction for a Loan Bill for striking £60000 with a proviso that the bills should not be a legal Tender, this very Assembly petitioned against that proviso, and not being able to obtain a remission of it, they gave up their bill. And if they would upon account of this proviso refuse a Loan bill which they were then in a great want of & which (as your Lordships in your report on the last Loan Bill have most properly observed) by applying part of the Interest arising from the Loan might have made such a proviso more practicable, than it would be in another bill, they certainly will not pass a bill for striking money without a Loan unless the bills are made legal Tenders

And indeed I can't with satisfaction to myself answer one of the arguments for the present necessity of making these bills Legal Tenders. They say that this Province having a continued intercourse with the two neighboring Provinces of New York and Pennsylvania it is quite necessary that their bills should be current in the counting houses of New York and Philadelphia, which at present they are and it is the greatest Test of their Credit. In like manner the bills of N. York and Pennsylvania are current within New Jersey. Now, say they the Bills of N. York & Pennsylvania are made Legal Tenders in their several Provinces: If therefore the bills in New Jersey should not be legal Tenders they would not have all the powers of Currency which these of New York and Pennsylvania have, and therefore might and probably would be distinguished to their discredit. If therefore it should be thought expedient to introduce this regulation into these Provinces, it should be established in the rich and powerful Provinces of New York & Pennsylvania first & then would easily be followed in New Jersey. But say they it is dangerous to try experiments with

the credit of this Province by distinguishing its Bills from those of its Neighbors.

These are the sentiments of some of the most sensible men of this province with whom I have talkt on this subject. And to this argument I have to add an observation of my own (in which I may be very possibly mistaken) which perhaps has not ocured to your Lordships. That at present the paper Bills are the only legal tender that this Province has to use, and if this is taken away there will be in use no legal tender at all. This appears to be so from these propositions: That the Gold and Silver Coin of Great Britain is the only Legal Tender in the American Provinces by common Law; that no other sort of money can be made a legal tender but by Statute; That English Gold & Silver Coin is not used in the currency of this province nor to be had in any quantity sufficient for a currency; That no other money is enacted to be a legal Tender in this province but paper Bills; Therefore paper Bills are now the only practicable legal tender within this province: The common Species used in this province and the only to be met with in any quantity are either spanish pistoles or milled pieces of eight. Of the former for what I can learn the Laws are wholly silent, nor could they properly be made a tender, as being unmilled they are taken by weight & are therefore more properly a commodity than money. The latter are mentioned in the 6th of Ann ca. 30, which enacts that they shall not be received at more than 6s (whereas now they must cost 7-6 prod) and nobody shall be compelled to receive them at all, so these cant be a legal tender.

From all which I must humbly submit to your Lordships that if the time should come when there should be no paper money in New Jersey or all the paper money should be declared to be no legal tender a pro-

vision must be made for some other kind of Tender. I must also submit, that whenever Bills of credit shall be emitted that shall not be a legal Tender, all other Bills should be called in: For it seems to me that it will not do to have two sorts of paper circulating at the same time the one a tender & the other not: One will be apt to depreciate the other. From all which I must also submit to your Lordships, that I fear this is not the most proper time to enforce a Regulation attended seemingly with so many difficulties.

I have given your Lordships this trouble from a conviction that this is a business of the greatest consequence to his Majesties service in this province. For if I should not receive further powers by next Spring, I shall not be able to support his Majesties service in the manner I shall desire & ought to do without a breach of my Instructions. And I should be sorry to be reduced to the alternative of either being indifferent to his Majesties Service or disobedient to his commands. I must beg leave to add that I have not the least Interest in this Business except what the Duty of my Office & my Zeal for his Majesties honour give me: And therefore hope that the Liberty I have taken in being thus explicit with your Lordships will be favorably considered.

I have the Honour to be

My Lords Your Lordships

Most obedient and most humble Servant,

FRA. BERNARD

Letter from Governor Bernard to the Lords of Trade relating to the necessity, should the War continue, of a special Power from His Majesty for raising Money.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 77.]

PERTH AMBOY Sep. 15. 1758

To The R^t Honble The Lords Commissioners
for Trade and Plantations

My Lords

As I could not get this Letter on board the Packet Boat before it sailed, I have an opportunity to add a very material postscript to it. Your Lordships will observe that I was uncertain of the probable expence of next year, and therefore was doubtfull whether £24000 to be raised in the manner I have mentioned, would be sufficient to maintain the same force that we have on foot this Year; And I imagined that it would be greatly insufficient. Since this I have got from one of the Commissioners for the present Regiment an Estimate of the Expence of supporting the same Regiment for the next campaign, which, as it was made out in haste may be deficient, but must certainly amount to the Sum charged.

And your Lordships will observe that there is an exorbitant sum charged for Levy Money, which must also be charged next Year for future Levies, if the Regiment should be disbanded on the 15th of November next for which time only it has been raised. But if the Assembly would consent to reinlist them (for that is necessary) & continue them for a whole year (unless I shall see occasion to disband them sooner) it would save according to my calculation, near £4500. But as I cannot promise that they will do so, the Expence

must be considered as if the Regiment was to be new raised. The Expence of the Frontier Guard I have estimated from former Acts which I believe correspond with the present which is not now before me and I believe is pretty exact.

From all this Your Lordships will observe that if the War is to continue, and we are to exert the force of our province there will be occasion for £42000 extraordinary to be raised for the next year: And, as I have before shown to Your Lordships, according to the Rule of sinking the money in five years and supposing that the province can bear no greater annual charge than has hitherto been laid on it We can raise no more than £24000, and therefore, if the same Services are expected from this province which they have performed this year there will be occasion for a special power from his Majesty to raise the money necessary for such services. I must therefore on behalf of the Province humbly desire that your Lordships would be pleased to interceed with his Majesty that he would graciously grant a special Instruction to me to raise by Bills of Credit on the same terms with those already enacted and now current to be sunk in the years 1764 & 1765 a Sum not exceeding £40000 to be applied to his Majestys especial Service in the prosecution of this War

I am My Lords

Your Lordships most Obedient
& most humble Servant

FRA. BERNARD

Letter from Governor Bernard to the Lords of Trade, giving an account of the Conferences held at Easton with the Chief Sachems and Warriors of several nations of Indians.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 79.]

PERTH AMBOY Oct 31. 1758

To the Right Hon'ble the Lords Commissioners
for Trade & Plantations.

My Lords

Before I set out for the Indian treaty at Easton I wrote to your Lordships a Letter concerning the means of raising more Money for the further Service of his Majesty & inclosed a state of the provincial debt & an estimate of the Money that will be wanted Next Year, all which together with the Acts of Assembly & Votes & the return of the Naval officer, I put on board the Hopewell Snow Everston Comm^r, I having been disappointed in sending these things by the packet, by the sudden Manner in which she was sent away. I also before I left Amboy sent another packet enclosing the Acts of the Council during my time & also the Acts of Council Acts of Assembly & votes during the Presidents Admⁿion, which last I find are now at New York waiting for a passage. As to the papers which I sent by the Hopewell I propose to send duplicates by the next packet boat.

Being now returned from Easton & having brought all the Indian affairs of this Province to the best settlement they are capable of at present, I shall trouble your Lordships with a short account of what has been done on this occasion intending nevertheless to send

your Lordships Copies of the Minutes of all our proceedings & by this Packet, if it is not too quick for me.

When I came into the Province, I found it subject to two general Indian claims; the one being from the Delawares & several other Indians on the Southern parts of the Province; the other of the Minissinks & Opings or Pumptons on the Northern parts. The former was put in a good Way of Negotiation the Indian claimants having appointed 5 Indians their attorneys to act for them with full powers to release &c. The latter had produced an Indian War or rather had afforded a pretence for the Indians making an irruption, of which I advised your Lordships in my first Letters from hence. I also advised your Lordships that I had soon after my arrival sent a message to the Minissinks expostulating with them concerning their hostilities, & inviting them to Burlington to declare their greivances if they had any. At the meeting of the Assembly An Act was passed for granting £1600 for the satisfying the Indian claims & 6 Commissioners appointed (of which two were of the Council) to act, with my consent, for that purpose. In regard to the Southern claim the Indian Attornies agreed to accept of Lands for them to settle on in lieu of the lands claimed by them. And accordingly a tract containing 3000 Acres has been purchased & conveyed to me & the Commissioners in trust for the Indians etc in consideration of which they have released all their claims to the lands Southward of the Raritan. And Notice has been given that All Indians that propose to reside in this Province (which according to an exact return made to me are now about 270) must resort to that tract of land which is extremely convenient for their purpose having a large Wast adjoining to it for their hunting & a passage to the Sea for fishing: And We

are going to build a Town for them, there being a Saw Mill already there & a grist Mill is immediately to be erected. This Place is in the County of Burlington & adjoining to the barren Pine Land & out of the Way of Communication with the wilder Indians. Thus has the Southern claim been settled to the best advantage of both parties.

As to the Minissink claims I have before informed your Lordships that at Burlington I received Messengers from the Senacas & Cayugans on the behalf of the Minissinks inviting me to meet them at the Treaty at Easton. And to that Place have I been carried by this business as well as by the particular desire of Gov^r Denny that I would attend to assist him in the general Work of pacification. For a particular Account of this great Work I must refer your Lordships to the Minutes of the proceedings there, which I hope I shall get to accompany this Letter. In regard to the present business I need only say that by the mediation of some of the Chiefs of the united Nations I have come to an Agreement with the Minissinks &c & have paid them 1000 dollars, in consideration of which they have by deed released all their claims to the Province of New Jersey. And this deed, as also the other deed of the Delawares has been witnessed by some of the chiefs of the united Nations & both have been published in the presence of the 8 united Nations & the several other Nations adjoining to this province as a full acquittal & discharge of all Indian claims upon the province of New Jersey: And the united Nations have received from me a large belt as a perpetual Memorial of this transaction.

But I do not think that I have yet compleated this business: for tho' the Indians should be in earnest in their professions (as I believe they are), yet, if there is not a proper intercourse carried on between them &

the English, they will probably change their minds. In order therefore to contribute what this Province can do towards establishing a good correspondence with the neighbouring Indians I intend, with the Assistance of the Assembly to erect a trading fort on the Most Northerly point of the Province. Every person that I have spoke to on this Subject, (& I have advised with some of the most knowing Persons on the continent) approve greatly of the design as highly conducive to the public Service & not unbeneficial to the interest of the Province. And, as I hope, I shall have nothing to ask of the Assembly but the erecting a fort & garrisoning it the rest being, as I am advertised, to be effectually done by private Subscription, I persuade myself that I shall certainly bring this salutary work to perfection. After which I can Venture to assure the People that they will not probably be harrast again by Indians, unless there should be an extraordinary turn of the affairs of the Continent, which (thank God) at present We have not the least room to fear.

I have thought proper to give your Lordships this short Account of what has been done in regard to the Indian Affairs particularly relating to this Province. For the rest I must refer your Lordships to the papers which I shall send with this or soon after it.

I am My Lords

Your Lordships most obedient
& most humble Servant

FRA. BERNARD

An Estimate for raising, paying and clothing a Regiment of 1000 men, the Bills of Credit outstanding and the amount sunk each year.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 73.]

An Estimate for Raising Paying and Cloathing the New Jersey Regiment of 1000 men for 8 months in 1759, taken from the Accounts in 1758.

| | | |
|--|-----------|------------|
| Bounty money for 970 men at £12 | 11640 | |
| Cloathing &c | 8340 | |
| Officers & mens pay for 8 months | 14305 | |
| | <hr/> | |
| Total of the Regiment | | 34305 16 - |
| An Estimate for paying & Subsisting 200 men for the defence of the Frontiers for one year &c | | |
| For the pay of a Major a Captain 6 Lieutenants 8 Ser- jants and 8 Corporals | 1149 15 - | |
| For 176 private men | 5160 — - | |
| Subsisting 200 men | 1181 5 - | |
| Subsisting 50 dogs necessary for that particular service | 114 1 3 | |
| | <hr/> | |
| Total of the Frontier Guard | | 7605 1 3 |
| | | <hr/> |
| Total of the Charge of these two Services (Contingences & Omissions accepted) | | 41910 17 3 |

An Account of the Bills of Credit Outstanding in the Province of New Jersey on the 21st of Novemb^r 1758.

| | |
|---|------------|
| In the year 1753 there was outstanding in Bills of Credit issued in the Late War the Sum of £15302 0 4 & in June 1753 an Act was passed for sinking the said Sum by Annual Payments of £1530 4 0½ for 10 years. The first payment to be on Nov 21 st 1754 Of this remains the Sum of | 7651 — 1½ |
| In April 1755 was emitted the sum of £15000. for raising &c 500 men for his Majestys Service to be sunk by yearly payments of £5000 the first to be made Nov 21 st 1757 of this remains the Sum of | 5000 |
| In August 1755 was emitted the Sum of £15000 for the further supply of the Forces to be sunk by yearly payments of £5000 the first to be made Novemb 21 1758. Of this Remains the Sum of | 10000 — — |
| In Decemb ^r 1755 Was emitted for the Forces for the Defence of the frontiers & building forts to be sunk Nov ^r 21, 1761. The Sum of | 10000 0 0 |
| In June 1756 Was emitted for the further Supply of Forces &c £2500 to be sunk Nov ^r 21 st 1761. & £15000 Nov ^r 21 st 1762. The Sum of | 17500 |
| | <hr/> |
| | 50151 — 1½ |
| In April 1757, was emitted for his Majestys Service to be sunk Nov ^r 21 st 1763 the sum of | 10000 |
| And in June 1757 was emitted for the | |

| | |
|--|-------------|
| said Service to be sunk at the same time the sum of | 5000 |
| In Octob ^r 1757 was emitted for his Majesty's Service to be sunk by annual payments of £5000, the first to be made Nov ^r 21 1768 the sum of | 30000 |
| In April 1758 was emitted for his Majesty's Service to be sunk by annual payments of £10000 the first to be made Nov ^r 21 st 1774. the Sum of | 50000 |
| In August 1758 was emitted for raising &c forces for the Defence of the Frontiers then actually Invaded & Building another fort to be sunk Nov ^r 21. 1760. the Sum of | 10000 |
| | <hr/> |
| | 155151 — 1½ |

An Account of the Charge upon each Year for sinking the Provincial Debt of New Jersey from Novemb^r 1758.

| | | | |
|---|-------|---|---|
| 1759 For sinking the Remainder of the £15302. Outstanding in 1753 | 1530 | 4 | ½ |
| For sinking the Remainder of the £15000. emitted April 1755 | 5000 | — | — |
| For sinking the Rem ^r of the £15000 emitted August 1755 | 5000 | — | — |
| | <hr/> | | |
| Total | 11530 | 4 | ½ |
| 1760 For sinking the Rem ^r of £15302 in 1753 | 1530 | 4 | ½ |
| For sinking the Rem ^r of £15000 in Aug ^t 1755. | 5000 | — | — |
| For sinking the Rem ^r of £10000 emitt ^d Aug ^t 1758 | 10000 | — | — |
| | <hr/> | | |
| Total | 16530 | 4 | ½ |

| | | | |
|-------------------------|--|-------|-----|
| 1761 | For sinking the Rem ^r of £15302 in 1753 | 1530 | 4 ½ |
| | For sinking £10000 emitted Dec ^r 1755 | 10000 | — — |
| | For sinking part of £17500 emitt ^d | | |
| | June 1756 | 2500 | — — |
| | Total | 14030 | 4 ½ |
| 1762 | For sinking the Rem ^r of £15302 in 1753 | 1530 | 4 ½ |
| | For sinking the Rem ^r of £17500 em ^d | | |
| | June 1756 | 15000 | — — |
| | Total | 16530 | 4 ½ |
| 1763 | For sinking the Rem ^r of £15302 in 1753 | 1530 | 4 ½ |
| | For sinking £10000 emitt ^d April 1757 | 10000 | — — |
| | For sinking £5000 emitt ^d June 1757 | 5000 | — — |
| | Total | 16530 | 4 ½ |
| 1764, 1765, 1766, 1767, | There is no charge upon these | | |
| | Years except the Ordinary Support of Govern- | | |
| | ment which is to be added to the Charge of | | |
| | each other year. | | |
| 1768 | For sinking part of £30000 emitt ^d | | |
| | Octob 1757 | 5000 | — — |
| 1769 | For sinking the same | 5000 | — |
| 1770 | For sinking the same | 5000 | — |
| 1771 | For sinking part of £30000 emitt ^d Octo | | |
| | 1757 | 5000 | — — |
| 1772 | For sinking the same | 5000 | |
| 1773 | For sinking the remainder of the | | |
| | same £30000 | 5000 | |
| 1774 | For sinking part of £50000 emitted ^d | | |
| | Ap ^l 1758 | 10000 | |
| 1775 | For sinking the same | 10000 | |
| 1776 | For sinking the same | 10000 | |
| 1777 | For sinking the same | 10000 | |
| 1778 | For sinking the Rem ^r of the same | | |
| | £50000 | 10000 | |

Representation to the King from the Lords of Trade, inclosing Copies of Letters and Papers received from Governor Bernard, relative to a Law for issuing Bills of Credit without a suspending Clause.

[From P. R. O. B. T., New Jersey, Vol. 16, p. 257.]

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please Your Majesty.

Having lately receiv'd Letters from Francis Bernard Esq^r Governor of New Jersey dated in Aug^r and Sept^r last, stating that in case it should be required of the said Colony to furnish any Number of Troops for His Majesty's Service in the ensuing Year, there will be a necessity for reasons contained in his Letter, that he should be empower'd to assent to a Law for issuing a certain quantity of paper-Bills of Credit, without a Clause suspending its Execution untill your Majesty's Pleasure can be known. We think it our Duty humbly to lay before Your Majesty annexed Copys of the said Letters and also a Copy of a Message from the House of Representatives of that Province to the Governor upon this subject. We must humbly beg leave at the same time to represent to your Majesty, that the propriety or Impropriety of complying with the Governors Request, appears to Us to depend upon what shall be your Majesty's Orders and Resolutions with respect to the Extent and the Mode of carrying on the Operations of your Majesty's Arms in America in the next year. And it is Our humble Opinion, that if your Majesty should think proper to require of the said Colony to furnish any number of Troops for the General Service in America in the ensuing Year, there will be a necessity either of altering Your Majesty's

Instructions to the Governor, by permitting him to assent to a Law for issuing a certain quantity of Paper Bills of Credit without a suspending Clause, or to acquiesce in a Breach of the said Instructions as has been done in the neighbouring Colonies of New York and Pennsylvania, where the Governors have upon a Presumption of the necessity of the Service, provided for such Service, by passing Laws for issuing Paper Bills of Credit without suspending Clauses, and contrary to the Tenor of your Majesty's Instructions with respect to the duration of the Currency of such Bills.

Under these Circumstances, and in this Case, We cannot but be of Opinion that it would be more for Your Majesty's Interest and the Advantage of the said Colony, to alter the Instructions than tacitly to acquiesce in a Breach of it, in as much as in the one case the Quantity of the Sum to be issued as well as the Limitations and Restrictions under which it is to be issued may be ascertained, whereas in the other case the Legislature there will be left at large to issue it under such Regulations both with respect to the Nature of the Security and the duration of the Currency of the Bills as they shall think proper, which may operate to the Prejudice of the Colony, of the Trade and Commerce of this Country, and of Your Majesty's Colony's and Plantations in General.

Which is most humbly submitted

DUNK HALIFAX.
JAMES OSWALD.
W. G. HAMILTON.
W. SLOPER.

Whitehall
Dec^r 7, 1758

*Extracts from a letter from Secretary Pitt to Govern-
or Bernard, of New Jersey, urging preparations
for the invasion of Canada.*

[From New York Colonial Documents, Vol. VII., p. 350.]

[This Circular from Secretary Pitt to the Governors of Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New York, and New Jersey, is dated at Whitehall, 9 December, 1758. After alluding to the great advantages gained during the last Campaign, and to the King's Confidence in his faithful and brave subjects in the American Colonies, he says:]

* * * * I am Commanded to signify to you the King's pleasure that you do forthwith use your utmost Endeavours and influence with the Council and Assembly of your province, to induce them to raise with all possible dispatch, within your Govern-ment at least as large a body of Men as they did for the last Campaign, and even as many more, as the number of its inhabitants may allow; and forming the same into Regiments as far as shall be found convenient, and that you do direct them to hold themselves in readiness as early as may be to march to the rendez-vous at Albany, or such other place, as his Maj^{ty's} Commander in Chief in America shall appoint in order to proceed from thence in Conjunction with a body of the King's British Forces, and under the Supreme Command of his Maj^{ty's} said Commander in Chief in America, so as to be in a Situation to begin the Operations of the Campaign by the 1st of May if possible, or as soon after as shall be any way practicable, by attempting to make an irruption into Canada, as above, by the way of Crown Point, and if found practicable to attack either Montreal or Quebeck, or both of the said places successively. * * * * And

the better to facilitate this important Service, the King is pleased to leave it to you to issue Commissions to such Gentlemen of your prov^{ce}, as you shall judge from their weight and credit with the people, and their zeal for the public Service, may be best disposed and able to quicken and Effectuate the speedy levying of the greatest number of men. * * *

The King is further pleased to furnish all the Men, so raised as above, with Arms, Amunition and Tents, as well as to order provisions to be issued to the Same by His Maj^{ty}'s Commissaries, in the same proportion and manner as is done to the rest of the King's forces. A sufficient Train of Artillery, will also be provided at His Maj^{ty}'s expence for the Operations of the Campaign, and the Ship, that Conveys this, carries orders for timely providing, at the King's charge, with the utmost diligence, and in an Ample Manner, boats and Vessels necessary for the transportation of the Army on this Expedition. The whole therefore that His Maj^{ty} Expects and requires from the Several Provinces, is, the levying cloathing and pay of the Men. * *

It is His Maj^{ty}'s pleasure, that you do, with particular diligence, immediately collect, and put into the best condition all the arms, issued last Campaign, which can be, any ways, rendered serviceable or that can be found within your Govern^t, in order that the same may be employed, as far as they will go, in this Exigency. I am at the same time to acquaint you, that a reasonable supply of arms will be sent from England, to replace such, as may have been lost, or have become unfit for future Service. * * *

I am etc,

W. PITT.

Order of the King in Council approving the appointment of Charles Read and John Smith as members of the New Jersey Council in place of John Reading and Thomas Leonard.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 78.]

AT THE COURT AT ST. JAMES'S THE 12TH DAY OF
DECEMBER 1758.

PRESENT

The Kings most Excellent Majesty in Council.

Upon reading this day at the Board, a Representation from the Lords Commissioners for Trade and Plantations setting forth, That John Reading and Thomas Leonard Esq^{rs} two of His Majestys Council in the Province of New Jersey, have desired leave to resign their Seats at that Board, on Account of their Age and Infirmities; and that Charles Read^l and John Smith Esq^{rs} have been recommended to them as Persons every way qualified to serve His Majesty in that Station; The said Lords Commissioners therefore propose, that they may be appointed of His Majestys Council in the said Province in the room of the said

¹ Charles Read was Collector of Customs at Burlington, 1732-1751, and perhaps longer.—*Archives*, VII, 150, 381, 650; *Papers of Lewis Morris*, 128. He was Secretary of the Province, at least from 1748 to 1760, and was again commissioned Secretary, February 16, 1762. In 1748 was recommended by Governor Belcher for a seat in the Council.—*Archives*, VII, 139; VIII, Part 2, p. 257; *Book AAA of Commissions*, Trenton, fol. 339, 366. Judge Field says he held the place of second Judge of the Supreme Court for some months prior to the death of Chief Justice Morris, in January, 1764; he was appointed to succeed the latter, but in October was displaced, and occupied again the position to which he had been appointed in 1749. The appointment was recommended by Lord Stirling, but was severely criticised by William Smith, the historian.—*Provincial Courts of New Jersey*, by Richard S. Field, 1849, p. 158; *Life of Lord Stirling*, by William A. Duer, 1847, p. 80.—[W. N.]

John Reading and Thomas Leonard¹—His Majesty in Council approving thereof, is pleased to Order, as it is hereby Ordered, that the said Charles Read and John Smith Esq^{rs} be constituted and appointed Members of His Majestys said Council in the Province of New Jersey, in the room of the said John Reading and Thomas Leonard Esq^{rs}; And that the said Lords Commissioners for Trade and Plantations, do cause Warrants to be prepared for that Purpose, and lay the same before His Majesty at this Board.

W. SHARPE

*Letter from the Lords of Trade to Governor Bernard,
in answer to several communications from him.*

[From P. R. O. B. T., New Jersey, Vol. 16, p. 263.]

WHITEHALL Feb'y 8 1759

TO FRANCIS BERNARD ESQ^r Governor of New
Jersey.

Sir,

We have receiv'd your Letters to Us dated the 20th June, 3^d of July, 14th & 31st of Augst 15th Septem^r & 31st of Oct^r last, with the several papers transmitted with and refer^d to in them.

The Situation in which you found the Province upon your Arrival, its Frontiers ravaged by a cruel and

¹Thomas Leonard came from Massachusetts, where his family had been since 1652, and settled at Princeton probably as early as 1710. He soon became a very large land owner in that section of New Jersey. "He was a man well educated for those days, and possessed as much if not more public spirit than any of his contemporaries in the community. He was almost continually in office, some time Presiding Judge of Common Pleas in Somerset County, and for nearly a quarter of a century he served as a member of the Colonial Legislature at various sessions between 1723 and 1744 from Somerset County. He was a member of the eighth General Assembly, held at Perth Amboy. He died in 1759."—*History of Princeton and its Institutions*, by John F. Hageman, 1879, I, 42-9; *Savage's Genealogical*

merciless Enemy, was such, as call'd upon you to enter immediately into the most vigorous Measures to put a Stop to an Evil that had already spread terror and Desolation amongst the Inhabitants.

It gave us great Pleasure to find that the Measures you took for this Purpose, had so good an Effect, and it is Our Duty to express Our Approbation of them as well of every other Step you have taken, as well at the Treaty at Easton as since, to prevent the like Distresses for the future by a fair and honest Satisfaction given for the just Claims of the Indians, and by endeavouring to remove every Occasion of future Quarrel and discontent. The share which the province under your Government had in the Transactions at Easton gives Us the greatest Satisfaction, that part of it which more particularly concerns them We much approve of, hoping that the whole will have a good Effect to terminate our Differences with the Indians, which have been attended with such dreadful Calamity to the middle provinces.

We have recommended Mess^{rs} Smith and Read to His Majesty to supply the Vacancies in the Council occasion'd by the Resignation of Mess^{rs} Reading & Leonard. His Majesty has been graciously pleas'd to approve Our Recommendation, and has sign'd the proper Warrants for their Admission, and We hope they will by their Conduct and Zeal for the Service prove themselves worthy of the honour which has been done them.

The Arguments urg'd by you in your Letters of Augst and Sept^r last, to evince the necessity and propriety of an Alteration of your Instructions concerning

Dictionary of New England, 1861, III. 78. Mr. Leonard was recommended in 1718 for a seat in the Council, and again in 1715, when he was appointed.—*Archives*, IV, 337; *ib.*, VI, 233, 238. He was a Presbyterian, was one of the first trustees of Princeton College, appointed by Governor Belcher in 1748; was Chairman of the first Building Committee, and laid the corner stone of Nassau Hall in 1754.—*Hist. Coll. of New Jersey*, by Dr. Maclean, 1877, pp. 47, 104, 146.—[W. N.]

paper Bills of Credit, in Case his Majesty should think it necessary to require any further Services from the province in the ensuing year, were such, as appear'd to Us to require a very Serious Consideration. We accordingly enter'd upon the Consideration of this important Business without Delay, and having laid your Letter & papers upon this subject before His Majesty with Our humble Opinion upon them, We have this day receiv'd an Order of Council to prepare an Additional Instruction to you conformable to that Opinion, which will be dispatch'd to you as soon as it can pass thro' the necessary forms of Office, and will we hope arrive in time to free you from the Difficulty & Embarrassment you lay under from your Instructions as they now stand.

We have now answer'd the principal points contain'd in your Correspondence with us, but before We close our Letter it will be necessary for us to say a Word or two upon the very irregular manner in which the Acts of New Jersey for raising money for the extraordinary Services of the War, appear to us to be fram'd. By the Constitution of the Government of the Colonys, which is made as near as may be agreeable to the plan and Form of the Constitution of the mother Country, all executive powers of Government are vested in the Crown and delegated to its Governors: the people have by their Representatives the power of granting and appropriating all public money whatever to be rais'd for publick Services, and the mode of issuing and applying it to such Services to which it is appropriated, is by Warrant of the Governor, with the Consent of Council, the persons appointed to receive and pay such Money are and ought to be accountable to the Crown, and their Accounts be Audited and pass'd by such Officers of the Crown as are by law establish'd for that purpose. Most, if not all of the Laws pass'd here which regulate and prescribe the mode of passing

Accounts of public money, and contain Checks upon those intrusted with it, extend to the Colonys, and many other additional Securitys have been added, adapted to their particular Situation and Circumstances, but by the nature and form of the Laws pass'd in New Jersey, all those powers and prerogatives of the Crown on the one Hand and the Security to the Rights and properties of the Subject on the other, are set aside. Commissioners are appointed for carrying into Execution, independent of the Governor, all the purposes of the Acts. The Treasurers are authoriz'd and directed to issue into their hands whatever Sums they shall require, without the Warrant or Interposition of the Governor, and those Commissioners and other Officers are made accountable to the Assembly only, which is by act vested with a power of passing, allowing or disallowing such Acc^{ts} without further or other Check or Comptrol. Such proceedings as these, must, in the end terminate in a total Disarrangement of Govern^t and at once deprive the Crown of its just and legal Authority, and the Subject of that Security which Law and the Constitution have establish'd for his Rights & property, and therefore, We sincerely hope that you will have it in your power by a just, fair & candid Representation of this matter, to prevail upon the people to desist from such irregular provisions for the future, and conform with more propriety to what is the true principal of their Constitution & orig^l Form of Govern^t

We are Sir

Your most obed^t hum^{ble} Serv^{ts}

DUNK HALIFAX

RICH^d RIGBY

W. SLOPER.

Report of the Lords of Trade to the Lords of the Privy Council, with the draft of an Instruction to Governor Bernard, relative to the passing paper Bills of Credit.

[From P. R. O. B. T. New Jersey, Vol. 16, p. 271.]

To the R^t Hon^{ble} the Lords of the Comm^{ee} of
His Majesty's most Hon^{ble} Privy Council
for Plantation Affairs.

My Lords,

Pursuant to your Lordships Order made on the 7th instant upon Consideration of Our humble Representation to His Majesty of the 7th of Decem^r last, humbly proposing that for the Reasons therein contained an Alteration should be made in the Instruction given to Francis Bernard Esq^r Governor of New Jersey, whereby he is restrain'd from passing Acts for issuing Bills of Credit, We have prepared the Draught of such an Instruction as We think proper to the said Governor upon this Occasion; and We beg Leave herewith to lay the said Draught before your Lordships.¹

We are My Lords

Your Lordships most obedient and
most humble Serv^{ts}

DUNK HALIFAX.

JAMES OSWALD.

SOAME JENYNS

W. G. HAMILTON

Whitehall Febry 8. 1759.

INSTRUCTIONS to Our Trusty and Welbeloved Francis Bernard Esq^r Our Captain General & Governor in Chief in and over Our province of Nova Cæsarea or

¹ This report approved by the Privy Council February 10, 1759.—Ed.

New Jersey in America, or to the Commander in Chief of Our said Province for the time being. Given at Our Court at S^t James's this — day of — 1759, in the thirty second Year of Our Reign.

Whereas by the 22^d Article of Our Royal Instructions to you you are strictly charged and Commanded not to give your Assent to any Act in Our Province of New Jersey under your Government, whereby Bills of Credit may be struck and issued in Lieu of money, unless you take Care that a Clause be inserted in such Act, declaring that the same shall not take Effect untill it shall have receiv'd Our Royal Approbation and Allowance: and whereas it may be necessary for Our Service that the Rigiment of one thousand men, which has been rais'd from year to year by Our province of New Jersey, should be further continued, which, as it has been humbly represented to Us, cannot be done without a further Emission of Paper Bills of Credit, there being no other means of defraying publick Charges: It is therefore *Our Will & Pleasure* and you are hereby authoriz'd and impower'd to give your Assent to any Act or Acts to be pass'd in Our said province for issuing the further Sum of Forty thousand pounds in paper Bills of Credit, to be applied to the raising, subsisting and maintaining of one Regiment of one thousand Men, to be employ'd for Our Service in North America in such manner as We or Our Commander in Chief of Our Forces shall think fit to direct & appoint; and also to the raising, subsisting and maintaining of two hundred men, to be divided into three Companies, and employ'd in the Defence and protection of the Frontiers of Our said province. *Provided* always, that you do take especial Care that in such Act or Acts proper and sufficient Funds be provided and establish'd for sinking and discharging the said Bills of Credit so to be issued, in the years 1764 & 1765 at farthest.

And whereas in the acts pass'd of late years for raising Money for the publick Service of Our Province of New Jersey, a very irregular practice has prevailed, of nominating Commissioners for carrying into Execution the several Services thereby directed, which Commissioners and other Officers named in the said Acts are thereby authorized to draw out of the Hands of the Treasurer such Sums as they shall, Judge necessary, without the Warrant of Our Governor or Commander in Chief of Our said province for the time being, with the Consent of Our Council, and without being made accountable for their Conduct in the application of such monies, in such manner as is prescrib'd by Law and by Our Royal Instructions to you in that behalf; by which means all the Checks which have been so properly establish'd for the Support of Our just Authority and for the Security of the Rights and properties of Our loving Subjects, are set aside: It is therefore Our express *Will and Pleasure* that you do not, upon pain of Our highest Displeasure, give your Assent to any Act for raising money for the above mention'd purposes, in which Commissioners shall be nam'd for carrying into Execution the several Services thereby directed, (unless such Commissioners shall have been previously nominated or approv'd by you) or by which the several Sums thereby granted shall be directed to be issu'd and applied to the Services to which they shall be appropriated, otherwise than by your Warrant, by and with the Advice and Consent of Our Council, to be accounted for unto Us and Our Commissioners of Our Treasury or Our High Treasurer for the time being, and audited by Our Auditor General of Our plantations or his Deputy for the time being, according to the Directions of the 20th Article of Our Royal Instructions to you in that behalf.

*Speech of Governor Bernard to the Legislature of
New Jersey, March 6, 1759.*

[From P. R. O. B. T., Vol. 24, No. 24.]

*Gentlemen of the Council and
Gentlemen of the General Assembly.*

I have had the honour to have His Majesty's commands Signified to me by M^r Secretary Pitt; by which I am required to use my utmost endeavour to induce you to raise, with all possible dispatch at least as large a Body of Men as you did for the last campaign and as many more as the Number of the inhabitants of this Province may allow, to act in conjunction with His Majesty's British Forces under the command of his commander in chief in America. I have therefore called you together as soon as I Possibly could; that you may take this great and Important business into your immediate Consideration.

When we reflect upon the happy success that has lately attended his Majesty's Arms, we cannot Sufficiently Adore the divine Providence. The Justness of his cause and the steadiness and unanimity of his Councils have produced the desired effects; and have shown that France is not so formidable as her own insolence and the timidity of her neighbours have represented her.

In Europe by the extraordinary virtue of one Man, the great and glorious King of Prussia, Supported moderately by Great Britain we have seen the whole land force of France, assisted as it has been by its unnatural alliance with most of the Germanic & Northern Powers, repulsed and Kept at bay, by which lucky diversion whilst they have been defeated and disabled in those fields where they chose to exert their force they have rendered themselves defenceless in all other

parts. Hence a Terror has been Struck throughout their coasts, their fleets have been blocked up; their fortifications have been dismantled, and their Shipping has been destroyed in their own ports; and their trade has been ruined by the cutting off their communication with their Colonies abroad.

In Affrica they have lost the rich settlement of Senegal; in the West Indies, we have just receiv'd certain advice that the valuable Island of Guadaloupe has been taken by our forces. In North America their only fortress of any great strength fortified to the best advantage defended by a large garrison, and provided with all necessary stores has been obliged to submit to the British Arms. And tho' another expedition had not the Success that was expected yet that disappointment was almost immediately after retrieved by the taking of fort Frontinac, by a Detachment of Provincials: an event which, if it had produced no other advantage, than the change it has contributed to in the Minds of the neighbouring Indians, is of the greatest importance.

Nor have our negotiations in America been less successful than our Arms, at the Treaty of Easton (which was brought about by the wise measures of the Governor of Pennsylvania and in which this Province bore a considerable and honourable part) a firm peace has been concluded between the confederate Indians with Nations dependant on them, and the English; and all matters of difference between them have been amicably and fully adjusted. In consequence of which, by the prudent and Steady conduct of Brigadier General Forbes, the French have been obliged to abandon the Country about the Ohio: and those very Indians who had hitherto Defended them in the possession of it, have received the English and desired to be restored to that good friendship which they formerly had with them. We are also assured by them, that many Na-

tions to the Westward and Southward of that Country intend to take this opportunity to put themselves under the protection of the British Empire; some renewing & others now first commencing an Alliance with the English Nation.

Under those circumstances what have we not to hope for? the forces that were before necessarily divided may now be conveniently united, and the Subduer of Louisbough is to Command the Invasion of Canada. With this fair prospect before you, you wou'd be injurious to yourselves as well as ungreatfull to your King if you should not contribute all in your power to the Common cause.

Gentlemen of the General Assembly—

I shall order the letter I have receiv'd from Mr Pitt and one from Major General Amherst to be laid before you, under the Confidence expressed in them that no unnecessary communication of the designations mentioned therein shall be made, I shall also communicate to you some extracts from other letters from General Amherst, from all which you will perceive that it is expected that you will send into the field, this year a greater force than you did last: I must therefore earnestly recommend to you that if you think the circumstances of the Province will possibly admit of it, you will make an Addition to the Number of the forces granted by you Last year: I shall have other things to recommend to your consideration: but till you have formed your resolutions on this business, I shall not interrupt it with any lesser concerns.

Gentlemen of the Council & Gentlemen of the General Assembly—

I shou'd trifle with you if I was to endeavour to use any arts of persuasion on this subject; Your own breasts will furnish you with more forcible arguments for exerting yourselves to the utmost of your Power at this critical time, than I can suggest; every motive

that can influence the human mind to action must incite you to this: Your honour your Interest your religion, your property; your present Safety and the preservation of your posterity. In short if you have a mind to have the freedom and independence of your Country to all future times the present is that, in which it must be Effected.

Answer of the General Assembly, March 14.

To his Excellency Francis Bernard Esqr Captain General & Governor in chief in and over his Majesty's Province of New Jersey & Territories thereon Depending in America Chancellor & Vice Admiral in the Same &c

May it Please your Excellency

We His Majesty's dutifull and Loyal Subjects the Representatives of the Colony of New Jersey in General Assembly Conveined have taken M^r Secretary Pitts Letter into Consideration and in pursuance of the Methods proposed have without Loss of time gone through the Necessary measures for Compleating the Levies with all the expedition that the Nature of the Case seems to require

We concur with your Excellency that the happy Success which has lately attended His Majesty's Arms is a Sufficient Cause to adore the Divine Providence. Those who can soon forget the Differrence between the Situation of things now and but a little time past must let very distinguishing Turns of Superior direction Soon escape their Notice; and but unthankfully receive the blessings that infinite wisdom has been pleased to render very Conspicuous among our fellow Subjects of the English Nation, a memento that to a Considerate mind is not less extraordinary in its Nature, than it is a Standing Obligation to Vigilance & gratitude.

When we reflect upon the late happy change, as restricted to Indian affairs the part your Excellency bore in the promoting and afterwards in the happy execution of the Treaty at Easton, and this tho' almost one of the first Acts of your Government. and against very Popular prejudices, we must Acknowledge your Excellency is entitled to the thanks of the Public; The event has proved the wisdom of the action, and we hope the Success will Still continue* to evince its utility.

As it was but just to repair an oversight respecting Indian purchases in this Province, if any such there were; we cannot therefore but approve of your Excellencys Conduct in conjunction with the Commissioners for Indian affairs, and with Pleasure reflect that whatever Omissions there may have formerly been, the same are now compleatly Supplied And the whole Province (except a small claim of Tatamies and such land as the Indians hold by English Titles in the manner common to all Freeholders) entirely exempted from Indian Claims both to our and their full satisfaction

By Order of the house

SAMUEL NEVILL Speaker

House of Assembly March 14th 1759

*Address of Governor Bernard to the Legislature,
March 15, 1759.*

[From P. R. O. B. T., Vol. 24, No. 24.]

*Gentlemen of the Council & Gentlemen of the General
Assembly.*

I thank you for the Speedy dispatch of this important business. The readiness and unanimity with which you have proceeded therein are manifest proofs of your duty to the King and Zeal for his Service. I

am Sensible that the Proportion of your Contribution to the common cause ought not to be reckoned by the Number of your forces only, The manner in which you cloath and furnish them and the Punctuality with which you compleat your Numbers (in both which you exceed almost all other Colonies) make your Men both more expensive and more Servicable; And the large Sums you are obliged to raise for this Purpose will, I hope Sufficieitly prove that your efforts on this occasion are the greatest that you think the circumstances of the Province will bear, In this light I shall represent you to such of his Majesty's Ministers as I shall have the honour to write to

Gentlemen of the general Assembly

When I spoke to you at the opening of this Session, I told you, that as soon as you had formed your resolutions on this business I shou'd have other things to recommend to you. Accordingly I now propose to you to Consider of the Keeping up your frontier guard, the Provision for which will expire on the 21st of May next. It is a business that ought be well weighed: on the one hand, there is, to all appearance a perfect Peace with the Indians in that Neighbourhood; and those at a distance have given Strong assurances of their intentions to live in friendship with the English. On the other hand you Know very well that those professions, however sincere when they are made, are not always to be depended upon in their Consequences. Trifling Causes; a a misunderstanding with our people on the frontiers, a false report circulated with credit, a little advantage gained over us by the french or too quick a Progress in our advantages over them have at different times Occasioned the Indians to invade our frontiers when we have been lulled into a fatal Security trusting to the Sincerity of friendly professions and the faith of solemn Treaties. You will therefore consider well whether it be advisable to leave the frontiers

entirely defenceless. However I shall think it Proper at this particular time to disband the whole frontier guard: and if you shall think it necessary to Keep a guard on the frontiers they will be easily raised after the regiment is sent into the field.

Another thing I have to recommend to you is to consider of some means to carry on a trade with the Neighbouring Indians. I have been assured by those that are well acquainted with Indian affairs that the firmest peace you can make with them will not be durable, unless you Keep up an intercourse with them to their Advantage: and this is to be effected best by Trade which may be made to turn to your advantage also. This Trade shou'd be public and not private as the latter by its selfish and unconscionable conduct, frequently dose more harm than good. This public Trade may be either managed by Commissioners on account of the Province or by an incorporate Company with a joint Stock with an exclusion of private traders, in either case the Trading House shou'd be fortified & garrisoned as well to prevent surprise as to command respect. This shou'd be done at the charge of the province and in our case may be considered as part of the expences of the Trade, in the other as a bounty for the encouragement of it. Besides the Securing the affections of the Indians, other benefits must accrue to the Province from the introduction of a new branch of trade into it. This province is well Situated for all the Purposes of commerce but at present wants both private Spirit and publick incouragement. For which reason I must further recommend to you that if you shou'd determine to establish this trade you wou'd make it one of the Terms of it that after a certain time all imports and exports thereof from and to great Britain shall as much as possible be made directly and immediately to and from some port of this Province

Gentlemen

In gives me great pleasure to find that my Service has been so acceptable to you and your constituents. I must not expect that my endeavours for the publick good will often have such great consequences as the Negotiations at Easton produced. But I hope I shall act with the same Spirit attention & industry in all other Public business as I did in that: And tho' Success is not to be commanded I shall always endeavour to Deserve it.

Letter from Governor Bernard to Secretary Pitt, relating to the unanimity and despatch manifested by the New Jersey Assembly in carrying out the King's commands.

[From P. R. O., America and West Indies, Vol. 72.]

PERTH AMBOY Mar 20, 1759

The R^t Honble William Pitt Esq^r

S^r

I have had the honour to receive your Letters of the 9th of Dec^r & the 29th of Dec^r Upon the receipt of the former, I called the General Assembly of the Province with all possible expedition & laid before them his Majestys commands, as signified to me by your letter of the 9th of Dec^r. The Assembly having taken the same into their consideration proceeded, with uncommon unanimity & dispatch, to raise their quota for the ensuing campaign: and accordingly I had passed an Act for raising 1000 men the day before I received your letter of the 29th of Dec^r I never the less laid the latter Letter before both houses, by whom It was most thankfully received

As It is the Ambition of the People of this Province to be distinguished by their loyalty to his Majesty & Zeal for his Service, I must beg leave to submit to your honour, that the grant of 1000 Men is the greatest Effort that this Province is able to make on the present occasion. For supposing the People to amount to between 70 & 80,000. The fencible Men would, in time of peace, be above 15000: But at present they cannot be near so many. This Country has had great drains from it: It has twice lost an entire Corps of 500 Men, who being carried prisoners to Canada & to France Very few have returned home again. It has been much drained by privateers & now has considerable draughts of battoe men made from it. So that I fear, It will be with difficulty that We shall compleat our regiment of 1000 men.

I must also add, that these Men are sent into the field in a different manner from those of most other provinces: they are completely cloathed in an handsome uniform & furnished with all necessaries; and they are muster'd to a Man: in both which articles several of the other provinces are greatly deficient. That I may say, that the New Jersey regiment is equal both in expence & service to 1500 of most of the other provincials.

And indeed, the great sums that have been raised for the extraordinary purposes of the War, sufficiently show that this province has contributed its full share to the common cause. For since the death of Gov^r Belcher in August 1757, there have been raised 140,000 pounds proclamation money, besides the ordinary charges of the support of the government: so that, supposing the money now voted, which is 50,000 pounds, will carry us thro' the next campaign, (which I doubt) we expend for the yearly service of the War 10,000 pounds. Whereas the Province of Pennsylvania, which is above 5 times as populous as ours, raises but

100,000 pounds, for the same purpose. But We have had several considerable expences occasioned by the War, besides the charge of the regiment, such as providing quarters for the regulars, building barracks for 1500 men, buying 2000 stand of arms, to be ready in case of any sudden emergency, &c. Upon the whole, notwithstanding the great increase of the taxes, the Provincial Debt now exceeds 200,000; a large sum for so small a community, that has little or no foreign trade.

I have thought it my duty to lay before you this state of the province, & to transmit to you a Copy of the Assemblys address, together with my speech as introductory to it: that this people may be placed in so favourable a light, as to seem to deserve a compensation from the Parliament, which you have been pleased to give them fresh assurances of.

I am, with great respect, S^r Your most
obedient and most humble Servant

FRA. BERNARD

Letter from Governor Bernard to the Lords of Trade informing them that the Assembly had passed a Bill for raising 1,000 men and a Bill for their support.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 82.]

PERTH AMBOY Mar 21. 1759

The R^t Hon^{ble} Lords Com^s of Trade &c

My Lords

Having received his Majesty's orders by M^r Secretary Pitt to provide for the next campaign, I called the Assembly together with all possible expedition & laid

before them Mr Pitts Letter: And they immediately proceeded to bring in a bill for raising 1000 men & passed it with a unanimity and dispatch scarce ever known before. The Quakers, instead of Voting against it, desired to be excused voting at all, except one, who Voted for it: This reduced the dissentients, who last year were 8, to 3 only: & even these gave no obstruction to the bill, but only, at the last reading, entered their negative to humour their constituents. The House also brought in the support bill & passed it unanimously in the same form as last years. For the supply for the troops there have been granted 50,000 pounds to be sunk in the years 1764, 5 6 & 7. If I had had the direction of this myself, I could not have saved more than the last of these years: And as I was pressed by Gen^l Amherst to use the utmost dispatch, I did not care to run the risk of interrupting the good humour, that the house was in, for the sake of a single year. Upon the whole I may say that the public business was never transacted with more harmony and good understanding than It has been in this Sessions: The Acts of Council, Votes & Acts of Assembly I shall transmit to your Lordships, as soon as they can be got ready. I have nothing to add but that now We are three weeks earlier in the campaign business than they were last year.

I am My Lords Your Lordships most
obedient & most humble Servant

FRA. BERNARD

*Letter from Governor Bernard to the Lords of Trade,
containing his observations upon the Money Bills
passed for extraordinary purposes.*

[From P. R. O. B. T., New Jersey, Vol. 8, I. 83.]

PERTH AMBOY Mar 30. 1759

The R^t Honble Lords Comrs for Trade & Plantations.

My Lords

I this day being informed that there was a packet order'd to sail from New York to England [have] this day sent away a packet for your Lordships office, by express, containing among other things a Letter to your Lordships of the date of the 21st inst, wherein I informed your Lordships of what had been done by the Assembly, pursuant to his Majestys orders signified to me, by M^r Secretary Pitt. In less than an hour after My Messenger was gone, I was honoured with Your Lordships Letter of the 8th of Febry, & as it is probable that the packet boat may be delayed till I can get this into it, I will trouble your Lordships with a few more lines.

The objections made to the late Money bills of this province, for extraordinary purposes, have allways appeared to me in the same light as they have to your Lordships ; I could not but think them as invasions of the prerogative, & dangerous in their consequences. But yet, considering the present necessities of his Majesties Service, I could not think this a proper time to endeavour to rectify these abuses. The form of the late Acts & that I have now passed for raising the forces of this province has been used all this War. On the present emergency, I was prest by Gen^l Amherst to use the utmost dispatch in raising our Regiment ; I know myself that upon many accounts, It would be

raised with much more difficulty than it was last year; I therefore resolved to lose not a day (& I have not lost one) in this necessary business. With these Sentiments when I met the Assembly, I found them more unanimous & ready, than I could have expected, to contribute their utmost share to the common cause. And for the more expedition, they brought in the bill by a printed bill of the last years, to prevent all cause of altercation, & passed it without a word of debate. Under these circumstances, I apprehend that I should have shown more duty than discretion to have examined this bill too nicely, I therefore thought myself obliged, on account of the requisitions of his Majestys service to pass this bill as 'twas offered, & did not think it would be of Any service to give it any public brand. But I took an opportunity to tell almost all the Members in private, that when the times were more settled, I should not think myself at liberty to pass a bill of this kind.

I do assure your Lordships that what you have been pleased to direct to me concerning these bills, is perfectly consonant with what were my thoughts thereon & what I esteemed my Duty therein: And I had intended, when I should transmit these bills to your Lordships, to have represented the same. But, My Lords, in time of war & for the service (as we hope) of the last campaign, I thought the augmenting his Majestys forces my first duty &, if in so doing I only followed the steps of my predecessor, I trusted that I should be justified in it. And I can promise your Lordships that I shall take the first opportunity of enforcing the regulation that your Lordships direct, & doubt not but at a proper time I shall have credit enough with the Assembly to procure a dutiful submission to it.

I am My Lords Your Lordships most
obedient & most humble Servant

FRA. BERNARD

Letter from Colonel John Parker to Lewis Johnson, referring to the co-operation of the Indians in the campaign with which he was connected.

[From Skinner and Parker Papers among the manuscripts of W. A. Whitehead, Vol. 1, No. 41.]

SCHOHARY the 28th April 1759

Dear Lewis

The place where I am seems to have so little communication with the rest of the world that I can hardly say I am in it, however it will not be long before we shall appear on the Stage again as I hear the Campaign will open much sooner than it was imagined.

The Indians are very hearty on our side, the Six nations have took up the protest against the French and several nations, formerly their Allies have refus'd to assist them this Campaign; there are now a good many of the Cocknowagoes at Sir W^m Johnsons, and its thought they'll come over to us. The French themselves give up their Country as lost, this is Indian news I have it from one of the heads of the nation here and I believe its true as I have seen a letter from Sir W^m which mentions most of it. The six Nations have given him Niagara for a trading house & will assist in taking it—I am just going to dinner, deliver the inclos'd

JOHN PARKER.

*Representation from the Lords of Trade to the King,
proposing Nathaniel Jones to be Chief Justice of
New Jersey in the room of William Aynesley,
deceased.*

[From P. R. O. B. T. New Jersey. Vol. 16, p. 279.]

To the King's most Excellent Majesty.

May it please your Majesty,

William Aynesley Esq^r Chief Justice of Your Majesty's province of New Jersey, being deceas'd, And Nathaniel Jones Esq^r having been recommended to us as a Person well qualified to serve Your Majesty in that Station, We beg leave humbly to propose to Your Majesty that he may be appointed Chief Justice of the said province in the room of the said William Aynesley Esq^r deceas'd.

Which is most humbly submitted.

DUNK HALIFAX.

JAMES OSWALD.

SOAME JENYNS.

W. G. HAMILTON.

W^m SLOPER.

Whitehall May 22^d 1759

¹ Nathaniel Jones was appointed May 24th, and the appointment approved on May 31st.--Ed.

Letter from Governor Bernard to the Lords of Trade, informing them that the New Jersey Regiment had arrived at Albany, and that he had laid out a Town for the Indians in Burlington County, greatly to their satisfaction.

[From P. R. O. B. T. New Jersey, Vol. VIII, I. 85.]

PERTH AMBOY June 15. 1759

To the Right Honble the Lords Com'mrs for
Trade & Plantations

My Lords

I have the honour to inform your Lordships that by the 20th of last month I got the New Jersey Regiment compleated & fully cloathed & accoutred, & had them all embarked by the 22^d. I have since received advise that they all arrived at Albany on the 27th, where they were immediately reviewed by the General & much approved of, being universally allowed to be the best Provincial Regiment in America. They are commanded by Col Schuyler who has under him a Very good set of officers, all of which (above the Ensigns) have served before & some for 2 or 3 campaigns. I am told that this Province is the first that has compleated its Number; nevertheless I am later than I intended, having found the raising the Regiment more difficult than I expected. When We had raised about 700, the enlistments were at a stand; upon which I ordered the Militia to be mustered throughout the province, which raised a spirit that soon compleated the Regiment.

As soon as I had finished this business, I went to Burlington County to lay out the Indian Town there. I have before informed your Lordships that by agreement with the Indians south of Raritan They released

all their claims in the province, in consideration of a tract of 3000 Acres to be purchased for their use. This purchase was made & the Indians are removed to the place: It is a tract of Land Very suitable for this purpose, having soil good enough, a large hunting country and a passage by water to the Sea for fishing. It is out of the way of communication with the Wild Indians; & has a saw mill upon it which serves to provide them with timber for their own use & to raise a little money for other purposes. To this place I went with 3 of the Commissioners for Indian affairs, where we laid out the plan of a town, to which I gave the Name of Brotherton¹ & saw an house erected being one of ten that were ready prepared; & afterwards ordered lots of land to be laid for the Indians to clear & till, the land allready cleared being to remain in common till they have acquired themselves separate property, by their own industry. We also made an appointment of an house & lands for a Minister, I having engaged M^r Brainerd a Scotch presbyterian for that purpose, for which he is most peculiarly suited. The next day I had a conference with the chiefs, at which they expressed great satisfaction at what had been done for them, & I assured them that the same care of them should be continued & exhorted them to order, sobriety & industry. The whole Number of them at present does not amount to 200, & when We have gathered together all in the province they will not be 300. If I can but keep them from being supplied with rum, for which there are laws strict enough, I shall hope to make them orderly & useful Subjects.

The Indians in the Northern parts of the province

¹ "Brotherton" was in the township of Evesham in Burlington county, but the name has disappeared from the map of the State, although its associations should have led to its retention. See Smith's New Jersey, p. 483; Nevill's Laws, Vol. II, p. 212; Allinson's Laws, p. 221.—ED.

have entirely quitted it & are gone to the Sesquehannah, where they live in peace with the English. There has not been the least disorder committed near our frontier since the Treaty of Easton: I have disbanded the frontier guard, & the Country is in great tranquillity. I have lately constituted a township there by the Name of Mountagu, between the Parqualin Mountains & the Delaware, & from the Lower Minissink Island to Cushytunk point; a Country, that a year ago no one would Venture to live in.

The prospect of the public affairs of this Country was never so fair as it is at present: I hope that before the end of this Summer I shall be able to congratulate your Lordships upon the finishing stroke being given to our Enemies.

I am, My Lords, Your Lordships
most obedient & most humble Servant
FRA. BERNARD

Letter from Governor Bernard to the Lords of Trade concerning the pretensions of Robert Hunter Morris to the office of Chief Justice of that Province.

[From P. R. O., B. T., New Jersey, Vol. 8, I. 87.]

PERTH AMBOY Aug 28. 1759

To the R^t Honble the Com^{rs}

My Lords

Some few days ago M^r Morris arrived in this province & soon after signified to me that he proposed to resume his office of Chief Justice by virtue of his former patent, which, he said, was not surrender'd or any otherwise determined. I told him that I should be very glad to see him on the bench, as I thought no one would fill that place better: but that I was not at

liberty to permit him to enter upon the office by virtue of his former patent; for that when I enter'd upon the government I found another person in possession of the office & universally acknowledged as such, and he being dead the office was become vacant; that by the appointment of M^r Aynsley M^r Morris's patent was actually determined; & whether it was legally or not I could not take upon me to judge, as it was the act of the King & not mine or my predecessors. I represented to him the confusion that would be the consequence of his assuming this office against my protestation, and he expressed his earnest desire to do nothing that should imbaras the government. Upon which we came to the following agreement; that he should suspend his purpose till I could write to your Lordships, & receive your commands: and that I would not, in the mean time, appoint another Person, unless I received the Kings command therefore.

Whilst I was writing to your Lordships on this subject, I received advice that M^r Jones was appointed Chief Justice of this province. This puts an end to the stipulation's between me & M^r Morris, but makes it more necessary for me to inform your Lordships of what passed between us, & to desire your Lordships directions, in what manner I shall act, if M^r Morris should set up his own right & oppose that of M^r Jones. I have not seen M^r Morris since this advise arrived & therefore cannot say what he will do: but I imagine he will contest M^r Jones's appointment.

I beg leave to congratulate your Lordships on the extraordinary success of his Majesty's arms in this Country. There is not a frenchman on this side the lakes to be seen, except prisoners, of which there are near 1000 in New York Connecticut & New Jersey: out of 30 officers, by which the detachment, that attempted to relieve Niagara, was commanded, 27 are Killed or taken prisoners; they that escaped from that

rout, & the Garrisons of Venango Presqu' Isle &c having destroyed their forts, are returned to Detroit. This is the consequence of the Treaty at Easton (by which the Senecas were brought over to the English Intrest) improved and matured by General Amherst and Sr William Johnson.

I am, My Lords, your Lordships most
Obedient & most humble servant

FRA BERNARD

*Order of the Council of New York for the Arrest of
Sussex County Men for Alleged Trespass—North-
ern Boundary Dispute.*

[From New York Colonial MSS., Vol LXXXVII, fol. 127.]

Province of New York ss. At a Council held
at Fort George in the City of New York on
Thursday the Eleventh day of October 1759.

PRESENT

The Hon^{ble} James De Lancey Esq^{re} Lieu^t Gov-
ernor and Commander in Chief of the said
Province & C^a

| | |
|-----------------|------------|
| Mr. Kennedy | Mr Smith. |
| Mr. Horsemander | Mr. Watts |
| Mr. Chambers | Mr. Walton |

Whereas it appears by the Petition of William Cutte-
back and Philip Swartwout,¹ in behalf of themselves

¹ This petition preceeds this document. The statements are repeated in the petition, dated February, 1761. See *post*.

and Anthony Westbrook and Peter Gomar, owners and Possessors of Lands at Machacomack, lying partly within the County of Ulster and partly in the County of Orange; and by the affidavits of John Morin Scott and the said William Cutteback and Philip Swartwout now read at this Board; That in the year 1755 four Ejectments were commenced in the Supreme Court of the Province of New Jersey in the Name of James Strong, on the Demise of Cornelius Westfall, against John Turnout, for the Recovery of Land in the possession of or belonging to Jacobus Swartwout, Father of the Petitioner Philip Swartwout, and to the said Petitioner William Cutteback, Anthony Westbrook and Peter Gomar, which Lands all lye at Machacamack aforesaid, with the ancient and long exercised jurisdiction of this his Majesty's Province of New York, and have been held by the said Tenants and owners and those under whom they claim, by grant of this Government ever since the Settlement of that part of the Country near, if not upwards of Sixty years, and lie within this Province at the Distance of at least Fifteen Miles Northeastward of Minissink Island.

That the said Tenants and owners of the said Land being convinced that the same do lye within this his Majesty's Province of New York, did by John McEvers and John Morin Scott Esq^{res}, their Council, in due form of Law put in Pleas to the Jurisdiction of the said Court, with Affidavits to support the same.

That since the fying of the said Pleas, near four years have elapsed, and no Proceedings whatever were had in the said Causes, till on the 7th day of September last, at which time (the said Jacobus Swartwout being Dead and the Petitioner Phillip Swartwout in possession of the Lands held by his Father in his life time) one Petrus Smoke who called himself Sheriff of Sussex County in the Province of New Jersey, with Eleven

other persons pretending to be Inhabitants of New Jersey, but in fact being all or most of them Possessors of Lands within the ancient and long exercised Jurisdiction of this Province, whose names are Abraham Vanaken, Abraham Westbrook, Solomon Cuykendall, Cornelius Cole, Bryan Hammel, James Clark, Jurian Westfall, Jacobus Vanaken, Simon Westfall, Matthew Terwilliger and Jacob Westfall, came to the House of the Petitioner, Philip Swartwout, forcibly ousted the said Philip Swartwout out of his possession by turning him and his Family and all his Cattle and Household Furniture, and everything else belonging to him out of the House and Lands so possessed by him: although neither he nor his said Father had ever had any opportunity of being heard by Council in support of the said Plea.

That the possession of the said Philip Swartwout is the Southernmost possession within this Province, that has been held against the Encroachments of New Jersey; and during all the present War, part of the Troops in the service of this Province for the defence of the Western Frontiers have been posted at his House, as being within this his Majesty's Province of New York.

That the said Philip Swartwout having fitted and prepared his Land for Seed before the Ouster above-mentioned, was reduced to the Necessity, rather than loose all the Fruit of his Labor for the present year, of sheltering himself and his Family in a small Kitchen on the said Lands, where he lives at the Mercy of those, who have ejected him, and has sowed a small part of his Lands at shares with them.

That the Persons who represent the Right of the said Cornelius Westfall the Lessor of the Plaintiff (who died near three years ago) have threatened to take the

like Steps in the other three Causes immediately after the next Term in New Jersey.

And therefore the Petitioners humbly pray in behalf of themselves, and those whom they represent, the Protection of this Government and such Relief in the Premises as shall be thought meet.

It is therefore Ordered by his Honour the Lieutenant Governor, by and with the Advice and Consent of the Council, that the High Sherif of the County of Orange, Do and he is hereby Commanded, forthwith to apprehend the said Petrus Smoke, Abraham Vanaken, Abraham Westbrook, Solomon Cuykendall, Cornelius Cole, Bryan Hammel, James Clark, Jurian Westfall, Jacobus Vanaken, Simon Westfall, Matthew Terwilliger and Jacob Westfall, if found on the Lands lately possessed by the said Philip Swartwout, from the possession whereof he has been ousted as aforesaid, or each and every of them, who shall be found on the said Lands; and also to apprehend any other Person or Persons, who now withhold the possession of the said Lands from the said Philip Swartwout and shall be found thereupon; and to put the said Philip Swartwout into the Possession of the House and Lands, from whence he hath been ousted as aforesaid: and the said Sherif is hereby further Commanded to keep each and every of the Person or Persons so apprehended as aforesaid, in safe Custody and to bring each and every of their Bodies to the City of New York, and there to deliver them to the High Sherif of the City and County of New York, who is hereby Commanded to receive the Body or Bodies of every such Person or Persons so apprehended and brought to him as aforesaid and to keep each and every of them in safe Custody, in order to be examined before this Board touching the Premises aforesaid, or until delivered by due Course of Law, And the said Sherif is

hereby Comanded if needful and necessary to raise the Posse Comitatus or Power of his County to assist in the Execution of this Order.

GEO BANYAR D Cl Con.

Novemb^r y^e 9th 1759

I Have Executed the Above Order of Council and put Philip Swartwout Into possession of the House and Lands from which he was Ousted.

DAN^{LL} EVERETT Sheriff.

Letter from the Sheriff of Orange County, returning the Above Order.

[From New York Colonial MSS., fol. 141.]

GOSHEN Novemb^r y^e 11th 1759

Yours of the 11th of October I have Received With the Inclosed Order of Councill Which I Have Executed on the Ninth Instant By putting Phillip Swartwout into possession of the House and Lands From Which he was Ousted; I met with no Opposition nor Found no person on the premises, But a Woman and Five Children, Whome I Ousted, You Will Be Good Enough to Acquaint His honour the Governor with what I Have Done in the Affair and You Will Oblige your Most Obe^{dt} humble Servant

DAN^{LL} EVERETT.

(Addressed:)

To Geo. Banyar Esq^{re} Deputy Secret^y of the Province of New York.

Read in Council the 20 Nov. 1759.

Circular letter to all his Majesty's Governors, inclosing a printed copy of a Proclamation for a General Thanksgiving.

[From P. R. O. B. T. Plantations General, No. 40, Ent. Book L., p. 171.]

To Fra^s Bernard Esq^r Governor of New Jersey.

Sir,

It having pleased Almighty God to give signal Success to His Majesty's Arms, both by Sea and Land, particularly by the Defeat of the French Army in Canada, and the taking of Quebec; and His Majesty having thought fit, in Acknowledgement of so great Blessings, to appoint a day of Publick Thanksgiving for the same throughout Great Britain; We herewith inclose to you His Majesty's Royal Proclamation for that purpose; and it being His Majesty's Pleasure, that the like Publick Thanksgiving should be solemnized in all His Majesty's Colonies in America, which are so particularly interested in these happy Events; We do hereby signify to you His Majesty's Commands, that you do, as soon as possible after the Receipt hereof, appoint a proper day for that purpose, to be observed throughout the Province under your Govern^t with such Solemnities as are suitable to so great an Occasion.

We are, Sir,

Your most obedient most humble Servants;

DUNK HALIFAX
JAMES OSWALD.
SOAME JENYNS.
W. G. HAMILTON.

Nov^r 13th 1759.

A like Letter was wrote to all His Majesty's Gov^{rs} in America.

Officers of the New Jersey Regiment in the French War, 1758, 1759.

[From Book C 2 of Commissions, in the Secretary of State's Office, at Trenton.]

A List of Officers in the New Jersey Regiment augmented to 1000 men.¹ The Commissions were given in the common form by the Hon^{ble} John Reading Esq^r President &c dated in March & April 1758

John Johnston, Collonel.

Thomas Shaw, Lt. Col.

Samuel Hunt, Major.

Joseph Ellis

John Riley

John Salmon

William Winds

John Tenbrook

William Douglass

Samuel Harker

Joseph Leonard

} Captains

¹ The two rosters given herewith are entered together, and apparently in 1759. In 1758, "New Jersey, instead of raising reluctantly 500 men, doubled that number."—*Gordon's Hist. of N. J.*, 131. The Act of April 4, 1758, provided that a sufficient number of men, whites or well affected Indians, "should be raised as with that part of the Regiment which then remained, would complete one thousand effective men."—*Allinson's Laws*, 216. The New Jersey Regiment had been sent out at the beginning of the French War, in 1755, under command of Colonel Peter Schuyler (*Allinson's Laws*, 204; *Gordon's N. J.*, 119; *N. J. Archives*, VIII., Part 2, 104), and on his capture at Fort Oswego, with a part of his Regiment, August 14, 1756 (*N. Y. Col. Docs.*, X., 44; *Wynne's British Empire*, II., 65), such of the Regiment as remained at large fell to the command of Captain John Parker.—*N. Y. Col. Docs.*, X., 591. Colonel Parker and the remainder of his troops (301 officers and men) having been made prisoners at Fort William Henry on August 9, 1757, they were paroled on condition that they should not serve for eighteen months against the French, and consequently they came home.—*Wynne*, II., 71-3; *Whitehead's Perth Amboy*, 132; *N. Y. Col. Docs.*, X., 617, 624. Col. Schuyler and Col. Parker were thus both disqualified from taking command of the Regiment as "augmented" in the spring of 1758, and hence it was, doubtless, that John Johnston was commissioned Colonel of the New Jersey troops sent to Canada in 1758. The organization was known as "Col. Johnston's Jersey Regiment" at the disastrous attack made by the British and American soldiers on the French at Ticonderoga, July 8, 1758.—*N. Y. Col. Docs.*, X., 732. Col. Johnston was a son of John Johnston, of Monmouth County [born

| | | |
|-------------------------------|---|--------------|
| Joseph Barton | } | Lieutenants. |
| James Anderson | | |
| Abraham Bonnel | | |
| John Vandike | | |
| Nathaniel Hubbell | | |
| Jun ^r . | | |
| William Pew, Jun ^r | | |
| Jonas Bedford | | |
| Zepheniah Luse ✓ | | |
| Ephraim Miller | | |
| Alexan ^r Anderson | } | Ensigns. |
| George Coryell | | |
| Silas Newcomb | | |
| Elias Dayton | | |
| Josiah Banks | | |
| Thomas Johnson | | |
| Reuben Hall | | |
| Thomas Griffin | } | |
| William Maxwell | | |

Note they are not placed in the above List according to Seniority and are all that came to my knowledge.

1691, died 1732], who was a son of the noted Dr. John Johnstone, of Perth Amboy. Col. Johnston's commission bears date March 10, 1758. He was second in rank on the Oneida Station the next year, and is said to have been killed by a cannon ball at Fort Niagara in the course of the war.—*Whitehead's Perth Amboy*, 71-2.

Some notices of other officers of this regiment may not be amiss. Thomas Shaw was a captain under Col. John Parker in the unfortunate ambuscade made at Sabbath Day Point, July 26, 1757, and was killed at Ticonderoga, July 8, 1758.—*Penn. Archives*, III., 203; *N. Y. Col. Docs.*, X., 732. Samuel Hunt was a captain at Sabbath Day Point, and was reported among the killed (*Penn. Archives*, III., 203), but in the following spring he is commissioned Major, as above, and subsequently became Lieutenant-Colonel, under Col. Peter Schuyler. (See next roster.) He was Colonel of the Regiment in 1761 and 1762. (*N. J. Analytical Index*, 360, 366.) Lieutenant Solomons, doubtless the John Salmon mentioned above, was reported killed at Sabbath Day Point; also Lieut. McDaniel, probably the William McDonald who figures above as Captain in the ensuing spring.—*Ib.* Was this the Captain McDonald who so gallantly led the attack on Fort Duquesne (Pittsburgh) in September, 1758?—*N. Y. Col. Docs.*, X., 902. William Winds was born at Southold, L. I., in 1727 or 1728, and removed at an early age to Morris County, N. J., where he was a prominent character until his death, in 1789. He was commissioned Lieutenant-Colonel in the New Jersey Continental troops, in 1775, and two years later was made Brigadier-General. A full sketch of this remarkable man, by the Rev. Dr. J. F. Tuttle, will be found in *Proceedings N. J. Hist. Soc.*, May, 1853; also in Dr. Tuttle's "Annals

List of Officers in the New Jersey Regiment.

Peter Schuyler, Col. & Capt.¹
 Samuel Hunt, Lieut. Col. & Capt.
 William Douglass, Major & Capt.
 John Riley
 Zeph^h Luse
 John Tenbrook
 Alex. Anderson
 W^m McDonald
 Fran. Bernard
 Silas Newcomb
 Amos Ogden, C. L.^t
 Peter Schuyler, C. L.^t

} Capts.

of Morris County," 18, and in "Centennial Collections of Morris County," 73. See also Gen. W. S. Stryker's Roster of Jerseymen in the Revolutionary War, 15, 65, 350. William Douglas held the rank of Captain in the Sabbath Day Point fiasco, and was wounded at Ticonderoga.—*Penn. Archives*, III., 203; *N. Y. Col. Docs.*, X., 732. Silas Newcombe was a resident of Cumberland County, and was a member of the Revolutionary Committee of that County, in March, 1775, but nevertheless had the temerity to drink "East India tea in his family," "in open violation of the Third Article of the said Association," and to declare that he would continue to do so, whereupon it was decided "to break off all dealings with him." A week later he confessed, in writing, his error and asked pardon for his great offence. He was commissioned Colonel in 1776, and in 1777 rose to the rank of Brigadier-General of Militia.—*Minutes Council of Safety*, 1775-6, 93, 95, 551; *Stryker, ut supra*, 64, 335, 350. Elias Dayton was one of Elizabethtown's most prominent citizens, and was a Brigadier-General in the Revolution.—*Ib.*, 63, etc.; *Hatfield's Elizabethtown, passim*. William Maxwell, the last in the above list of Col. Johnston's Regiment, was a member of the Sussex County Revolutionary Committee in 1774, was a member of the Provincial Congress, in 1776, from the same county, and entering the military service, "commanded the 'Jersey Line' during his entire term of service as a general officer [1776-80], and took an active part in every battle in which his brigade distinguished itself."—*Minutes Council of Safety*, 1775-6, 19, 169, *et seq.*; *Stryker*, 61. This French War served as an admirable school for training Americans to fight for their independence twenty years later.—[W. N.]

¹ In 1759 (March 15), the New Jersey Legislature enacted a law providing for the emission of 450,000 Bills of Credit, to raise and equip 1,000 men, to join in the grand final campaign to conquer the French forces in America.—*Atkinson's Laws*, 234. Col. Peter Schuyler having been exchanged, November 1, 1758 (*N. Y. Col. Docs.*, X., 883-4), was again called to command the New Jersey contingent at the front. This officer stands out conspicuously as one of the most gallant, distinguished and picturesque in the military annals of New Jersey. Probably the fullest account of his career may be found in Winfield's Hudson County, 536; see also Smith's New Jersey, 493; *N. J. Hist. Soc. Proceedings*, I., 53, 58, 178, 179; *N. Y. Col. Docs.*, X., 776. No time was lost in officering the regiment. The commission to Elias Dayton "to be Lieutenant of a company of New Jersey troops, in Col. Peter Schuyler's Regi-

| | | |
|-----------------------------|---|------|
| W ^m Pew Junr | } | Lts. |
| Josiah Banks | | |
| W ^m Maxwell | | |
| W ^m Falkner | | |
| Walter Vantuyll | | |
| Elias Dayton | | |
| George Coryel | | |
| Tho ^s Longfield | | |
| Tho ^s Griffen | } | Ens. |
| Phinehas Crane | | |
| Mich ^l Henderson | | |
| Daniel Coe | | |
| Gilman Freeman | | |
| W ^m Cox | | |
| Jonathan Stout | | |
| Enoch Hunt | } | |
| John Albertis | | |
| Jacob Bonnel | | |
| W ^m Shute | | |

ment," was signed by Governor Bernard March 19, 1758, just four days after the passage of the law authorizing the raising of the regiment.—*N. J. Analytical Index*, 351. Among those reported killed at Sabbath Day Point, July 26, 1757, was ——— Griffis (*Penn. Archives*, III., 203), possibly referring to him who was afterwards Ensign Thomas Griffin, in Col. Johnston's Regiment, and Lieutenant in Col. Schuyler's Regiment in 1759. William Shute served as Captain and Paymaster in the New Jersey troops from 1775 to the close of the Revolutionary War.—*Stryker*, 72, 355. There was an Ensign Ogden among the Jerseymen surrendered at Oswego.—*N. Y. Doc. Hist.*, II., 326.—[W. N.]

Letter from the Lords of Trade to Governor Bernard, acquainting him that the King had been graciously pleased to approve of his being appointed Governor of Massachusetts Bay.

[From P. R. O. B. T. New Jersey, Vol 16, p. 281.]

To Francis Bernard Esq^r Governor of
New Jersey.

Sir,

His Majesty having been graciously pleased to approve of your being appointed Governor of the Massachusetts Bay, in the room of Mr Pownall preferred to the Government of South Carolina, We take this Opportunity of congratulating you upon this Mark of His Majesty's Favour; and of acquainting you, that His Majesty has also been pleased to approve of Thomas Boone Esq^r to succeed you in the Government of New Jersey, M^r Boone is now resident in South Carolina, but will have Orders forthwith to repair to New Jersey; and therefore his Patent and Instructions together with your own for the Government of the Massachusetts Bay will be transmitted to you as soon as they are passed.

We are, Sir,
Your most obedient, humble Servants.

DUNK HALIFAX.
SOAME JENYNS.
W. G. HAMILTON.
W. SLOPER.
JAMES OSWALD.

Whitehall Nov^r 14. 1759

Order of His Majesty in Council, approving a Representation of the Lords of Trade, proposing Thomas Boone to be Governor of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 86.]



AT THE COURT AT S^T JAMES'S THE 27:
DAY OF NOVEMBER 1759

PRESENT

The King's most Excellent Majesty in Council

Upon reading this day at the Board, a Representation from the Lords Commissioners for Trade and Plantations, dated the 14: of this Instant, proposing that Thomas Boone Esq^r. may be appointed Captain General and Governor in Chief of the Province of New Jersey in the room of Francis Bernard Esq^r: His Majesty in Council approving thereof, is pleased to Order, as it is hereby Ordered, that the said Thomas Boone Esq^r: be constituted and appointed Captain General and Governor in Chief of His Majestys said Province of New Jersey in the room of the said Francis Bernard Esq^r. And that the said Lords Commissioners for Trade and Plantations do prepare a Draught of a Commission and Warrant for Passing the same under the Great Seal, and also Draughts of Instructions for the said Thomas Boone, and lay the same before His Majesty at this Board for His Royal approbation.

W. SHARPE

*Representation from the Lords of Trade to the King,
with a draft of a Commission for Thomas Boone
to be Governor of New Jersey.*

[From S. P. O. B. T., New Jersey, Vol. 16, p. 284.]

To the King's most Excellent Majesty.

May it please Your Majesty,

In obedience to Your Majesty's Order in Council, dated this Day, We have prepared the Draught of a Commission for Thomas Boone Esq^r to be Captain General and Governor in Chief of your Majesty's Province of New Jersey, and also a Warrant for passing the same under the Great Seal: Which being in the usual Form, we humbly beg leave herewith to lay them before your Majesty, and shall prepare the necessary Instructions for the said Governor, with all possible Dispatch.

Which is most humbly submitted.

DUNK HALIFAX.

JAMES OSWALD.

SOAME JENYNS.

Whitehall Nov^r 27th 1759

W. G. HAMILTON.

Draught of a Commission for Thomas Boone
Esq^r

Our Will and Pleasure is, that you do prepare a Bill for our Royal Signature to pass Our Great Seal of Great Britain, in the Words, or to the effect following.

GEORGE the second by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith &c^a To Our Trusty and Wellbeloved Thomas Boone Esq^r Greeting; Whereas We did by Our Letters

Patents under Our Great Seal of Great Britain bearing date at Westminster the — day of — 1758, in the thirty first year of Our Reign, constitute and appoint Our Trusty & Wellbelov'd Francis Bernard Esq^r Captain General and Governor in Chief in and over Our Province of Nova Cæsarea or New Jersey Viz^t the Division of East & West Jersey in America for and during Our Will and Pleasure, as by the said recited Letters Patents, relation being thereunto had, may more fully & at Large appear: Now Know you that We have revok'd and determin'd, and by these Presents do revoke & determine the said recited Letters Patents, and every Clause, Article and Thing therein contain'd. And further know you that We reposing especial Trust &c^a

To Our Attorney or Solicitor Gen^l

And for so doing this shall be your Warrant. Given at Our Court at S^t James's &c^a

[See *post*, under date of January 14, 1760.—ED.]

*Letter from the Lords of Trade to Governor Bernard
—on the Pretensions of R. H. Morris to resume
the office of Chief Justice of the Province.*

[From P. R. O. B. T., New Jersey, Vol. 16, p. 288.]

TO FRANCIS BERNARD ESQ^R Governor of New
Jersey.

Sir,

We have receiv'd your Letter to Us dated the 28th of August last, acquainting us that M^r Morris had apply'd to be admitted to the Office of Chief Justice in Virtue of his former Patent.

As we are entirely un-informed of the Grounds and

Reasons upon which this very extraordinary pretence is founded, it is impossible for us at present to give any Directions upon the Case; But as M^r Morris's Conduct appears to Us highly to reflect upon His Majesty's Honor and Justice, in the subsequent Appointments which have been made, founded, as you will perceive by the inclosed paper upon M^r Morris's actual Resignation; We must desire that you will take the first Opportunity of transmitting to Us an authentick Copy the Patent or Commission by which M^r Morris claims that Office, with every other information you are able to give upon the Case, that no time may be lost in laying a full State of it before His Majesty for His Royal Determination; In the mean time it will be your Duty to obey such Commands as you shall have receiv'd from His Majesty under His Royal Sign Manual, touching the Appointment of any other person to that Office.

With this you will receive a Duplicate of Our Letter to you of the 14th of Nov^r last, notifying His Majesty's Appointment of you to the Government of the Massachusetts Bay; and as soon as your Commission is passed, which will be in a few days, it will be transmitted to you, together with that appointing M^r Boone Gov^r of New Jersey in your stead; and also such Instructions as His Majesty shall think proper to give you for your Guidance in the Execution of the Trust conferr'd upon you. We are, Sir,

Your most obed^t humble Servants,

Whitehall }
Dec^r 14. 1759. }

DUNK HALIFAX
JAMES OSWALD.
W. G. HAMILTON.
W. SLOPER.

*Representation from the Lords of Trade to the King
—with a Draft of General Instructions and those
relating to trade for Thomas Boone, appointed
Governor of New Jersey.*

[From P. R. O. B. T., New Jersey, Vol. 16, p. 291-2.]

To the King's most Excellent Majesty.

May it please your Majesty.

In obedience to Your Majesty's order in Council dated the 27th of Nov^r: 1759, We have prepared Draughts of General Instructions and of those which relate to the Observance of the Acts of Parliament for the due Encouragement and Regulation of Trade and Navigation, for Thomas Boone Esq^r, whom your Majesty has been pleased to appoint Captain General and Governor in Chief of your Majesty's Province of New Jersey.

In this Draught of Gen^l Instructions, We have made no Alterations from the Instructions given by your Majesty to Francis Bernard Esq^r: the late Governor of the said Province.¹

The Draught of Instructions for the Observance of the Acts of Parliament for the Encouragement and Regulation of Trade, is made conformable to the Instructions which have been lately approved and given by your Majesty, for the like Purposes, to the Governor's of others your Majesty's Colonies in North America.

All Which is most humbly submitted.

DUNK HALIFAX.

SOAME JENYNS.

W^m SLOPER.

ED: BACON.

Whitehall }
Feb'y 13, 1760. }

¹ See pages 23-107 of this volume.—Ed.

*Instructions to Thomas Boone, Governor of New
Jersey.*

[From Book AAA of Commissions, in Secretary of State's Office, at Trenton, N. J.
fol. 332.]

GEORGE the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith And so forth To our trusty and well beloved Thomas Boone Esq.

GREETING Whereas We did by our letters patent under our great Seal of Great Britain bearing date at Westminster the twenty fifth day of February in the thirty first year of our Reign Constitute and appoint Francis Bernard Esquire Captain General and Governor in Chief in and over our province of Nova Ceesarea or New Jersey in America for and during our Will & pleasure as by the said recited Letters Patent, Relation being thereunto had may more fully and at large appear. *Now Know You* that We have Revoked & determined and by these Presents do Revoke and Determine the said recited Letters patent and every clause Article & thing therein contained *And* further know you that We Reposing especial trust and Confidence in the prudence Courage and Loyalty of you the said Thomas Boone of our Especial Grace certain knowledge and meere Motion have thought fit to constitute & Appoint and by these presents do constitute & Appoint you the said Thomas Boone to be our captain General and Governor in Chief in and over our province of Nova Ceesarea or New Jersey, to wit, the Divisions of East and West New Jersey in America which we have thought fit to unite into one province and settle under one Government *And We* do hereby require and command you to do & execute all things in due Manner that shall belong unto your said Command and the trust We have Reposed in you—accord-

ing to the several powers and directions Granted or Appointed you by this present commission and the Instructions & Authorities herewith given you or by such further powers Instructions & Authorities as at any time hereafter be granted or Appointed you under our Signet and Sign Manual or by our Order in our privy Council and according to such Reasonable Laws & Statutes as now are in force or hereafter shall be made & Agreed upon by you with the Advice & Consent of our Council and the Assembly of our said province under your Government, in such manner & form as is hereafter expressed.

[The rest of the Commission is *verbatim, mutatis mutandis*, the same as that issued to Francis Bernard. See p. 23.]

In Witness Whereof We have caused these our Letters to be made patent *Witness* ourself at Westminster the fourteenth day of January in the thirty third year of our Reign.



By writ of Privy Seal.

YORKE & YORKE.

The foregoing Commission was published at Amboy July 4th 1760 and at Burlington the 9th day of the same Month.

Commission to Thomas Boone as Vice-Admiral of New Jersey, conferring Admiralty Jurisdiction, etc.

[From Book AAA of Commissions, in Secretary of State's Office, at Trenton, N. J., fol. 330.]

GEORGE the second by the Grace of God of Great Britain France & Ireland King defender of the Faith &c. To our Beloved Thomas Boone Esq. our Captain

General & Governor in Chief of our province of Nova Cæsarea or New Jersey in America Greeting We Considering very much in your fidelity Care & Circumspection in this Behalf Do by these presents Which are to continue during our pleasure only Ordain Constitute and Depute you the said Thomas Boone Esq. our Captain General and Governor in Chief aforesaid our Vice Admiral Commissary and Deputy in the Office of Vice Admiral in our province of Nova Cæsarea or New Jersey aforesaid and Territories thereon depending in the Room of Francis Bernard Esq. appointed Vice Admiral of our province of Massachusetts Bay in New England & Territories thereon depending and in the Maritime parts of the same and thereto Adjoining whatsoever with power of taking and Receiving all & every the fees profits Advantages, Emoluments, Commodities and Appurtenances whatsoever due and belonging to the said Office of Vice Admiral Commissary and Deputy in our said province of Nova Cæsarea or New Jersey and Territories Dependent thereon and Maritime parts of the same & Adjoining to them whatsoever According to the Ordinances & Statutes of our High Court of Admiralty of England *And* We do hereby Commit & Grant unto you the said Thomas Boone Esq. our power & Authority in and throughout our province of Nova Cæsarea or New Jersey aforementioned & Territories thereof & Maritime Parts whatsoever Adjacent thereto and also throughout all & every the Sea Shores Publick Streams Ports Fresh Waters Rivers Creeks and Arms as well of the Sea as of the Rivers & Coasts Whatsoever of our said province of Nova Cæsarea or New Jersey & Territories dependant thereon & Maritime Parts Whatsoever of the same and thereto Adjacent as well within Liberties & Franchises as without to take Cognizance of & proceed in all Causes Civil & Maritime and in Complaints Contracts Offences or suspected Offences Crimes Pleas

Debts Exchanges Accounts Charter parties Agreements Suits Trespasses Injuries Extortions & Demands & Businesses Civil & Maritime whatsoever commenced or to be commenced between Merchants or Between Owners & Proprietors of Ships & other Vessels & Merchants or others Whomsoever with such Owners & Proprietors of Ships & all other Vessels Whatsoever Employed or Used within the Maritime Jurisdiction of our Vice Admiralty of our said province of Nova Ceesarea or New Jersey & Territories depending on the same or between any other persons Whomsoever had made begun or Contracted for any Matter thing Cause or Business whatsoever done or to be done within our Maritime Jurisdiction aforesaid together with all & singular their Incidents Emergencies Dependencies Annexed and connexed causes Whatsoever wheresoever or Howsoever. And such causes Complaints Contracts & other the premises abovesaid or any of them which may happen to arise be contracted had or done to hear and Determine according to the Rights Statutes Laws Ordinances & Customs Anciently Observed And Moreover in all & singular Complaints Contracts Agreements Causes & Businesses Civil & Maritime to be performed beyond the Sea or contracted there however arising or happening and also in all & singular other Causes & Matters which in any Manner Whatsoever touch or any way Concern or anciently have & do or ought to belong unto the Maritime Jurisdiction of our aforesaid Vice Admiralty in our said province of Nova Ceesarea or New Jersey and Territories thereon Depending & Maritime Parts thereof & to the same Adjoining whatsoever And generally in all and singular other Causes Suits Crimes Offences Excesses Injuries Complaints Misdemeanors or Suspected Misdemeanors, Trespasses Regratings Forestattings & Maritime businesses Whatsoever throughout the places aforesaid within the

Maritime Jurisdiction of our Vice Admiralty of our province of Nova Ceesarea or New Jersey aforesaid and Territories thereon Depending by Sea or Water or the Banks & Shores of the same however done committed perpetrated or Happening And also to Inquire by the Oath of Honest and Lawfull Men of our said province of Nova Ceesarea or New Jersey & Territories Dependant thereon & Maritime parts of the same and Adjoining to them Whatsoever Dwelling both within Liberties & Franchises & without as well of all & singular such Matters & things which of Right & by the Statutes Laws & Ordinances & Customs Anciently observed were wont & ought to be Inquired after as of Wreck of the Sea & of all & singular the Goods & Chattels of Whatsoever Traitors Pirates Manslayers & Felons howsoever offending within the Maritime Jurisdiction of our Vice Admiralty of our province of Nova Ceesarea or New Jersey aforementioned & territories thereon belonging & of the Goods Chattels and Debts of All & Singular their maintainers Accessaries Abettors or Assistants whatsoever and also the Goods Debts & Chattels of Whatsoever person or persons Felons of themselves by what Means or howsoever coming to their Death within our aforesaid Maritime Jurisdiction Wheresoever any such Goods Debts & Chattels or any parcel thereof by Sea Water or Land in our said province of Nova Ceesarea or New Jersey & Territories thereon Dependant & Maritime Parts of the same & thereto Adjacent Whatsoever as well within Liberties & Franchises as without have been or shall be found forfeited or to be forfeited or in being And Moreover as well of the Goods Debts & Chattels of Whatsoever Traytors Felons & Manslayers wheresoever Offending and of the Goods Debts & Chattels of their Maintainers Accessaries Councillors Abettors or Assistants as the Goods Debts & Chattels of all Fugitives persons Convicted Attainted Condemned Outlawed or Howsoever

put in exigent for Treason Felony Manslaughter or Murther or any other Offence or Crime Whatsoever & also concerning Goods Waving Flotzon Jetson Lagon Shares and Treasures found or to be found Deodand And of the Goods & Chattels of all others Whatsoever taken or to be taken as Derelinct or by Chance found or to be found or howsoever Due or to be due and of all other Casualty as well in upon or by the Sea & Shores Creeks or Coasts of the Sea or Maritime parts as in upon or by all Fresh waters Ports Publick Streams Rivers or Creeks or places overflown Whatsoever within the Ebbing or flowing of the Sea or High Water or upon the Shores or Banks of any of the same Within our Maritime Jurisdiction Howsoever Whensoever or by what Means soever arising happening or proceeding or Wheresoever such Goods Debts & Chattels or other the premises or any parcel thereof may or shall happen to be met with or found within our Maritime Jurisdiction aforesaid & also concerning Anchorage Lastage & Ballast of Ships & of Fishes Royal Namely Sturgeons Whales Porpuses Dolphins Riggs & Grampuses and generally of all other Fishes whatsoever which are of a great or Very Large Bulk or Fatness anciently by Right or Custom or any Ways appertaining or belonging to us And to Ask require Levy take Collect receive and obtain and to the use of us and our Office of High Admiral of Great Britain aforesaid for the time being to keep and preserve the said Wreck of the Sea and the Goods Debts & Chattels and all & singular other the premises together with all & all Manner of Fines Mulcts Issues Forfeitures Amerciaments Ransoms & Recognizances whatsoever forfeited or to be forfeited & pecuniary punishments for Trespasses Crimes Injuries Extortions Contempts & other Misdemeanors Whatsoever Howsoever Imposed or Inflicted or to be imposed or Inflicted for any Matter Cause or thing Whatsoever in our said province of

Nova Ceesarsa or New Jersey & Territories thereunto Belonging and Maritime parts of the same & thereto Adjoining in any Court of our Admiralty there held or to be held presented or to be presented assessed brought forfeited or adjudged and also all Amercia-ments Issues Fines Perquisites Mulcts & Pecuniary punishments Whatsoever & Forfeitures of all manner of Recognizances before you or your Lieutenants Deputy or Deputies in our said province of Nova Ceesarea or New Jersey & Territories thereunto belonging and Maritime parts of the same & thereto Adjacent Whatsoever happening or imposed or to be imposed or inflicted or by any Manner assessed presented forfeited or Adjudged, or however by reason of the premises due or to be due in that behalf to us or our Heirs & Successors And further to take all manner of Recognizance Cautions Obligations & Stipulations as well to our Use as at the Instance of any parties for agreements or Debts & other Causes whatsoever and to put the same in Execution to Cause and Command them to be executed and also to Arrest & cause & command to be Arrested according to the Civil & Maritime Laws & Ancient Customs of our said Court all Ships persons things Goods Wares & Merchandizes for the premises & every of them and for other Causes Whatsoever concerning the same Whensoever they shall be met with or found throughout our said province of Nova Ceesarea or New Jersey & Territories thereunto belonging & Maritime parts thereof & thereto adjoining within Libertys & Franchises or without. And likewise for all other Agreements Causes or Debts Howsoever contracted or arising so that the Goods or persons of the Debtors may be found within our Jurisdiction aforesaid & to hear & examine & finally determine & the same with their Emergencies Dependencies Incidents Annexed & connexed causes & Businesses Whatsoever together with all other causes civil & Maritime & complaints

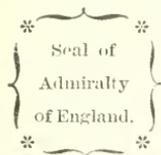
& Contracts and all & every the Respective premises Whatsoever above expressed according to the Laws & Customs aforesaid and by all other Lawfull Means & Methods according to the best of your Skill & Knowledge & to Compel all Manner of persons in that Behalf as the Case shall Require to appear & to Answer with power of Using any Temporal Coertion & of inflicting any other penalty or Muilt according to the Laws & Customs aforesaid and to do and Minister Justice according to the Right order & Course of the Law summarily & plainly looking only into the truth of the fact and to fine Correct punish Chastize & reform & Imprison & Cause & Command to be imprisoned in any Goals being within our province of Nova Ceesarea or New Jersey aforesaid & Territories thereunto belonging the parties Guilty & the Contemners of the Law and Jurisdiction of our Admiralty aforesaid & Violaters Usurpers Delinquents & Contumacious Absentors Masters of Ships Mariners Rowers Fishermen Shipwrights & other Workmen & Artificers Whatsoever exercising any kind of Maritime Affairs according to the Rights Statutes Laws Ordinances and Customs anciently observed & to deliver & Absolutely discharge & Cause & Command to be discharged Whatsoever persons Imprisoned in such Cases who are to be delivered and to preserve and Cause to be preserved the Publick Streams Ports Rivers Fresh Waters & Creeks Whatsoever within our Maritime Jurisdiction aforesaid in what place soever they be in our said Province of Nova Ceesarea or New Jersey & Territories thereunto belonging & Maritime parts of the same & there-to Adjacent Whatsoever as well for the preservation of our Navy Royall and of the Fleets & Vessells of our Kingdoms & Dominions aforesaid as of Whatsoever fishes increasing in the Rivers & places aforesaid And also to keep & Cause to be executed & kept in our said province of Nova Ceesarea or New Jersey &

Territories thereunto belonging and Maritime parts thereof & thereto Adjacent Whatsoever the Rights Statutes Laws Ordinances & Customs anciently observed and to do Exercise Expedite & execute all & singular other things, in the premises & every of them as they by Right and according to the Laws Statutes Ordinances & Customs aforesaid should be done *And Moreover* to Reform Netts too close & other Unlawfull Engins or Instruments Whatsoever for the catching of Fishes Wheresoever by Sea or Publick Streams Ports Rivers Fresh Waters, or Creeks Whatsoever throughout our Province of Nova Ceesarea or New Jersey aforesaid & Territories Dependent thereon & Maritime parts of the same & thereto Adjacent Used or Exercised by Water within our Maritime Jurisdiction aforesaid Wheresoever and to punish & Correct the Exercisers & Occupiers thereof According to the Statutes Laws Ordinances & Customs aforesaid, and to pronounce promulge and Interpose all Manner of Sentences & decrees and to put the same in Execution with Cognizance and Jurisdiction of Whatsoever other Causes civil & Maritime which Relate to the Sea or which any Manner of Ways respect or Concern the Sea or passages over the same or Naval or Maritime Voyages or our said Maritime Jurisdiction or the places or Limits of our said Admiralty or Cognizance aforementioned & all other things done or to be done with power also to proceed in the same according to the Statutes Laws Ordinances & Customs aforesaid anciently Used as well of meer office Mixed or promoted as at the Instance of any party as the case shall require & seem Convenient. And likewise with Cognizance & Decission of Wreck of the Sea great or small & of the death Drowning & view of Dead Bodies of all persons howsoever Killed or Drowned or Murthered or which shall happen to be killed drowned or Murthered or by any other Means come to their death in the Sea

or publick Streams Ports Fresh Waters or Creeks Whatsoever within the flowing of the Sea & high Water Mark throughout our aforesaid province of Nova Ceesarea or New Jersey & Territories thereon depending & Belonging & Maritime parts of the same and thereunto Adjacent or Elsewhere within our Maritime Jurisdiction aforesaid together with the Cognizance of Mayhem in the aforesaid places within our Maritime Jurisdiction aforesaid & Flowing of the Sea & Water there hapning with power also of punishing all delinquents, in that kind according to the Exigencies of the Law & Customs aforesaid and to do exercise expedite and execute all & singular other things which in and about the premises only shall be Necessary or thought Meet according to the Rights Statutes Laws Ordinances & Customs aforesaid with full power of Deputing & Surrogating in your place for the premises one or more Deputy or Deputies as often as you shall think fit. And also with full power from time to time of Naming appointing, ordaining Assigning, Making & constituting whatsoever other Necessary fit & Convenient Offices & Ministers under you for the said Office and execution thereof in our said Province of Nova Ceesarea or New Jersey and Territories thereunto belonging & Maritime parts of the same & thereto Adjacent Whatsoever Saving always the Right of our High Court of Admiralty of England & also of the Judge & Register of the said Court from whom or either of them it is not our intention in any thing to derogate by these presents & saving to every one who shall be wronged or grieved by any Definite Sentence or Interlocutory decree which shall be given in the Vice Admiralty Court of our Province of Nova Ceesarea or New Jersey aforesaid & Territories thereunto belonging the Right of appealing to our aforesaid High Court of Admiralty of England *Provided nevertheless*

& under this express condition that if, you the said Thomas Boone our Captain General & Governor in Chief aforesaid shall not yearly, to wit at the end of every year between the feasts of Saint Michael the Archangel & All Saints duly Certifie & cause to be effectually certified if you shall be thereunto required to us & our Lieutenant Official Principal & Commissary General & Special Judge & President of the High Court of our Admiralty of England aforesaid, all that which from time to time by Virtue of these presents, you shall do execute collect & receive in the premises or any of them together with your full & faithfull account thereupon to be made in an Authentick Form & Sealed with the Seal of our Office remaining in your Custody, that from thence & after Default therein these your Letters Patent of the Office of Vice Admiral aforesaid as above Granted Shall be Null & Void & of no force or Effect *Further* We do [in] our Name command all & singular our Governor & Justices Mayors Sheriff's Captains Marshalls Bailiffs Keepers of all our Gaols & Prisons Constables & other Officers & faithfull & Liege Subjects Whatsoever & every of them as well within Liberties & Franchises as without that in and about the Execution of the premises & every of them. They be Aiding favoring assisting Submissive & yield Obedience in all things as is fitting to you the aforesaid Thomas Boone our Captain General & Governor in Chief of our Province of Nova Ceesarea or New Jersey aforesaid and to your Deputy Whomsoever and to all other officers by you appointed or to be Appointed of our said Vice Admiralty in our Province of Nova Ceesarea or New Jersey aforesaid & Territories thereunto belonging & Maritime parts of the same & thereto adjoining under pain of the Law, & the peril which will fall thereon *Given at London* in the High Court of our Admiralty of England aforesaid under the Great Seal thereof the

thirteenth day of February in the year of our Lord one thousand Seven Hundred & Sixty & of our Reign the thirty third.



GODF. LEE FARRANT
Register.

The above Commission was published at Perth Amboy the 4th day of July Anno Domini 1760 & at Burlington the 9th [July] 1760 following.

CHAS READ Secy,

Letter from Thomas Boone, a resident of South Carolina, to the Lords of Trade, acknowledging the honor conferred upon him by his appointment as Governor of New Jersey.

[From P. R. O., B. T., New Jersey, Vol. 8, I. 88.]

CHARLES TOWN S^o Carolina Feb: 14th 1760

My Lords

I had the Honour of being made acquainted yesterday, by a Letter from your Lordships of the 14th of Nov^r with the Character that his Majesty has been most graciously Pleased to Confer on me, and Receive this Testimony of his Majesty's Royal Favour with all Imaginable Duty and Humility.

I beg to return your Lordships my warmest and most Humble Thanks for your Congratulations on this Occasion, & to assure your Lordships that I shall in Obedience to your Commands, Repair to New Jersey with all Possible Diligence.

I have the honour to be My Lords

Your Lordships most Obliged &

Obedient Humble Servant

THO: BOONE.

Letter from Mr. Robert Hunter Morris to Governor Bernard showing why he ought to have been permitted to resume his office of Chief Justice, and inclosing a copy of the patent appointing him to that office.

[From P. R. O. B. T. New Jersey, Vol. 8, I, 91.]

AMBOY in New Jersey Feb'y 22 1760

His Excellency Gov^r Bernard

Sir

Your Excellency will receive under this cover, a Copy of the Patent, appointing me Chief Justice of this Province dated in March 1738 the Tenor of which you will observe is during my good behaviour. This Commission was Issued by the Unanimous Advice of His Majesty's Council, And the Appointment was perfectly agreeable to the Assembly then Setting.

A little before my acceptance of the Government of Pensilvania, I wrote to the Lords Commissioners for Trade; And among other things, desired their Lordships would "Give me leave to resign the Office of Chief Justice," but their Lordships gave me no answer to that letter, which I esteemed a refusal to Comply with my request, And therefore upon my Arrival in New Jersey, on my way to Pensilvania I applied to M^r Belcher His Majesties then Governor, & the Council. I informed them of that part of my letter to the board of trade, desired they would agree upon some person to Succeed me, and Offered to resign the Office in form: But both he and the Council told me that the Office of Governor of Pensilvania was not incompatible with that of Chief Justice of Jersey, as the Provinces were only Separated by a River, and therefore did not accept of my offer to resign.

Being thus continued in the office, I frequently came from Pensilvania into New Jersey, and in part Executed it, but the affairs of that Province would not permit me to do the whole Business of the Office.

In the year 1756 I resigned the Government of Pensilvania, removed into this Province, and Exercised the office, till towards the end of the year 1757, when I departed for England, with the leave of M^r Reading the then Commander in Chief.

These Sir are the facts Your Excellency Seemed desirous of being informed of, relative to that Office, as to the place itself, you must be sensible that the income of it, is now & has ever been, too inconsiderable to make me in the least anxious about it. I took the office & have held it, rather to prevent it falling into Contempt than Expecting any Support from it, and am therefore, as I have more than once assured your Excellency (as to myself) Extreemly Indifferent about it, but cannot help wishing, for the sake of the province, that an Office of Such Consequence and in which the people are so nearly intrested, May always be in the hands of a Man of independent fortune, & Known Integrity I have the honour to be,

Sir, Your Excellency's most obedient and
 most Humble Serv^t
 Rob^t H. Morris

Copy of the Patent under Seal of N. York appointing Rob^t Hunter Morris Esq^t Chief Justice of New Jersey.

Rec^d with M^r Bernard's L^re of 25 Febyr 1760

GEORGE the Second by the grace of God of Great Britain France and Ireland King defender of the Faith &c To Our trusty and well beloved Robert Hunter Morris Esq^t Greeting We reposing especial trust

and confidence in your integrity impartialty Prudence and ability Have assigned constituted and appointed and We do by these Presents assign constitute and appoint you the Said Robert Hunter Morris to be Our Chief Justice of and in Our Province of Nova Caesarea or New Jersey in America in the place and room of Robert Lettis Hooper Esq^r: deceased our late Chief Justice of our Said Province Giving and by these Presents Granting unto you the said Robert Hunter Morris full Power and Authority in Our Supream Court of our Said Province to hear try and Determine all Pleas whatsoever Civil Criminal and mixed according to the Laws Statutes and Legal usages of Our Said Province that are not repugnant to the Laws and Statutes of that part of our Kingdom of Great Britain called England and according to such Laws and Statutes of our Said Kingdom as now do or hereafter shall be made to extend to our Plantations in America; and Executions of all Judgments given in our Said Court to award; and from time to time to make Such Rules and Orders in our Said Supream Court in our Said Province for the benefit of the Inhabitants of our Said Province as you shall judge to be convenient and usefull for the more easy Speedy and impartial administration of Justice and the preventing of unreasonable and unnecessary delays and as near as may be agreeable to the Rules and Orders made in the like cases in our Courts of Kings Bench Common Pleas and Exchequer in our Kingdom of Great Britain To have and to Hold and enjoy the Said Office and Place of Chief Justice of and in our Said Province of Nova Caesarea or New Jersey in America with all and singular the rights privileges advantages emoluments Salarys profits fees and perquisites to the said office and place of Chief Justice belonging or in anywise appertaining or that of right ought to belong or appertain to the said office as fully and amply as any other Our chief Justices of Our Said

Province have or of right ought to have held and enjoyed the Same to you the said Robert Hunter Morris for during your good behaviour in the Same In Testimony whereof we have caused these our Letters to be made Patent and the Seal of Our Said Province to be hereunto affixed Witness our trusty and well beloved Lewis Morris Esq^r: our Captain General and Governor in chief in and over our Province of Nova Cæsarea or New Jersey and Territories thereon depending in America and vice Admiral in the same &c at our City of Perth Amboy in Our Province aforesaid the seventeenth day of March in the twelfth year of Our Reign anno^o Domini 1738.

BURNET

Secretarys Office at Perth Amboy in New Jersey
The above is a true Copy from Book E 2. page 336

Tho^s Bartow
Sec^{ry}

Letter from Governor Bernard to the Lords of Trade expressing his gratitude at being appointed Governor of Massachusetts Bay.—The solemnization of the Day of Thanksgiving.—Mr. Morris' claim to the office of Chief Justice.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 80.]

PERTH AMBOY feb 25. 1760

The R^t Honble The Lords for Trade & Plantations

My Lords

I had the honour on the 15th inst to receive your Lordships commands by letters severally bearing date Nov 13, Nov 14 & Dec 14. As to the first signifying his Majestys commands for appointing a day of thanks-

giving, I must inform your Lordships that I did appoint Thursday the 22 of Nov^r for a day of thanksgiving for the taking Quebeck & other success of his Majestys Arms. Nevertheless as We have since received advice of the defeat of the french fleet by Adm^l Hawke, I have issued a proclamation injoyning a thanks-giving for that happy Event on the first Sunday after receipt of Notice of the same.

In regard to that dated Nov 14, signifying, that his Majesty had been graciously pleased to approve of my being appointed Governor of the Massachusetts bay, I beg leave to assure your Lordships, that I have the highest sense of his Majestys favour, in distinguishing me with this public approbation of my services: and I am very much obliged to your Lordships, as well for your favourable report of me, as for your congratulations on the occasion

As to that as to your Lordships L^re of Dec 14 concerning M^r Morris's claim of the chief justice ship, I informed My Lord Halifax by a letter dated Dec 3 which M^r Jones solicited & undertook to carry to England, that M^r Morris declared he would give M^r Jones no trouble about the office. I now transmit to your Lordships a copy of M^r Morris's patent, & also a copy of a letter from him to me, showing his reasons for thinking he ought to have been permitted to resume his office. The whole amount of which is that, as he proposed a resignation on account of his taking the government of Pennsylvania, & he quitted that government & returned to New Jersey before your Lordships had accepted his resignation, the reasons of it ceasing, the resignation itself was revoked. But I observed to him that in his letter to your Lordships, He did not attribute his desire to resign the office to his taking the Government of Pennsylvania, but to his private affairs not permitting him to attend the duties of it: And therefore your Lordships could not take

notice of his quitting that government as a ceasing of his reasons for his resignation; if it were so he should have signified it to your Lordships & prayed leave to withdraw his resignation. As he did not, all this misunderstanding has arose from his own omission. I cannot however but be sorry that this affair was not properly understood, at a time when it might have been adjusted more easily than it can now. For M^r Jones has been so unfortunate, that there is an universal dissatisfaction at his appointment: so that it seems to me that it will be difficult for him to hold the office, even if he will serve it for nothing. But, as this will depend in a great measure upon the part the Assembly will act in this business, I may be premature in troubling your Lordships with my conjectures tho' founded on the greatest probability

Last Saturday I received his Majesty's commands from M^r Secy Pitt, to provide for the Service of the next campaign: I have called the Assembly to meet on the 11th of March. I expect they will only pass the bill for raising the regiment, and postpone the other business till the arrival of M^r Boone, to whom I have wrote and have proposed the end of May for his coming here. When the business of the Assembly is over I shall acquaint your Lordships with their proceedings. I have the honour to be

My Lords, Your Lordships

most obedient & most humble Servant

FRA. BERNARD

Letter from Mr. Bernard to the Lords of Trade, containing an account of the proceedings of the Supreme Court in relation to the claim of Mr. Robert Hunter Morris to the office of Chief Justice.

[From P. R. O., B. T., New Jersey, Vol. 8, I. 92.]

PERTH AMBOY Mar 22 1760

The R^t Hon^{ble} the Lords Com^{rs} for Trade &
Plantations

My Lords

Last Tuesday the Supreme Court opened here; in the morning of which day M^r Morris came to me and said that the people in general were so uneasy at M^r Jones's taking his seat as Chief Justice, that he could not resist their solicitations for him to take the seat & thereby prevent M^r Jones. I reminded him of his promise to me that he would not interrupt M^r Jones in taking his seat. He said that he entred into that engagement upon account of his desire not to undertake any business that was like to give me much trouble: but that, as I was removing from the Province & not like to be affected by this contest, He thought he should be remitted of his liberty of prosecuting his right in such manner as he should see occasion. I said that, to be sure, I should release him from this engagement so far as I was concerned: but I thought it was extended much beyond me. It seemed to me that Your Lordships had an intrest in it, as I had acquainted you with it more as a public than a private transaction, and that M^r Jones was intrested in it, as most probably he had staid in the Country in dependence that M^r Morris would not obstruct him in taking the office. He replied that his engagement was made

only to me and on my account & that, as my intrest in it ceased & I had released him from it, he considered himself as quite free from it.

What afterwards passed in the Court will appear to your Lordships from the minutes of the Court, of which I shall send an exemplification. It may seem to your Lordships that I ought to have interposed the Copy of M^r Morris's Resignation. But, besides that there was no time given for me to order the Attorney general to intervene for the King, I could not have introduced that copy, because being a copy & no ways authenticated, it would not have been permitted to be read in a Court, tho' its authority would be undoubted every where else.

Altho' this business will soon cease to be my concern yet I must think it my duty to enter a public protest on the behalf of the King against this order of the Supreme Court. The proper method for doing this appears to be, to order the Attorney General to sue out a writ of error & bring this order before the Governor & Council, from whence, if there should be occasion, it may be carried to the privy Council in England either by the Attorney general or by M^r Morris. This seems to be the only thing that can be done at present & probably before this can be brought to an hearing before the Governor & Council orders for the further prosecution of this business will arrive from your Lordships.

I have the honour to be

My Lords, Your Lordships most
obedient and most humble Servant

FRA. BERNARD

P. S. M^r Morris was absent from the Province for some time (I suppose more than 2 years) before he took upon him the government of Pennsylvania; after which he never sat as Chief Justice, till after he had

relinquisht that government. After that He sat once in Nov^r Term 1756, and divers times in each of the Terms in March May & August 1757. Soon after the last he went to England. On the first day of the Term in March 1758 M^r Aynsley took his Seat as Chief Justice & sat during that Term & the next Term in May & went the Circuit in May. Before the next Term in August M^r Aynsley died : M^r Morris did not take his seat upon the bench again untill Mar 18 1760 being the first day of that Term.

Copy of the Minutes of the Supreme Court of
New Jersey on the Claim of M^r Morris to
resume the Office of Chief Justice.

Rec^d with the Gov^{rs} L^re of 22 March 1760.

* { L. S. } *
 GEORGE the Second by the grace of God of
 Great Britain France and Ireland King de-
 fender of the faith &c Whereas we have
 inspected certain records in our Supreme court of our
 province of New Jersey, wherein is contained as fol-
 lows. At a Supreme court of judicature held at Perth
 Amboy in and for the province of New Jersey on tues-
 day the eighteenth day of March one thousand seven
 hundred and sixty. Present. The Hon^{ble} Robert
 Hunter Morris Esq^r chief-justice Samuel Nevill Esq^r
 second justice—Nathaniel Jones Esq^r offered to the
 Court a commission under the great Seal of the prov-
 ince of New Jersey bearing date the sixteenth day of
 November one thousand seven hundred and fifty nine,
 appointing him chief Justice of the said province and
 prayed that the same might be read. Whereupon the
 record of a Commission dated March the seventeenth
 one thousand seven hundred and thirty eight appoint-
 ing Robert Hunter Morris Esq^r. chief Justice of the
 province of New Jersey during his good behaviour in

the same was read in the words following George the second by the grace of God of Great Brittain France and Ireland King Defender of the faith &c To our trusty and well beloved Robert Hunter Morris Esq^r Greeting. We reposing especial trust and confidence in your integrity impartiality prudence and ability Have assigned constituted and appointed and we do by these presents assign constitute and appoint you the said Robert Hunter Morris to be our chief justice of and in our province of Nova Cæsarea or New Jersey in America in the place and room of Robert Lettis Hooper Esq^r deceas'd our late chief justice of our said province, Giving and by these presents granting unto you the said Robert Hunter Morris full power and authority in our Supreme court of our said province to hear try and determine all pleas whatsoever civil criminal and mixed according to the laws statutes and legal usages of our said province that are not repugnant to the laws and statutes of that part of our kingdom of Great Brittain called England and according to such laws and Statutes of our said Kingdom as now do or hereafter shall be made to extend to our plantations in America, and executions of all judgments given in our said court to award and from time to time to make such rules and orders in our said supreme court in our said province for the benefit of the inhabitants of our said province as you shall judge to be convenient and usefull for the more easy speedy and impartial administration of Justice and the preventing of unreasonable and unnecessary delays and as near as may be agreeable to the rules and orders made in the like cases in our courts of King's bench, common pleas and Exchequer in our Kingdom of Great Brittain. To have and To hold and enjoy the said office and place of chief justice of and in our said province of Nova Cæsarea or New Jersey in America with all and Singular the rights privileges advantages

emoluments salary's profits fees and perquisites to the said office and place of chief justice belonging or in anywise appertaining, or that of right ought to belong or appertain to the said office as fully and amply as any other our chief justices of our said province have or of right ought to have held and enjoyed the same to you the said Robert Hunter Morris for and during your good behaviour in the same In testimony whereof we have caused these our letters to be made patent and the seal of our said province to be hereunto affixed Witness our trusty and well beloved Lewis Morris Esq^r our captain general and governour in chief in and over our province of Nova Cæsarea or New Jersey and territories thereon depending in America and vice admiral in the same &c at our City of Perth Amboy in our province aforesaid the seventeenth day of March in the twelfth year of our reign annoq^d-domini one thousand seven hundred and thirty eight. Burnet. Then the Commission appointing Nathaniel Jones Esq^r was read as follows, George the second by the grace of God of Great Britain France and Ireland King defender of the faith &c To our trusty and well beloved Nathaniel Jones Esq^r Greeting. We reposeing especial trust and confidence in your integrity impartiality prudence and ability Have assigned constituted and appointed And we do by these presents assign constitute and appoint you the said Nathaniel Jones our chief Justice of and in our province of New Jersey in the room of William Aynsley Esq^r deceas'd. To have hold exercise and enjoy the said office unto you the said Nathaniel Jones for and during our pleasure and your residence within our said province Together with all and Singular the rights profits privileges and emoluments unto the said place belonging in as full and ample manner as he the said William Aynsley or any other person hath formerly held or of right ought to have held and enjoyed the same with full power and authority to hold the Supreme courts

of judicature at such places and times as the same may and ought to be held within our said province. In testimony whereof we have caused these our letters to be made patent and the great seal of our said province to be hereunto affixed. Witness our trusty and well beloved FRANCIS BERNARD Esq^r our captain general and governor in chief in and over our province of Nova Cæsarea or New Jersey and territories thereon depending, in America chancellor and vice admiral in the same &c at our city of Perth Amboy in our said province the sixteenth day of November in the thirty third year of our reign. Read. Whereupon the said Nathaniel Jones Esq^r prayed to have the oath of office to be administred to him and to be admitted. Then an entry in the minutes of this court of March term one thousand seven hundred and fifty eight, at the request of Nathaniel Jones Esq^r was read in these words (a commission appointing William Aynsley Esq^r chief justice of the province of New Jersey was openly read Also other entrys shewing that William Aynsley Esq^r deccas'd Satt as chief justice for the said term of March one thousand seven hundred and fifty eight and the term next following and that M^r Nevill satt as second justice of said court As the motion of M^r Jones might effect M^r Morris he declined giving any judgment thereon, and M^r Nevill second justice delivered the opinion of the court as follows. That since the commission to M^r Morris grants him a freehold in the office of chief Justice of this province of New Jersey, and nothing was shown legally to divest him thereof This Court therefore cannot administer the oath of office to M^r Jones nor admitt him to enter into the execution of said office of chief Justice, but leave his right to said office if any he has to be determined by a due course of law. M^r Morris requested David Ogden and Charles Read Esq^{rs} to enter his appearance to and defend any action or suit that shall or may be brought against him respecting this matter. In testi-

mony thereof we have caused the seal of our said province to be hereunto affixed Witness our trusty and well beloved FRANCIS BERNARD Esq^r captain general and governor in chief in and over our province of New Jersey and territories thereon depending in America chancellor and vice admiral in the same &c at our city of Perth Amboy the thirty first day of March in the thirty third year of our reign annoq^e Domini one thousand seven hundred and sixty.

Letter from Thomas Boone, resident of South Carolina, to the Lords of Trade, acquainting them with his intention to embark in a few days in order to assume the government of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 8, I. 95.]

CHARLES TOWN S^o Carolina March 24th 1760

My Lords

In Obedience to your Lordships Commands, Communicated to me by letter bearing date Nov^r 14th, the receipt of which by two different Merchant Ships I have acknowledged, I have made all Convenient Dispatch, and shall Embark in a very few days for New York in a Vessell I have hired, no other speedy opportunity Presenting itself.

I make no doubt of Arriving Sufficiently Early as by a Letter from M^r Bernard of the 18th last past from Amboy, I understand the Packet Just there from Falmouth in 38 days had not brought him my Commission, I shall trouble your Lordships no further at this juncture but have the honour to be

My Lords Your Lordships most

Obedient and most Humble Servant

THO : BOONE

Letter from Governor Bernard to Secretary Pitt—enclosing his address to the Council and Assembly, together with the answer of the Assembly.

[From P. R. O. America and West Indies, Vol. 72.]

PERTH AMBOY Mar 26 1760

The R^t Honble William Pitt Esq.

S^r

I had the honour to receive your letter of the 7th of January on the 23^d of february & in pursuance of his Majesty's commands, I immediately called the general Assembly & communicated to them his Majesty's pleasure. They with their usual unanimity & dispatch prepared a bill for raising the same number of Men as they did for last campaign, so that I passed it yesterday & am now preparing to recruit the Regiment with all possible expedition.

As the People of this Province particularly desire & truly deserve to be seen in a favorable light by his Majesty & his Ministers, I take the liberty to enclose a copy of the Assembly's address upon this occasion with my Speech as introductory thereto; & to assure your honour that this province will always be ready to contribute its full share to his Majesty's Service

I have the honour to be, with great esteem S^r

Your most humble and most obedient Servant
FRA. BERNARD

The Speech of His Excellency Francis Bernard, Esq^r Captain General and Governour in chief in and over the Province of New Jer-

sey, and Territories thereon depending in America, Chancellor and Vice Admiral in the Same, &c.

To the General Assembly of the said Province, met at Perth Amboy, on Thursday the 13th of March, 1760.

Gentlemen of the Council, and

Gentlemen of the House of Representatives

I am honoured with his Majesty's Commands to the same Purpose with those which I communicated to you last year; to induce you to raise with all possible dispatch, within this Government, at least as large a Body of Men as you did for the last Campaign, and as many more as the Number of its Inhabitants may allow, to act in Conjunction with his Majesty's British Troops, under the Command of his Commander in chief in America, for the further Reduction of Canada. I have called you together with all possible Expedition, that you may lose no Time of showing your Gratitude to his Majesty, by a most ready and hearty Obedience to his gracious Commands, which are Wholly dictated by his fatherly Care for the Preservation of his Subjects on this Continent.

At the Opening of the last Session, I had great Occasion to congratulate you on the Success of his Majesty's Arms: But how rapid has the Progress of them been since? Victories and Acquisitions have followed one another so close, that we not been able to keep pace with them in our Thanksgivings: We have been lost in Amazement at the great things God hath done for us, and have found our Hearts too full to express our Sense of his Mercies.

The Time is now come, which a few years ago was the Object of our Wishes more than our Hopes. The exorbitant, and heretofore formidable Power of France,

is humbled to the dust; her Trade lost; her Credit sunk; her Treasury exhausted; and her fleets destroyed, even to what she owned to be her last Resource—Canada, the inveterate and implacable Enemy of these Provinces, is hunted down; and waits only for the March of the British army to surrender the yet unreduced Parts of it. These are (under God) the Effects of the Wisdom and Steadiness of his Majestys Councils, and the Conduct and Bravery of his Forces; These are the fruits of those Armaments to which you have contributed your proportional, tho' small Share; and these are the Encouragements, which will induce you to continue the same Efforts till the whole Work shall be completed.

Gentlemen of the House of Representatives.

I shall order the Letter I have received from Mr Secretary Pitt, and also one from Major General Amherst, to be laid before you; from whence you will see the Necessity of furnishing your full Complement of men for the Service of this Year: Two Provinces on this Continent have already set the Example. I am also to inform you, that the Lords of the Treasury have, out of the money granted by the Parliament of Great Britain for that Purpose, allotted to this Province near Ten Thousand Pounds Sterling for its Service in the Year 1758, which is to be paid to the order of the Whole Legislature. It will therefore be proper, either by a concurrent Resolve, or by a Clause in the Act, to give the Treasurers a Special Power to receive this money, and place it to the publick Account.

Gentlemen,

I shall have occasion to speak to you again¹, when

¹ When he transmitted to the Assembly his final address he said, "I do assure you that I shall leave this province with regret. Your good disposition toward his Majesty's government, and your kind acceptance of my services, had given me the fairest prospect of an easy and creditable administration. I had flattered myself

the important Business I now commit to you, has had your full Consideration. At present I have nothing more to add, but to desire you would Maintain the Credit you have acquired in the Prosecution of this War, by your Earnestness, Unanimity and Dispatch, in providing for the Speedy Ending of it.

FRA: BERNARD

To His Excellency Francis Bernard, Esq; Captain General and Governor in Chief in and over his Majesty's Province of New Jersey, and Territories thereon depending in America, Chancellor and Vice Admiral in the same &c

The humble address of the House of Representatives of said Colony, in General Assembly met.

May it please your Excellency

We his Majesty's dutiful and loyal Subjects, the Representatives of the Colony of New Jersey, in General Assembly conven'd. beg leave to return your

that I might have done lasting service to this province in assisting to compose the differences that still prevail in it, to remove the few fears and jealousies, if any, that now remain, to rectify the little errors in policy which have inadvertently crept into the administration, and above all, to establish a perfect harmony in the general government, upon the surest foundation, an exact balance of the several political powers which compose it."

The Assembly in their answer, appear to have been aware of his merits. Say they: "Your Excellency's leaving this government, we esteem as a public loss, having in our minds anticipated the happiness we had the greatest probability of enjoying under your administration. Your knowledge in the profession you exercised antecedent to his Majesty's appointment of you to preside here, flattered us with hopes of a speedy and equitable decision of the only litigation of consequence which exists in the Colony [an allusion to the land question, involving the titles and rights of the Proprietors], and your general conduct will remain gratefully impressed on the minds of the people, who will ever consider themselves in a manner interested in your future care and happiness."

He started for his government of Massachusetts Bay about the 1st of July, destined to be far less agreeable to him than the one he was leaving.—*New American Magazine, published at Woodbridge.*—Ed.

Excellency our hearty Thanks for the early Advise you gave the Members of the General Assembly, of the Necessity of their meeting on a Matter very important to the Welfare of this Colony, and for your favourable Speech at the opening the Session.

We assure your Excellency, that we entertain the most grateful Sense of his Majesty's paternal Care over his Colonies, and shall exert ourselves to the utmost of our Power, to add as great a Number of Troops to his Majesty's Army, as our Circumstances will Admit of.

We esteem the great Blessings of Providence on his Majesty's Arms, as a certain Indication of the Justice of his Cause; and with the utmost Thankfulness, adore the Divine Goodness, in the extraordinary Interposition of Heaven in our favour.

The Steadiness and Wisdom of his Majesty's Councils; the Confidence of the Nation in his Ministers; the Bravery of his Forces both by Sea and Land, give us the most joyful Expectations that he Will, by the favour of Providence, be enabled to Oblige the French King to submit to equitable Terms of Peace, and to restrain him from making such unjustifiable Encroachments on his Neighbours, as have occasioned, in their Consequences, the Ruin of his Navy; loss of his Trade; the dismembering his Dominions, and the greatest Distress among all his Subjects.

The Letters from the Right Honourable M^r Secretary Pitt, and his Excellency General Amherst, laid before the house by your Excellency, convince us of the necessity of Supplying Troops for the General Service; and we have resolved to send this year a Complete and well appointed Regiment into the Field, to Act under the direction of his Majesty's Commander in chief, and hope that both the Officers and men will support the Credit and honour our Regiment hath justly Obtained in the Course of the American Wars.

We shall take effectual Care to authorize proper persons to receive and place in the Treasury, the Sum allotted for the Quota of this Colony, out of the money which the Tenderness of his Majesty and the British Parliament, for those Infant Colonies, have induced them to grant in Aid of the heavy Taxes to which the Vigorous Prosecution of this War has subjected the Colonies; and we most thankfully receive this Bounty.

By order of the House,

March 22^d 1760.

SAMUEL NEVILL Speaker.

His Excellency's Answer.

Gentlemen

I thank you for this dutiful Address, wherein your Loyalty and Gratitude to his Majesty, are so fully and forcibly expressed: I shall take Care to represent it so, that you may still appear in that favourable Light, in which you have been deservedly placed.

*Letter from Governor Bernard to the Lords of Trade
—commenting on the Bill for raising troops in the
Province.*

[From P. R. O. B. T. New Jersey, Vol. 8, I. 94.]

PERTH AMBOY Mar 29. 1760

R^t Honble Lords Comm^rs for Trade & Plantations.

My Lords

Having received his Majesties orders from M^r Sec^{ry} Pitt to provide for the next campaign I called the Assembly with all possible expedition. They accordingly met & having resolved to do no other business but bring in the bill for raising the regiment, they

passed that bill with great Unanimity & dispatch & I accordingly enacted it on the 25th inst. The Bill is in the same words with the former except two special clauses at the end of it. As to the offices appointed by the bill. I named the paymaster myself having particular occasion so to do: as this was assented to against the general opinion of the house, I left it to them to appoint the Commissaries, whom I had no reason but to approve of. In regard to the times of sinking of the money, I thought it unnecessarily prolonged & signified my disapprobation of it by a Message, in which I proposed that if they would add a clause to appropriate all the Money that had been or should be granted them by Parliament to the sinking the money now raised, the times for sinking it by Taxes might stand as it was. This being readily agreed to I waived my objection, as it is most probable that the Money granted by Parliament alone will sink the whole sum now raised being 45,000 pounds in less than 4 years. This is the subject of the two last clauses before mentioned. As for another objectionable part of the bill, that the paymaster &c have power to draw on the treasurers without the Medium of the Governor and Council, All the reasons that I gave for complying with it last year have the same or greater force now. To which another forcible one must be added, that it would be improper for me to begin a dispute which must be left to my Successor to finish: it will be much better for him to chuse his own time & manner to introduce a reform, which will at all times require nice conduct.

The good Temper which the people of the province are now in, will appear from the addresses of the Assembly; which, tho' expressed in terms too favourable to me, must be considered as the best evidence of a general good disposition to government. I make no doubt but that M^r Boone will be easily placed in the

same state of confidence & credit that I am in; as my connexions will be opened to him, and my policy, as it is very simple, will be easily explained.

I have not yet received the commissions, the packet boat, which is now due, not being arrived: Neither has M^r Boone fixed any time for his arrival here. Gov^r Pownall writes me now, that I must, if possible be at Boston by the middle of May to be ready to open the New Assembly which meets at the end of May. I hope there will be no danger but that M^r Boone & the Commissions will arrive before that time

I have the honour to be My Lords

Your Lordships most obedient

& most humble Servant

FRA. BERNARD

*Petition of the Earl of Stirling and others to the King
—praying for payment of the purchase money for
Long Island, granted to their ancestors.*

[From New York Colonial Documents, Vol. VII., p. 430.]

TO THE KINGS MOST EXCELLENT MAJESTY IN
COUNCIL.

The humble Petition of William Earl of Stirling, who is nearest heir male to William the first Earl of Stirling, And also to Henry the last Earl of Stirling, who died in the year 1739, and of William Phillips Lee of the City of New York Esq^r And Mary Trumbull of East Hampstead Park in the County of Berks Sp^r which said William

Phillips Lee and Mary Trumbull are Heirs at Law of the said Henry the last Earl of Stirling

Sheweth

That His late Majesty King James the first by Letters Patent bearing date the 3 day of November 1621, did grant to the Council for the Affairs in New England in America, their successors and assigns "All the "land of New England in America lying and being in "breadth from 40 Degrees to 48 Degrees of Northerly "Latitude, and in length of and within the breadth "aforesaid throughout the Main Land from Sea to Sea."

That the said Council did in the year 1635 among other things grant to William Alexander Earl of Stirling, "All that Island or Islands theretofore called by the name or names of Matawock, or long Island, and thereafter to be called by the name or names of Isle or Isles of Stirling, situate, lying and being to the Westward of Cape Cod or Narohigansets, within the Latitude of Forty or forty one Degrees or thereabouts, abutting upon the Main Land between the two Rivers there known by the several Names of Connecticut and Hudson's River, with all the Islands abutting or opposite to the same within 5 leagues of the Main.

That in the year 1636 the said Earl of Stirling deputed Capt. James Forrest his Agent and Governor for the said Island, whom he, that same year, sent over with a number of People for Planting the same, who arrived safe there, and made the first English Settlement in that Country, and in a few years it became a flourishing Colony and all the settlers were tenants to the Earl of Stirling.

That the said William Earl of Stirling died in the year 1640 and was succeeded by his grandson William, who died a few months after him, and the said last named Earl was succeeded by his Uncle Henry, who

did not well understand his American affairs, yet maintained his Governors in the said Islands of Stirling or Long Island, and promoted the further settlement thereof, which was frequently interrupted by the Dutch, who intruded into the same from their Colony of Nieu Netherland (now the Province of New York) But the said Earl of Stirling's New Governor Major Forrester opposing the Dutch in their attempts to settle at the West End of the said Island frequent contentions arose on that account, which were attended with a very considerable expence to the said Earl of Stirling.

That in or about the year 1662 the said Major Forrester and the Dutch Governor of Nieu Amsterdam agreed upon a conference for settling the said disputes and the said Major Forrester attended at the place appointed for that purpose, but the Dutch Governor instead of conferring with him seized his person, and put him on board a ship bound to Holland, but the said ship being by stress of weather forced into Spithead, Major Forrester was there releived from his imprisonment by the Captain of an English Man of War. That this and other injuries occasioned a War between England and the United Provinces which was declared in the year 1664.

That James Duke of York having a design to plant an English Colony between the Rivers of Connecticut and Delaware by the name of the Province of New York, and to drive the Dutch from their settlements at Nieu Amsterdam, and hearing much of the goodness of the soil of the said Islands of Stirling or Long Island, and of their contiguity to the Said Nieu Amsterdam, made application to Henry Earl of Stirling for purchasing his rights and title to the same, and in the year 1663, the Earl of Stirling agreed to sell the said Island to the Duke for £7000 Stirling, but the same not being paid, he did not convey his right or title to the Duke of York.

That on the 12th of March 166 $\frac{3}{4}$ James Duke of York obtained a grant from his brother King Charles the Second of all the Country between Delaware River and Connecticut River, by the name of the Province of New York, including therein the said Islands of Stirling or Long Island, and in the year 1664 King Charles the Second sent Sir Rob^t Carr and Col. Richard Nicholl with an armed force to conquer the Dutch Colony of Neu Netherland, which was affected the same year.

That the said Earl of Stirling made frequent application to the said Duke of York for the payment of the said £7000 but never could obtain payment of the same or any part thereof and on the 10th day of November 1674 the Duke of York agreed in lieu of the said £7000 to give the said Earl a Pension of £300 per annum out of the Revenues arising from his Province of New York; but tho: frequent application was made to His Royal Highness for the payment of the said Pension, and after he came to the Crown the like application was made to him and from time to time continued to his Successors down to the year 1712, no recompense has yet been obtained.

That on the Duke of York's succession to the Crown, the said Province of New York became part of the inheritance of the Crown, and Quit Rents of the same, together with those of the said Islands of Stirling or Long Island have ever since been received by the Receiver General of His Majesty's Revenues of the Province of New York.

That the Pet^{rs} humbly apprehend, that they are, as heirs of the said Earl of Stirling intitled in Equity to the said Islands of Stirling or Long Island, or the Consideration money which was agreed to be paid for the same, but the said Islands being now inhabited and possessed by many thousands of His Majesty's good subjects who have long enjoyed their estates under Grants from His Majesty and his predecessors, or by

bona fide purchases from Grantees under the Crown, who have regularly paid their Quit Rents to the Receiver General, and to whom it would now be the greatest hardship and distress to purchase a New Title to their possessions from the Pet^{rs} or be dispossessed of the same by Suits at Law.

Your Petitioners therefore most humbly pray your Majesty would be graciously pleased to order payment to be made to them of the £7000 with the Interest thereof or to give directions that such lands in the said Islands of Stirling or Long Island as have not been hitherto granted by the said Duke of York, afterwards King James the 2^d or any of His successors, may be restored to your Petitioners: And the Quit Rents now arising from the lands which have been so granted, may for the future be paid to your Petitioners.

And Your Pet^{rs} as in duty bound
shall ever Pray &c

STIRLING

W^m PHILLIPS LEE

MARY TRUMBULL

[June 1760]

Representation from the Lords of Trade to the King respecting the Dispute between Robert Hunter Morris and Nathaniel Jones for the Office of Chief Justice in the province of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 16, p. 293.]

To the King's most Excellent Majesty.

May it please Your Majesty,

FRANCIS BERNARD Esq^r Commander in Chief of Your Majesty's Province of New Jersey, having in several Letters which We have lately receiv'd from him, represented the Difficulties he has labour'd under, and the

confusion which has arisen in the Province, from a Claim set up by Robert Hunter Morris Esq^r to resume the Office of Chief Justice, to which he was formerly appointed, in Opposition to the Right of Nathaniel Jones Esq^r, whom Your Majesty was pleased to appoint to that Office in June 1759; We think it Our Duty humbly to lay before Your Majesty a State of the whole matter, to the end that your Majesty may give such Directions as shall appear expedient & necessary for bringing it to a proper and speedy Determination.

It appears that, upon the Death of Robert Lettice Hooper Esq^r who by Your Majesty's Warrant dated the 29th of February 1727-8 had been appointed Chief Justice of New Jersey, *during Your Royal Pleasure* and his Residence in that province, Lewis Morris Esq^r at that time Governor of New Jersey, did, by Letters Patent under the Provincial Seal, (a Copy whereof We humbly beg leave to annex,) give and grant the said Office to Robert Hunter Morris Esquire *during his good Behaviour*.

By Virtue of these Letters Patent M^r Morris exercised and enjoy'd the Office of Chief Justice, untill his return to England about the year 1753. And after residing here considerable time, he, by his Letters to us dated the 31st of March 1754, "desired Leave to resign his said Office, as his private Affairs would not permit him to attend to the Duties of it."

It was not till the beginning of the year 1757, that we were enabled to recommend to Your Majesty a proper person to supply the Vacancy Occasion'd by this Resignation. In the mean time M^r Morris return'd to America, being appointed Lieut^t Governor of Pennsylvania; and on his quitting that Government he repair'd to New Jersey, and (as M^r Bernard informs us) resumed his Seat as Chief Justice in Novemb^r Term 1756, and in each of the Terms in March, May and August in the Year 1757, at the latter end of which he return'd to England.

On the 16th of Febr'y 1757, your Majesty having been pleased, in Consequence of Our humble Representation, to appoint W^m Aynsley Esq^r to be Chief Justice of New Jersey, he accordingly repair'd to that province, and perform'd the Duties of his station during the Terms in March and May 1758; soon after which he died, And it is remarkable, that, during this Course of time M^r Morris neither contested the Appointment of M^r Aynesley here, nor set up any Claim of prior Right in the province.

Upon his Return to New Jersey however in Augst 1759 (at which time there was no person on the Spot appointed by your Majesty) M^r Morris signified to Governor Bernard his Intention to resume Office of Chief Justice, by Virtue of his former Patent, which, he said, was not Surrender'd or any otherwise determin'd. To this Claim the Governor objected the several Reasons contain'd in his Letter to us, of the 28th of August last, (an Extract of which We humbly beg leave to annex) and it was at length agreed between them, that M^r Morris should suspend his purpose and that the Governor should not appoint any other person to the Office, untill further Directions should be receiv'd from hence.

In the mean time Nathaniel Jones Esq^r, whom your Majesty was pleased in June 1759 to appoint Chief Justice of New Jersey, in the room of W^m Ayusley Esq^r deceased, arrived in the Province, & claimed to be admitted to that Office, in Virtue of the Royal Warrant; But M^r Morris insisted on his former pretensions. On the 22^d of Febr'y last, he set forth, in a letter to the Governor, (of which We humbly beg leave to annex a Copy,) the Reasons on which he founded those Pretensions. And on the 18th of March, the first day of the Session of the Supream Court, having previously signified his Resolution to the Governor, he took the seat of Chief Justice in that Court. And it appears by the

Minutes of the proceedings of the said Court on that day, that on M^r Jones's request to take the Oath of Office and to be admitted, the second Justice, (M^r Morris declining it) deliver'd the Opinion of the Court, as follows, "That since the Commission to M^r Morris grants to him a Freehold in the Office of Chief Justice of this province of New Jersey, and nothing was shewn legally to divest him thereof; this Court therefore cannot administer the Oath of Office to M^r Jones, nor admit him to enter into the Execution of the said Office of Chief Justice, But leave his Right to said Office, if any he has, to be determin'd by a due Course of Law."

Against this Resolution, M^r Bernard has thought it his Duty to enter a publick Protest on Your Majesty's Behalf, as appears by his Letter to us of the 22^d of March last, a Copy of which, together with an Extract of a preceeding Letter dated the 25th of Febr'y, We humbly beg leave to annex.

Having thus fully stated to your Majesty the several particulars of the Case, We have only further to offer our humble Opinion, that your Majesty should be graciously please to refer the whole matter to your Attorney Gen^l, with Directions to consider and report what Measures are most proper to be taken in Order to support your Majesty's Right of Nomination against the extraordinary and unprecedented Claim of M^r Morris.

Which is most humbly submitted.

DUNK HALIFAX.

SOAME JENYNS

W. SLOPER.

E^p ELLIOT.

Whitehall)
June 17^h 1760 }

*Letter from Governor Boone to the Lords of Trade—
informing them of his arrival in New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. 9, K, 1.]

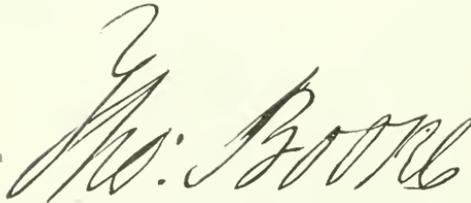
New Jersey Perth Amboy July 15th 1760

My Lords

I have the Honour to acquaint your Lordships that I lost no time in transporting myself hither, after I had received my Commission from on Board the Devonshire Man of war, which was Published here on Friday the 4th with the usual Ceremony, and on the 9th following at Burlington: Nothing my Lords of moment, has occur'd since my having assumed the administration, but I thought this Notification necessary, of my being now actually on the Spot to Receive your Lordships Commands, I have Honour to be my Lords with the utmost Respect

Your Lordships most Obedient &
most Humble Servant

THO: BOONE.¹



¹ at the time of his appointment as Governor of New Jersey, was a citizen of South Carolina. It is believed that prior to this appointment he had been a resident of the former province, although such belief is founded rather upon his own assertion than upon tradition or other testimony. The time and place of his birth, and even of his death are not definitely known, although it is almost beyond doubt that both of these events took place in England. Mr. William A. Whitehead in his "Contributions to the Early History of Perth Amboy," p. 177, says: "It seems probable, however, that he was the son of Thomas Boone, Esq., of the County of Kent, who died in the year 1749; and related in some way to two or three of the name who held important trusts under the Crown—one of them, George Boone, being Gentleman of the Bedchamber to the Prince of Wales in 1740." It is a remarkable fact that although his appointment was made November 27th,

Letter from R. H. Morris to Governor Boone, setting forth the state of the dispute between him and Mr. Jones for the office of Chief Justice.

[From P. R. O. B. T., New Jersey, Vol. 9. K. 3.]

AMBOY Augst 10th 1760

To His Excellency Gov^r Boone

Sir

Mr Barnard having left the Province without informing you of the Circumstances, under which the Office of Chief Justice is at present held; I think it my duty to lay before your Excellency, a full state of the Matter, and am happy in having an Opportunity of Submitting my Conduct on this Occasion to a Gentleman of Your Candor and understanding.

In 1738 I was Appointed Chief Justice of this Province, *during good behaviour*; and Continued in the Exercise of the Office till 1749, when at the request of his Majesty's Council, I went to England, to lay before the Ministry the state of the Colony, then disturbed by frequent Riots, and thrown into the utmost disorder and Confusion.

In March 1754, Just before I was named to the Government of Pensilvania, I wrote to the Board of Trade,

1759, he did not receive his Commission until about the first of July, 1760, and did not meet the Provincial Assembly until the thirtieth of October following, nearly a year after the date of his appointment. In less than six months from that time, April 14th, 1761, he was appointed Governor of South Carolina, and on the thirtieth of October of the same year was superseded by Governor Hardy, who had been appointed his successor. Governor Boone seems to have made many warm friends during his brief career in New Jersey, and this was, doubtless, due to his genial manners and honesty of purpose, rather than to his learning and ability as a chief magistrate. He held the government of South Carolina a little more than two years, when, having been removed, he repaired to England, where for several years he held the office of Commissioner of the Customs. He lived through the first ten years of the present century, and how much longer we are unable to say.

desiring their Lordships "would give me Leave to Resign the Office of Chief Justice." I had no Answer to that letter; And therefore as I Passed through New Jersey to Pensilvania, I made the same request to the Governor and Council; But they declined Accepting my Resignation, Saying the Offices were not incompatible, And the Provinces only separated by a River.

I went on then in the Discharge of the Duties of the Place, as well as the Perplexed Affairs of Pensilvania would permit, till 1756, when having Resigned that Government, I Returned to New Jersey, and Remained in the full Exercise of the Office till October 1757.

I beg leave to Observe that in All this time; a space of near *four years*, I had not the least Intimation, that the Board of Trade considered my Request of March 1754 as a Resignation.

In October 1757, I obtained Leave from the President of the Council to go to England; During my stay there, I Received Information from America, that M^r Ainsley was, Pursuant to his Majesty's Mandamus, Appointed Chief Justice of this Province: I Expressed my surprise thereon to your Predecessor, then in London; And Endeavoured to see the Earl of Halifax, but was so unfortunate as not to have an opportunity of speaking to his Lordship upon the subject.

When I returned to New Jersey, M^r Ainsley was Dead, and tho' I had no doubt of my Right to Resume the Bench, Yet, as M^r Barnard apprehended it might Embarras his Administration, I declined it till he should hear from England; But He, being soon after informed of M^r Jones' Nomination, told me, *I was quite at Liberty to take any measures I thought Proper, And that he wish'd nothing more than to see me established upon the Bench.*

The Character of M^r Jones which came here before him, and the Absurdity, to say no worse, of his behaviour, after his Arrival, greatly alarmed the People of all Ranks; And Occasioned the strongest Sollicita-

tions from the most considerate men in the Province, That I would insist on the Tenure of my Commission, and Resume the Bench.

Your Excellency will be the Less Surprised at the Earnestness, and Apprehensions Expressd on this Occasion, As you are sensible the first seat in the Highest Court of Common Law, in the Province, is of great Importance to the Privileges and Properties of the People, and may Essentially Affect the Rights and Prerogatives of the Crown

It may not be improper here to inform your Excellency, that the profits of the Office fall short of one hundred pounds Sterling A Year a sum, by no means adequate to the trouble and Expence attending the Employment.—I was therefore very indifferent as to the benefits arising from the Office, But could not be so, when the Publick safety was at stake, and the Royal Authority ready to fall into hands that must have brought it into the utmost Contempt.—Even under these Circumstances, I did not set up my Claim without acquainting M^r Barnard with my intentions who, in Presence of M^r Ogden and M^r Read, Acquitted me Again, of any Engagements to him on the Occasion; and at the same time was Pleased to thank me for the tenderness and Regard I had shown to his Administration.

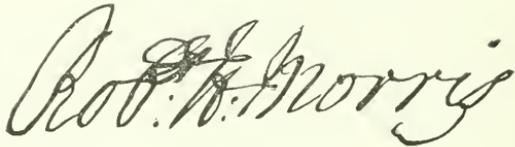
For what Pass'd in Court upon M^r Jones's producing his Commission, I beg leave to refer your Excellency, to the Minutes of that day, which I have the honor to inclose.

My own and the Conduct of my family, who have been Constantly engaged in Support of the Royal Authority, in these Colonies, when it stood in need of every aid, Render it unnecessary to vindicate myself, even from the surmise of Opposition to Government; For this I may Appeal to the Minutes And papers of the Board of Trade, and to the Records of this and the Neighbouring Provinces of New York and Pensil-

vania.—Besides, a People unused to the Necessary Subordinations of Government, are in danger of falling into Levelling and Democratical Principles, And I am too Sensible of the Mischievous Tendency of such a Spirit, to be led into measures that might encourage it; And which, by weakening the Administration must destroy the Peace and Happiness of the Provinces.

Upon the whole Sir as I know you have nothing so much at Heart, as to maintain the Dignity of the Crown and promote the Prosperity of the Province, I beg Leave to Assure your Excellency, That whatever the Issue of this Affair may be, you will find me ever ready to Concur in every measure Conducive to those Salutary Ends. I have the Honor to be with Great Respect Sir

Your Excellency's Most Obed^t and
Most Humble Serv^t



To. H. E. Gov^t Boone

*Letter from Governor Boone to the Lords of Trade—
transmitting the foregoing letter from R. H. Morris.*

[From P. R. O. B. T., New Jersey, Vol. 9, K. 2.]

PERTH AMBOY Sept 3^d 1760

My Lords

Since I had the honour of writing to your Lordships the 13th of July, nothing of the least Consequence has happened in this Province.

The Papers which I now take the liberty to Enclose

to your Lordships, have been transmitted me by M^r Morris, who from an apprehension that a Particular and Satisfactory Account of his Opposition to M^r Jones had never reached your Lordships, Proposed to me to Convey the Enclosed; I assented without hesitation, & the rather, because in your Lordships Letter to Gov^r Barnard of the 14th of December you appear to me desirous of all Possible Information on this head, and because, I am a perfect Stranger to the Representation that Gov^r Barnard may have given your Lordships of this Matter, for though I requested a Sight of his Letter to your Lordships, in order to Know fully, & fix more strongly the Circumstances in my memory than the common recital in conversation which he did give me could Possibly do, (for in this Respect M^r Morris is mistaken) Yet from hurry or Accident he Omitted it I cannot therefore think the Trouble I now give your Lordships unnecessary

I have the honour to be My Lords

with the utmost Respect Your Lordships

most Obedient & most Hum^{bl^e} Servant

THO. BOONE.

Order from Secretary Pitt to continue the use of the former Seal of New Jersey.

[From Book AAA of Commissions, in the Secretary of State's Office Trenton, N. J., fol. 345.]

GEORGE R.

Our Will & Pleasure is and We do hereby Authorize and Impower you to make Use of the Publick Seal made use of within our province of New Jersey, in America during the Life Time of our Dearest Grand Father the late Deceased King for Sealing all things Whatsoever that are Used to be Sealed therewith un-

till Another Seal shall be prepared & Transmitted to our said Province duly Authorized by Us And for so doing this shall be your Warrant Given at our Court at Saville House the 20th day of October 1760 in the first year of our Reign.

By His Majestys Command.

W. PITT.

Superscribed.

To our trusty and Well beloved Thomas Boone Esq. our Captain General & Governor in Chief in and over our Province of Nova Ceesarea or New Jersey in America And in his absence to the Commander in Chief or to the President of our Council of our said Province for the Time being.

Letter from Governor Boone to Secretary Pitt in regard to the imputed illegal Trade in New Jersey.

[From P. R. O., America and West Indies, Vol. 72.]

PERTH AMBOY New Jersey Oct: 23^d 1760

Sir

I yesterday only had the Honour of Receiving your Letter of the 23^d of August, relating to the Illegal Trade that has so generally Prevailed in these parts of his Majesty's Dominions; I beg leave to assure you Sir that since my Arrival in this Province, nothing of the Kind has been Connived at, nor I believe practised, and Indeed by the late Assiduity of the Cruizers in the West Indies, & the Kind of Civil war that has been waged by Privateers on these Traders belonging to different Provinces, the Risks are become too considerable to allow of its being pursued so universally or successfully as formerly: Upon this Sir, & all other Occa-

sions I shall Pay the Strictest Obedience to his Majesty's Commands, and as I shall be diligent in Informing myself, so shall I have the honour of Communicating to you the Result of my Enquiries into this Iniquitous Commerce. I have the honour to be

Sir with the utmost Respect & Deference
your most Obedient & most

Humble Servant

THO: BOONE.

*Representation from the Lords of Trade to the King,
inclosing a draft of a proclamation for proclaim-
ing him in the American Plantations.*

[From P. R. O. B. T., Plantations General, Vol. 41, page 3.]

To the Kings most Excell^t Maj^{ty}

May it please Your Majesty,

In obedience to Your Majesty's Order in Council dated the 27th instant, inclosing to Us the Draught of a Proclamation for proclaiming Your Majesty in your respective Plantations in America, and directing Us to prepare as many Draughts properly fill'd up for the several & respective Colonies & Plantations there, as shall be necessary for that purpose; We have prepared the same accordingly, and herewith humbly lay them before Your Majesty, having added to those Proclamations prepared in the year 1727 upon the Accession of his late Majesty, the proper Ones for proclaiming Your Majesty in the Colony of Georgia, the Islands of Cape Breton and Gaudaloupe, and in Canada, the former which has been since erected into a Colony under the immediate Government of the Crown, and Canada, Cape Breton & Gaudaloupe subjected to Your Majesty's Sovereignty & Dominion.

Upon this occasion We beg Leave most humbly to submit to Your Majesty, whether, for the more certain and speedy Conveyance of the said Proclamations, and of such Directions as may be sent with them, it may not be adviseable, that two small Vessels be dispatched on purpose, the one to New York, which will serve for all the Provinces on the Continent, and from thence to Cape Breton and Placentia in Newfoundland, and the other to Barbadoes, and any one of the Leeward Islands, Gaudaloupe, Jamaica and Bahamas.

Which is most humbly submitted

DUNK HALIFAX
W. G. HAMILTON
ANDREW STONE
W SLOPER

WHEREAS it hath pleased Almighty God to call to his Mercy Our late Sovereign Lord King George the Second of blessed and glorious Memory, by whose Decease the Imperial Crown of Great Britain, France and Ireland, as also the supreme Dominion and Sovereign Right of the

are solely and rightfully come to the High and Mighty Prince George Prince of Wales; We therefore the

do now hereby with one full Voice and Consent of Tongue & Heart publish and proclaim, that the High and Mighty Prince George Prince of Wales is, now by the Death of Our late Sovereign of happy and glorious Memory, become our only lawfull and and rightfull Liege Lord George the Third, by the grace of God King of Great Britain, France and Ireland, Defender of the Faith, Supreme Lord of

and all other His late Majesty's Territories and Dominions in America; To whom We do acknowledge

all Faith & Constant Obedience with all hearty and humble Affection, Beseeching God, by whom Kings and Queens do reign, to bless the Royal King George the Third with long and happy years to reign over Us.

Given at

GOD SAVE THE KING.

Circular Letter from the Lords of Trade to the Governors in North America, informing them that warrants for using the old seals were in preparation.

[From P. R. O. B. T. Plantations General, Vol. 41, p. 24.]

To Thomas Boone Esq^r Governor of New Jersey.

Sir

In consequence of the melancholy Event of the King's Death on the 25th instant, I am directed by the Lords Commiss^{rs} for Trade and Plantations, to take the Opportunity by the Packet of acquainting you, that the necessary Forms for proclaiming his present Majesty in the Colonies, together with Warrants for using the old Seals, Proclamations for continuing Officers in their Employments, Orders for Alteration of the Liturgy &c. &c. are preparing with all possible Dispatch, & will be transmitted to yourself & the rest of the Governors and Commanders in Chief of His Majesty's Colonies in America in a few Days. I am

Sir, Your most Obedient

humble Servant,

JOHN POWNALL Secy.

1760 October 29th

N. B. A like Letter was sent to the Governors and Commanders in Chief of Nova Scotia N. Hampshire

Massachusetts New York Pennsylvania Maryland Virginia N^o Carolina S^o Carolina Georgia & to y^e Gov^{rs} & Comp^y of Rhode Island Connecticut and to the Governors of Barbados Jamaica Leew^d Islands & Guadeloupe on the 31st inst^t

Representation from the Lords of Trade to the King, with draft of Instructions to the Governors in America relating to the alterations in the prayers for the Royal family.

[From P. R. O., B. T., Plantations General, Vol. 41, p. 25.]

To the King's most Excell^t Majest^y

May it please Your Majesty,

In Obedience to Your Majesty's Order in Council of the 29th instant, directing Us to prepare Draughts of Instructions proper to be sent to all the Governors of Your Majesty's Plantations in America relating to the Alterations in the Prayers for the Royal Family, We herewith humbly lay before Your Majesty the Draughts of such Instructions as We conceive proper on this Occasion for Your Majesty's Royal Approbation.

All which are most humbly submitt^d

DUNK HALIFAX.
ANDREW STONE.
W: G: HAMILTON.
W. SLOPER.

1760 October 30th

Additional Instruction

to Our Trusty & well beloved Charles Lawrence Esquire Our Captain General & Governor Chief in and over Our Province of Nova Scotia or Accadia in

America; And in his Absence to Our Lieutenant Governor or Commander in Chief of the said Province for the time being: Given at Our Court at Leicester House the 30th of October 1760 in the first Year of our Reign.

Whereas We have been pleased by Our Order in Council of the 27th of October instant, (a Copy whereof is hereunto annexed) to declare our Pleasure, that in all the Prayers, Litanies and Collects for the Royal Family, instead of the Words (*their Royal Highnesses George Prince of Wales, the princess Dowager of Wales, the Duke, the Princesses and all the Royal Family.*) there should be inserted, (*Her Royal Highness the Princess Dowager of Wales & all the Royal Family;*) Our Will and Pleasure therefore is, that in all the Prayers, Litanies and Collects for the Royal Family, to be used within Our Province of Nova Scotia or Accadia under your Government, instead of the Words *their Royal Highnesses George Prince of Wales, the Princess Dowager of Wales, the Duke, the Princesses and all the Royal Family,* there be inserted *Her Royal Highness the Princess Dowager of Wales and all the Royal Family.* And for the better Notice hereof in our said Province, It is Our further Will & Pleasure, that you cause the same to be forthwith published in the several parish Churches & other Places of divine Worship within the said Province, and that you take Care that Obedience be paid thereto accordingly.

N. B. A like Instruction was sent to the Govern^{rs} of N. Hampshire Massachusetts Rhode Island Connecticut New York New Jersey Pensylvania Maryland Virginia N^o Carolina S^o Carolina Georgia Bermuda Bahamas Leew^d Islands Barbados Jamaica

Warrant to David Price to impress vessels to transport troops to New Jersey.

[From New York Colonial MSS., Vol. LXXXIX, f. 29.]

By _____¹

To all whom these Presents shall come or may
Concerne, Greeting.

Whereas a number of Vessels are required for Carry-
ing a Body of his Majesty's Troops from this Port to
Amboy to be quartered there and in other Places in
the Province of New Jersey, I have therefore thought
fit to authorize and empower and I do by and with the
Advice of his Majestys Council hereby authorize and
empower David Price Esq^{re} Agent for Transports to
impress into his Majesty's Service such a number of
Sloops Boats and small Vessells as shall be sufficient
to carry the Troops aforesaid to Amboy or other parts of
New Jersey, paying the usual Rates for the same, im-
pressing first such Boats and Vessells as belong to
New Jersey and the Magistrates Justices of the Peace
Sherif and other Civil Officers in this City and County
of New York are hereby required to be aiding and
assisting in the Execution of this my Warrant to
which all Persons are to pay due Obedience at their
Peril.

Given under my Hand and Seal at Arms at Fort
George in the City of New York the twenty first
day of November 1760.

¹ Cadwallader Colden was then President of the Council.—[B. Fernow.]

Letter from the Lords of Trade to Mr. Major, Engraver of Seals, with directions for engraving new ones for the Colonies.

[From P. R. O. B. T., Plantations General, Vol. 41, Page 36.]

To Mr Major His Majesty's Chief Engraver
of Seals.

Pursuant to His Majesty's Order in Council dated the 11th of November last, directing you to prepare Draughts of New Seals for His Majesty's Plantations in America, according to such directions as you shall receive from Us, We do hereby require you accordingly, in preparing the said draughts for the several Plantations undermention'd, to observe the following Directions.

In all the said Draughts you are to follow this general Rule, besides the particular Directions respecting the Seal of each Colony, that His Majesty's particular Arms and foreign Titles be inserted as in the Great Seal of this Kingdom, in order to which you are to use your Discretion in contracting the Words. The particular Directions for the Draught of the Seal for each are as follow,

* * * * *

NEW JERSEY

The King's Arms, Garter, Supporters, Motto and Crown with this inscription round the same, *Sigillum Provinciae Nostrae de Nova Cæsarea in America*; and in an outward Circle this other Inscription, *Georgius tertius Dei Gratia Magnæ Britanniæ, Franciæ, et Hiberniæ Rex, Fidei Defensor, Brunsvici et Luneburgi Dux, Sacri Romani Imperii Archithesaurarius et Elector.*

By Order of the Lords Comm^{rs} for
Trade & Plantations

JOHN POWNALL Secretary

Whitehall Dec^r 2^d 1760

*Letter from Governor Boone to the Lords of Trade—
referring to the amicable proceedings of the last
Assembly.*

[From P. R. O. B. T. New Jersey, Vol. 9, K. 8.]

New Jersey Perth Amboy Dec 15th 1760

My Lords

I have the honour to Acquaint you that the general Assembly of this Province which met the Twenty Seventh of October after a Session of near Seven Weeks Ended very Amicably; I flatter myself your Lordships will not disapprove of my Transactions when I transmitt you a more Particular Account of our Proceedings & Copies of the different Acts that I have Passed, which shall be done with all Possible Expedition, Each under a separate Seal as I observe was Signified to Gov^r Bernard, The Government is Supported for two years, which has not been done till now since the year 1749. The office of Chief Justice is Provided for also without the Persons being named, as was usual. This (with some Difficulty) I obtained on Account of the uncertainty I am in with Regard to the Contest M^r Jones & M^r Morris, who lately has Presented me a Memorial that I Enclose your Lordships which will Excuse my Expressing an Impatience to Receive Your Lordships Directions in that Matter. I have the Honour to be with the greatest Respect

My Lords Your Lordships most Obed^t &
most Hum^{ble} Servant.

THO: BOONE.

*Letter from Governor Booue to the Secretary of the
Lords of Trade in relation to the defective Post
arrangements in the Province.*

[From P. R. O., B. T., New Jersey, Vol. 9. K. 5.]

PERTH AMBOY Jan^{ry} 12th 1761

[Extract.]

Sir

* * * * I mean that this should be Conveyed to you by the Halifax Packet now under sailing orders, but by the Posts not passing either through this Place, or Burlington, the only two places where the legislature is ever assembled, unless upon very uncommon Occasions,¹ I may sometimes appear tardy to their Lordships with all the Inclination to be otherwise; I have already Endeavour'd by an application to L^d Besborough to Obtain an order for the Posts passing through here as formerly, who has *been Polite Enough* to write me a favourable Answer, but at the Same has refer'd it to M^r Franklyn *who is the very Person as I am told, that alter'd its Route, and that too upon some Pique*; If their Lordships should think Proper to mention this to the Postmaster General it would undoubtedly be Remedied² I am Sir

Your most Obedient &
most Hum^{ble} Servant

THO: BOONE.

¹ For an account of the mail and traveling facilities in New Jersey during the Colonial period see "Contributions to the Early History of Perth Amboy and Surrounding Country," p. 267.—Ed.

² This extract from the Governor's letter was referred to Henry Potts, Secretary to the Post Master General on April 9, 1761.—Ed.

*Petition of Philip Swartwout and others—Northern
Boundary Dispute.*

[From New York Colonial MSS., fol. 69.]

To the Honourable Cadwallader Colden Esq^r
president of his majesty's Councill & Com-
mander in chief of the province of New
York

The Petition of Philip Swartwout an Inhabitant
of Ulster in the province of New York.

Humbly Sheweth

That your Petitioner Together with one William Cutteback in behalf of themselves and others Inhabitants with in this province did some time in the month of September in the year of our Lord one Thousand seven hundred and fifty nine prefer their humble Petition to the Honourable James DeLancey Esq^r late Lieutenant Governor and Commander in Chief of this province therein among other things setting forth the peculiar Hardships to which your Petitioner was then exposed by reason of the prosecution of a certain action of Ejectment against your petitioner in the Supream Court of the province of New Jersey for your petitioners Lands lying within this province of New York.

That your Petitioner a few days before the presenting of the said Petition in order to prevent the intire ruin of himself and his family which would inevitably have ensued on a Rigorous Execution of the writ of Possession in the said Ejectment and being unprovided with Council to advise him in so distressing a situation was obliged to accept of a Lease from a person Claiming under a New Jersey Title a Copy of which

Lease is hereunto annexed, Conceiving such acceptance to be the only means of relief, until he could resort to the Government of this province, which he soon after did by his abovementioned Petition.

That such vigorous measures were taken by the said Honourable James DeLancey as Commander in chief of this province that your petitioner had the highest reason to hope for the undisturbed possession of his farm until a final Settlement of the Controverted Bounds Between this province and the province of New Jersey, little Immagining himself to be in Danger from any ill use that might be made of the aforesaid Lease so extorted from him as aforesaid as long as the Government of this province should think proper to exercise a Jurisdiction, which in its extent would include your petitioners farm.

And however notwithstanding the steps which were taken by the Government of this Province in Consequence of the aforesaid Petition, sundry persons who call themselves Inhabitants of New Jersey to wit * * * Randell Abraham Johnson Nathaniel Westfall and Nicholas Emmons forcibly seized your Petitioner being then on his farm within this province and in Virtue of a pretended writ from some court in the province of New Jersey (which however they refused to shew or give a copy of to your petitioner) They compelled your petitioner to go with them into Sussex county in New Jersey aforesaid where they threatened to imprison your Petition unless he would enter into Bond with security in the penal Sum of Sixteen hundred Pounds to appear at the next County Court to be held in sussex aforesaid on the third Tuesday in February Instant to answer unto Jacob Westfall Simon Westfall and Deborah Davis: which Bond Your Petitioner dreading the miseries to which an Imprisonment in this rigorous season of the year would Naturally expose him was constrained to enter into and procure

one Johannes Westbrook to be bound with him in the same.

That as the said arrest was made within this province and the said Bond obtained of your Petitioner by Duress your petitioner thinks it would be a great Hardship should he be obliged to appear and make his Defence in a New Jersey Judicatory in which Considering the Nature of the Controversy he cannot Expect Justice will be administered to him.

Your petitioner therefore humbly prays that your Honour will be pleased to take him under your Protection and grant him such releif in the premisses as in your Honours superior Wisdom shall seem meet.

And your petitioner shall ever pray &Ca

PHILIP SWARTWOUT.

CITY OF NEW YORK Ss; The above named Philip Swartwout being duly sworn Deposeth and saith that the matters of fact contained in the above petition are true & further saith not.

Sworn this — day of }
February 1761 } PHILIP SWARTWOUT.
Before me

WM. SMITH.

THIS INDENTURE made this twelfth day of September in the Thirty third year of the Reign of King George the Second Anno: Dom: 1759 Between Anthony Vannatta Esq^r of the first part And Philip Swartwout of the second part WITNESSETH that the said Anthony Vannatta for the rents & Covenants herein after mentioned have Demised set and to farm let unto the said Philip Swartwout all that Lot of Land that the said Philip Swartwout have Summer fallowed and plowed this year, Excepting Twelve Skeaple Sowing to be taken of the lore End of the plow'd Land and the said Philip Swartwout is to have twelve Skeaple¹ sowing

¹ Schepel is Dutch for bushel.—[W. N.]

without paying any rent & he is to give every fourth Sheaf of one half he doth raise on the premisses and every third Sheaf he doth raise on the other half Excepting the said Twelve Skeaple sowing which he is to pay nothing for & the said Philip Swartwout doth hereby bind himself his heirs Executors administrators in the sum of Eight hundred Pounds Current Proc: money of N. Jersey to give Quiet & peaceable Possession of the premisses at or before the first day of August next ensuing.

Sealed & Delivered in the } ANTHONY VAN ETTEN (L. S.)
 presence of }
 RICH^d GARDNER
 SIMON WESTFALL

(Endorsed:)

To the Honourable Cadwallader Colden Esq^r & C^a & C^a The Petition of Philip Swartwout Complaining of the service of New Jersey process within this province of New York & praying releif. 9 February 1761 Read in Council

Letter from President Colden of New York to Governor Boone of New Jersey—Northern Boundary Dispute.

[From New York Colonial MSS., fol. 71.]

NEW YORK 12th February 1761

Sir,

The subject of this Letter is a Complaint of one Philip Swartwout an Inhabitant of Orange County within this province contained in his Petition preferred to me on the 9th Instant a Copy of which I herewith send Your Excellency. I am heartily sorry that the civil Officers of New Jersey by a fresh Invasion of the

ancient and long continued Jurisdiction of this Province, notwithstanding the many Complaints that have already been made of their former Conduct and the repeated Attempts on our part to put a Stop to so unjustifiable a practice should still furnish Occasion for Animadversion.

But Sir, that you may be fully acquainted with the merits of the Petitioners Cause it will be proper to inform You that his Farm in the possession of which he has succeeded his Father Jacobus is one of those few at Minisink which now remain Subject to the Jurisdiction, and have been held under the Government, of this province ever since the first settlement of that part of the Country; the Inhabitants of many other Farms having by the unjustifiable Practices of the people of New Jersey been either persuaded or Compelled to acknowledge another Jurisdiction. Some time in the Year one thousand seven hundred and fifty five four Ejectments were Commenced in the Supream Court of your Province by one Cornelius Westfall against the petitioners Father and three other persons named in the other petition a Copy of which is herewith also sent You, Whereupon the Defendants applied to Council and put in pleas to the Jurisdiction of the Court therein alledging that the Lands sued for were situated within this Province. This Defence having laid those Causes at Rest for some Years, the Defendants had great Reason to expect that the plaintiff had discontinued them untill some time in the Month of September 1759 when the Petitioner Philip Swartwout without the least Notice that his plea to the Jurisdiction was overruled or the Service of any Rule on himself or his Council to answer over was surprized with a Writ of Possession and thus under a foreign Title and by process issuing out of a foreign Judicatory was forcibly divested of the possession of Lands which had been held under the Government of this Province for

upwards of Sixty Years. Yet unjustifiable as such proceedings evidently were he, to prevent the absolute Ruin of Himself and his Family and at that Juncture seeing no other Expedient would avail, was constrained to accept of a Lease a Copy of which is also herewith sent. But having submitted to this Hardship to get rid of those who had so unjustly divested him of the possession of his Estate, and his Neighbours against whom the other three Ejectments had been commenced fearing the like Treatment they preferred their petition already noticed to the Honourable James De Lancey Esq^r my Predecessor complaining of the Injury and praying a Redress. What steps were taken in consequence of that Application you will find by a Copy of the Order of the Lieutenant Governor and Council herewith also sent you, who justly considered the persons concerned in the Service of the Writ of Possession as lawless Rioters and therefore gave Directions for their Apprehension. However, Sir, whether thro' the Neglect of our Officers or a Sense of Guilt which put the Delinquents on their Guard none of them were taken and the petitioner continued in the possession of his Estate until lately, when on pretence of his Non Compliance with the Terms of the above mentioned Lease he was served with a Writ on his own Estate & consequently within the ancient and long continued Jurisdiction of this Province and hurried by force into the County of Sussex within your province where in Order to Escape the Miseries of a lawless Imprisonment he by duress executed a Bond with Security for his Appearance at the inferiour Court in Sussex County on the Seventeenth Instant to answer to the plaintiffs Inhabitants of New Jersey.

This, Sir, is a brief State of the petitioners Case, whose Residence within this province entitles him to my protection, while at the same time my Duty as his Majesty's Representative in this Government will not

suffer me to overlook so notorious a Contempt of its Authority.

It is presumed and doubtless with great Reason that while two Provinces are contending about the Extent of their Jurisdictions they should be left in possession of what from the earliest Times they have respectively enjoyed until the Royal Arbiter of their Differences shall think proper to pronounce the final Decision; Whence it is easy to conceive that his Majesty will be highly displeas'd at any presumptuous Incroachments, that may be made by the people of New Jersey upon the Jurisdiction of this Province. I therefore thought it my Duty to inform you of this late Violation of the Rights of Government in the fullest Assurance, that you will be pleas'd to take such Measures as will be effectual not only for the punishment of the Offenders and the prevention of future Insults but also for the speedy Relief of the petitioner whose Attendance at the Sussex Court I persuade myself your Excellency will find means to render unnecessary.

I wrote this by advice of his Majesty's Council for this Province, not doubting your Excellency will contribute everything in your power to preserve peace & good neighbourhood between the two provinces so essentially necessary for his Majesty's service and the wellfair of both. I am with the greatest regard¹

S^r

¹ The last paragraph is in the handwriting of President Cadwallader Colden himself.—[B. Fernow.]

Order of Council directing the Lords of Trade to prepare warrants for continuing Christopher Coates and Joseph Warrell in their offices of Secretary and Attorney General of New Jersey.

[From P. R. O. B. T., Vol. 9, K. 7.]

AT THE COURT AT ST JAMES'S THE 17TH DAY OF
MARCH 1761.

PRESENT

The King's Most Excellent Majesty in Council

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 11th of this Instant, proposing that Christopher Coates Esq^r Secretary of the Province of New Jersey and Joseph Warrell Esq^r Attorney General of the said Province, both of whom His late Majesty was pleased to appoint to those offices, may be continued in their said offices by His present Majestys Royal Appointment.—His Majesty in Council approving thereof is pleased to order, as it is hereby Ordered, that the said Christopher Coates and Joseph Warrell Esq^s be continued in their said offices. And that the Lords Commissioners for Trade Plantations do cause Warrants to be prepared for that purpose, and lay the same before his Majesty at this Board for His Royal Approbation

W. SHARPE

Extract from a letter from Rev. David Bostwick to Rev. Joseph Bellamy—Death of Rev. Samuel Davies, fourth President of the College of New Jersey.

[Presbyterian Hist. Soc. Papers, Phila.]

[After having declined the appointment of President of the College of New Jersey, tendered to him on the 16th of August, 1758, Mr. Davies was finally induced to accept it, having been a second time elected, May 9, 1759. He died, however, a little more than eighteen months afterward, February 4, 1761, at the early age of thirty-six. Mr. Bostwick in his letter to Mr. Bellamy, dated at New York, March 37, 1761, says:]

Mr Davies death has struck us with astonishment, and spread a gloom over the whole Country. The loss cannot be expressed. I believe there never was a College happier in its President, or in a more flourishing State. He far exceeded the expectations of his best friends. As you were not personally acquainted, you can hardly conceive what prodigious uncommon gifts the God of Heaven had bestowed upon that man to render him useful to the world. * * * His Sermon on the death of his late Majesty I purpose to Send you with this; the first impression tho' 1000, is gone; a Second is in the press. It was the last work of a public nature he ever did: * * * The people of Philadelphia have Collected £95 per annum for five years, to Support his three sons at College, and Philadelphia and New York have raised between four and five hundred pounds for the widow and two daughters, for he left very little Estate.

Order of Council approving of the proposition from the Lords of Trade proposing that Josiah Hardy be appointed Governor of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. 9. K. 6.]

* ~ ~ *
L. S.
* ~ ~ *

AT THE COURT AT S^T JAMES'S THE 20:
DAY OF MARCH 1761

PRESENT

The King's most Excellent Majesty in Council

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and plantations dated the 17th instant proposing that Josiah Hardy Esq^r may be appointed Captain General and Governor in Chief of His Majesty's Province of New Jersey in the room of Thomas Boone Esq^r His Majesty in Council approving thereof, is pleased to Order as it is hereby Ordered, That the said Josiah Hardy be constituted and appointed Captain General and Governor in Chief of his Majestys said Province of New Jersey in the room of the said Thomas Boone Esq^r And that the said Lords Commissioners do prepare a Draught of a Commission and likewise a Warrant for passing such Commission under the Great Seal, And that they do also prepare Draughts of Instruction for the said Josiah Hardy, and lay the same before His Majesty at this Board for His Royal Approbation.

W. SHARPE

Letter from Governor Boone to the Lords of Trade informing them as to what had been done in New Jersey toward raising an additional number of men for the service of the year 1761 and as to other matters.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 13.]

P. AMBOY April 8th 1761

My Lords

I have the honour to Acquaint you that last night I passed and Act for the Raising Six Hundred Effective Volunteers to Act under his Majesty's Commander in Chief, being as the Assembly deem it two Thirds of the Number raised in this Province last Year, but their Regiment was or ought to have been a Thousand, I used Repeated Efforts to Obtain the trifling additional Number but a Report prevailing that the New York Assembly had voted less than the Kings Requisition, my Endeavours were Unsuccessful; This Deficiency has Occasioned my declining to Concur with them in an address to his Majesty upon his Accession which has been Customary; I thought it a little Inconsistent, to have his Majesty's first Requisition from this Province through me denied in Part & yet to Express my Satisfaction at their Conduct by Joining them in their address, it appears to me necessary to Mention this to your Lordships, that whilst I resent this Want of deference to the Crown I might not be Supposed backward in Professing my Duty to his Majesty; I must however do the Province this Justice to Say that they are in general in extreme good Temper, & I have promised to Set their Conduct in as favorable a light as I can consistently with Truth. I have also passed another act to Obviate Doubts that might arise about the Validity of our Acts passed since the Demise of his late

Majesty, to Continue the Assembly for Six Months upon such an Event, & to render the Ordinance for the Establishment of Courts durable, unless abolished by proper Authority. Your Lordships will I hope find this Act Carefully drawn, you are too well Acquainted with our Debt in this Province, & the Manner of Raising Money for the Kings Service, for me to dwell on this Subject I must beg your Lordships however to Recollect, that every Shilling given by Parliament to this Colony or to be given, was appropriated before my arrival here, I flatter myself you will think I have done well, in having the Money now Voted laid upon the five years the least loaded, & approve of my having Strenuously opposed, & positively refused their Proposal of protracting the time for their sinking this Debt beyond the Term I found their other Debts Extended to. Your Lordships shall have these several Acts as soon as possible. I have the honour to be My Lords

Your most Obed^t. & most Humble Servant

THO: BOONE

Letter from Governor Boone to Secretary Pitt—relating to the action of the Assembly of New Jersey.

[From P. R. O. America and West Indies, Vol 73.]

PERTH AMBOY New Jersey April 8th 1761

Sir

Immediately on the Receipt of your Triplicate of the 17th of Dec^r I called together the Assembly of this Province, & Communicated to them his Majesties Commands, & I now have the Honour to Acquaint you that they have granted Six Hundred Effective Men as two thirds of the Number they Raised last year,

but their Regiment last year was or ought to have been a Thousand, I used Repeated Efforts to Obtain the trifling additional Number without Avail; What has been done was with Chearfulness, & though I thought it Inconsistent to Concur with them in an address to his Majesty as they have not fully come up to the Kings Requisition, I have dismissed them in good humor

I have the Honour to be Sir with the greatest Respect & deference

your most Obedient & most Hum^{ble} Servant

THO: BOONE

Order in Council approving a Commission for Josiah Hardy, Esq., to be Governor of New Jersey.

[From P. R. O., America and West Indies, Vol. 105.]



AT THE COURT AT ST JAMES'S THE 14TH
DAY OF APRIL 1761

PRESENT

The King's most Excellent Majesty in Council

Whereas the Lords Commissioners for Trade and Plantations have this day laid before His Majesty at this Board (pursuant to His Majestys Order for that purpose) a Draught of a Commission prepared by them for Josiah Hardy Esq: to be Captain General and Governor in Chief of the Province of New Jersey, together with a Warrant for His Majestys Royal Signature for passing the said Commission under the Great Seal of Great Britain.—Which Draught of a Commission being in the usual form.—His Majesty was pleased with the

advice of His Privy Council to approve thereof, and to order, as it is hereby ordered, that the Right Honourable William Pitt Esq^r one of His Majestys Principal Secretarys of State do lay the said Draught of a Commission and Warrant (which are hereunto annexed) before His Majesty for His Royal Signature.

HEN FANE

Letter from Charles Boone to the Lords of Trade praying that his brother, Governor Boone, be allowed to visit England before going to assume the government of South Carolina.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 10.]

APRIL 16th 1761

John Pownall Esq^r

Sir

It being very necessary for my Brother M^r Thomas Boone to return to England on account of his private affairs before he goes to the Government of South Carolina; to which his Majesty has been graciously pleased to appoint him, I humbly beg you would move the Lords Commissioners of Trade & Plantations, to obtain his Majesty's Royal Permission for that purpose: in doing which you will very much oblige

Sir Your most Obed^t H^{ble} Ser^t

CHAS: BOONE

*Representation to his Majesty relating to the dispute
between Mr. Jones and Mr. Morris for the office of
Chief Justice in the Province of New Jersey.*

[From P. R. O. B. T., New Jersey, Vol. 17, page 34.]

To the King's most Excellent Majesty.

May it please your Majesty,

Having in Our humble representation dated the 17. of June last, laid before His late Majesty a State of the claim set up by Robert Hunter Morris Esq^r to resume the Office of chief Justice of the Province of New Jersey (to which he was formerly appointed) in opposition to the Right of Nathaniel Jones Esq^r whom His late Majesty was pleased to appoint to that Office in June 1759; And having lately received from Thomas Boone Esq^r Commander in Chief of that Province, a Copy of a Memorial presented to him by the said M^r Morris, setting forth the Grounds on which he thinks himself entitled to resume the Seat of Chief Justice, and praying that the matter may be determined by trial at Law in the Courts of Justice there, We think it Our Duty humbly to lay before your Majesty the annexed Copy of the said Memorial, and of the Letter in which M^r Boone transmitted it to Us, to the End that your Majesty, being fully informed of the whole State of the case, may be graciously pleased to give such directions as shall appear expedient and necessary, for bringing to a proper and speedy determination, a Matter, which is productive of much confusion in the Province, great Difficulty to your Majesty's Governor, and great hardship to the said M^r Jones.

Which is most humbly submitted

SANDYS

ANDREW STONE

SOAME JENYNS

ED. BACON

JOHN YORKE

Whitehall April 17. 1761

Letter from Henry Potts, Secretary to the Post Master General, to Secretary Pownall, inclosing a letter from Benjamin Franklin, Joint Deputy Post Master General in North America, relating to the Post Routes in New Jersey.

[From P. R. O. B. T., New Jersey, Vol. 9, K, 11.]

GENERAL POST OFFICE 29th April 1761.

John Pownall Esq^r

Sir,

Having laid your Letter of the 9th Instant, with the Extract inclosed from Thomas Boone Esq: Governor of New Jersey, before His Majesty's Postmaster General: I have Their Commands to send you, in return to His Excellency's Proposed Alteration of the route of the Post through that Province, a Copy of the report I have received, from M^r Franklin our Joint Deputy Postmaster General of North America, upon that Subject, which you will be pleased to communicate to the Lords Commissioners for Trade & Plantations.

I am, Sir Your most obedient

humble Servant.

HEN. POTTS, Sec^y

Letter from Benjamin Franklin, Deputy Post Master General.

GRAVENSWEET April 23^d 1761

To Henry Potts Esq

Sir

In obedience to the Commands of His Majesty's Postmaster General, signified to me by you, I have considered Governor Boone's Letter to My Lord Bessborough & the Extract of his Letter To John Pownall,

Esq, Secretary to the Board of Trade, containing a Complaint of some Inconveniency to him arising from “the Posts not passing thro’ Perth Amboy and Burlington (the Route established by Act of Parliament) “in their way between Philadelphia and New York”; and alledging, that “thro’ this Omission it has happened and may happen again that Dispatches “received by him from the Plantation Office could not “be answered by the first Pacquet, whence he may “sometimes appear tardy to their Lordships with all “the Inclinations to be otherwise, &c”

It is true that the Post Route was thro’ the Towns of Burlington and Amboy in New Jersey, before & at the Time of making the Act of Queen Anne for Establishing the Post Office, and therefore those Towns were mentioned in the Act so far as to settle the rates of Postage between them and the Cities of New York Philadelphia; but it has never been understood that the Route was established by such mention of those places, or that the Act bound the Post Office to continue the Posts in any Route then used, if one better & more Convenient could be found. Nor indeed would such Restraints in an Act of Parliament relating to America, be of utility, but the Contrary, For our first settlements there being near the Sea, the first Roads are of course along the Coast where interrupting Waters from Bays & Inlets are more frequent, and Rivers wider and more difficult of Passage; but in Process of Time, as the People settle farther back & clear the upland Country, more convenient Roads are found, the Bays and Inlets avoided, & the Interruption of Ferries less frequent, as many Rivers are fordable up the Country that cannot be cross’d near their Mouths but in Boats,

Something like this has been the Case with regard to the Old and New Roads thro’ the Province of New Jersey, As soon as the New Road in the upper parts of

that Province was open'd Travellers between Philadelphia & New York began gradually to abandon the old Road, which was not so convenient; and after some time, on an Application made to Col. Spotswood, then Deputy Postmaster General, the Post Route was also chang'd from the old Road to the New.

This Change was made about Thirty Years ago and some Years before I had any Concern in the Office; but as it was a Matter much talk'd of at the time, I remember well the Reasons that were given for the Change which were these, viz.

That the Ferry over the River Delaware from Bristol to Burlington, to be pass'd in travelling the old Road, was a Mile and half wide, and in Winter often incumbered with Ice, so as greatly to delay the Post. That the old Road, from Burlington to Amboy was for 50 Miles chiefly a heavy loose sand, very fatiguing to the Horses: That being thro' a barren Country, it was not well inhabited, nor the Inns well supply'd with Provisions: That being less travelled than formerly, there was not the same Care taken to provide suitable Accomodations for Travellers, so that no Gentlemen passing between New York and Philadelphia tho' desirous of riding Post, could well travel with him: That this gradual disuse of the Road occasion'd less Care to be taken of the Bridges which were often out of Repair, so that in Rainy Seasons crossing the Brooks & Branches of Rivers became dangerous and sometimes impracticable to the great delay and Injury of Travellers: That the Ferry over to Amboy necessary to be pass'd on this Road, was near two Miles wide, being at the Mouth of Raritan River, and often so rough from high Winds, or so incumbered with Ice as to be impassable for many Hours, to the great Delay of the Post as well as other Travellers; and after the Post was got to Amboy, he had still three large Ferries to cross between that Place and New York, viz the Ferry

over to Staten Island, the Ferry from Staten Island to long Island 3 Miles wide, and the Ferry from Long Island to New York; in all which Places the Ferrymen were generally very dilatory and backward to carry the Post in bad Weather, availing themselves of every excuse, as they were by Law to receive no Ferriage of him. On the other Hand, the new Road was over better Ground & kept in better Repair; there were every where good Accomodations at the Inns; Delaware River was to be cross'd at Trenton and Raritan River at Brunswick, where they were both narrow, and the latter fordable at Low Water; and the People at Elizabeth Town Point, undertook voluntarily to have a stout Boat always ready to carry the Post & his Company directly to New York, by which the three last mentioned Ferries were avoided.

The Change being accordingly made the Post went no more thro'—Burlington & Amboy; but those Places on that Account suffered very little Inconveniency; For an Office was still continu'd at each of them; and their Letters sent over to proper Places on the New Post Road, to be carried forward by the Post; and this was easy to do, it being only cross the Ferry from Burlington to Bristol, thro' which the Post goes; and but 4 Miles from Amboy to Woodbridge thro' which he also goes. And the Letters for Burlington were in like manner sent over to that Office from Bristol, & those for Amboy sent to that Office from Woodbridge. Tho' the Letters to and from each Place by Post were always extreamly few, as they are Towns of little or no Foreign Trade, the chief Dealing with Amboy being with New York, & that of Burlington with Philadelphia, to and from which Places Boats are going almost every day, by which they always chose to send their Letters, even when the Post pass'd thro' them. On the other hand, two other large & thriving Towns, who make much more use of the Post,

are accomodated by it on the New Road, viz. Trenton & Brunswick; not to mention Prince Town where a College is lately erected, Woodbridge & Elizabeth Town, thro' all which Places the new Road passes, and where Offices have been long establish'd.

It is now near 24 Years that I have been concern'd in the Management of the Offices between Philadelphia and New York, and in all that time have had no Complaint made to me of Inconvenience from the Posts continuing the Route I found them in. And I must own myself at a Loss to conceive the difficulty Governour Boone mentions of his Corresponding regularly with the Board of Trade, and that "Dispatches "receiv'd from their Lordships *could not* be answered "by the first Pacquet, thro' the Posts Omission of "Burlington & Amboy in their Route." His Excellency resides at Amboy, & the Letters for him which arrive at New York in the Pacquet, must be forwarded to him at farthest within three Days, as the Post goes from New York twice a Week and passes within 4 miles of Amboy at Woodbridge, where the Governor's Letters are left, and sent to him immediately by a special Messenger from the Office there, The Post returns twice a Week from Philadelphia to New York, and passing thro Woodbridge, takes up and carries forward any Letters left there. The Pacquet stays at New York at least 20 days, and During that time the Post passes 6 times thro' Woodbridge to New York, and would carry forward any Letters the Governor should lodge at Woodbridge for that purpose. And if he happens to be at Burlington with his Assembly, the Post passes equally often thro' Bristol (within a Mile & half of him only just cross a Ferry) where it cannot be much Trouble to send his Letters. So that on the whole I am persuaded it must appear, when duly consider'd, that his Excellency's Want of Punctuality in his Correspondence with their Lordships cannot justly be charg'd to the Account of the Post Office.

Mr Barnard, immediate Predecessor of Governor Boone tho' he also liv'd at Amboy, made no Complaint of this kind that I ever heard of. Nor did the next preceding Governor Belcher, tho' he liv'd great Part of his time at Burlington The Governors of New Jersey have sometimes liv'd on the New Road, at Trenton and at Elizabeth Town; and as there is no fix'd Place of Residence for Governors in that Province, future Governors may happen to chuse some of the Towns on the new Road; so that if the Post Route were chang'd to Gratify Governor Boone, the next Governor might desire to have it back again. And I apprehend that the Delays formerly experienced so frequently in the Detention of the Post by the wide Ferries in Winter, would if the old Route was resum'd, occasion great Dissatisfaction to the Governors of Pensilvania, New York & New England, who as well as the Merchants of their great Trading Towns would probably remonstrate warmly against it.

Nevertheless, if His Majesty's Postmaster General should upon the whole think fit to order the old Route to be resum'd, and the new one with all the Offices so long established upon it to be drop't it is my Duty to carry their Orders into Execution, which I shall do with great Readiness and Fidelity. I am Sir

Your most Obedient humble servant

B FRANKLIN

Commission of Josiah Hardy to be Governor of New Jersey.

[From Book AAA of Commissions, in Secretary of State's Office, Trenton, fol. 349.]

GEORGE the Third by the Grace of God of Great Britain France & Ireland King Defender of the Faith &c. To our Trusty and Well Beloved JOSIAH HARDY Esquire GREETING

Whereas our late Royal Grand Father of Blessed Memory did by his Letters Patent under the Great Seal of Great Britain Bearing date at Westminster the Fourteenth day of January in the Thirty Third year of his Reign Constitute and Appoint Thomas Boone Esquire to be Captain General & Governor in Chief in and over our province of Nova Ceesarea or New Jersey in America for and during his late Majestys Will and Pleasure as by the said recited Letters Patent Relation thereunto being had may more fully and at large appear *Now know you* that We have Revoked and determined and by these Presents do Revoke and determine the said Recited Letters Patents and every Clause Article and thing therein Contained *And further know you* that We Reposing Especial Trust & Confidence in the prudence Courage and Loyalty of you the said Josiah Hardy of our Especial Grace certain knowledge and meer Motion, have thought fit to Constitute and appoint and by these Presents do Constitute and Appoint you the said Josiah Hardy to be our Captain General & Governor in Chief in and over our Province of Nova Ceesarea or New Jersey (to wit) the Divisions of East and West New Jersey in America, which We have thought fit to Reunite into One Province and Settle under one Government *And* We do hereby Require and Command you to do and execute all things in due manner, that shall belong unto our said Command and the Trust We have Reposed in you according to the several Powers and directions Granted or Appointed you by this present Commission and the Instructions and Authorities herewith Given You, or by such further Powers Instruction & Authorities as shall at any time hereafter be Granted or Appointed you under our Signet and Sign Manual or by an Order in our Privy Council and according to such Reasonable Laws and Statutes as are now in force or hereafter shall be made and Agreed upon by you with the Advice and Consent of our Council and the Assembly of

our said Province under your Government in such manner and form as is hereafter Expressed

[The remainder of the Commission being similar to that given to Governor Boone, it is deemed unnecessary to insert it. It closes as follows:]

And We do hereby Declare Ordain and Appoint that you the said Josiah Hardy shall and may Hold Execute and Enjoy the Office and Place of our Captain General and Governor in Chief in and over our Province of *Nova Ceesarea* or New Jersey together with all and singular the Powers and Authorities hereby Granted unto you for and during our Will & Pleasure *In Witness* whereof We have caused these our Letters to be made Patent *Witness* ourself at Westminster the Fourth day of May in the First year of our Reign.



By writ of Privy Seal.

YORKE & YORKE.

This Commission was Published at Perth Amboy on the 29th day of October 1761 And at Burlington on the 31st day of the same Month.

Representations to His Majesty from the Lords of Trade, with Drafts of General Instructions, and those relating to Trade, for Josiah Hardy, Governor of New Jersey, May 6, 1761.

[From P. R. O. B. T., New Jersey, Vol. 17, p. 36.]

To the King's most Excell^t Majesty

May it please your Majesty

In Obedience to Majesty's order in Council dated the 20 of March last We have prepared Draughts of General Instructions and of those which relate to the Observance of the Acts of Parliament for the encour-

agement and regulation of Trade and Navigation, for Josiah Hardy Esq^r, whom your Majesty has been pleased to appoint Captain General of the Province of New Jersey. In which Dra^{ts} We have made no alterations from the Instructions given by his late Majesty to Thomas Boone Esq^r late Governor of the said Province, except only in the following particulars.

In the first Article of the present Draught of General Instructions, We have inserted the Names of twelve persons, who were all appointed by His late Majesty to be of His Council in this Province.

At the end of the 27th Article of the s^d Draught, We have added some words (as in the like Article of the Instructions which We lately prepared for the Governor of the other Provinces on the Continent of North America) directing the Governor to discourage and restrain all attempts that may be made to set up any such Manufactures or Trades as are or may be prejudicial to the Commercial Interests of this Kingdom.

In this Draught of General Instructions We have omitted, as in the others which we have lately prepared, all such Articles of the former Instructions as appeared to Us to have become useless and unnecessary, the purposes for which they were formerly given, having been sufficiently provided for, by the Laws of the Province, namely the 35 Article, for the Security of the Life, limb and property of the Subject; the 36, directing proofs to be sent with prisoners to this Kingdom; & the 37th for restraining inhuman Severities towards Servants and Slaves.

The Draught of Instructions relative to the observance of the Acts of Parliament for the Encouragement and regulation of Trade and Navigation is exactly conformable to the Instructions given by His late Majesty, for the like purposes, to the Governor of this and

other your Majesty's Provinces on the Continent of North America.

All which is most humbly submitted

| | |
|--------------|---------------|
| SANDYS | EDMUND THOMAS |
| ANDREW STONE | JOHN YORKE |
| SOAME JENYNS | ED. BACON |

Instructions to Our Trusty & Wellbeloved Josiah Hardy Esq^r Our Captain General and Governor in chief in and Over Our Province of Nova Cæsarea or New Jersey in America, Given at Our Court at S^t James's the Thirtyeth Day of June 1761. in the first Year of Our Reign.

[These instructions being, with a few alterations, the same as those given to Governor Bernard, it is considered unnecessary to insert them, in full. Only such as are altered, or are additional, are here given.]

1st *With* these our Instructions you will receive Our Commission under Our Great Seal of Great Britain, Constituting you Our Captain General and Governor in chief in and over Our Province of New Jersey, you are therefore with all convenient Speed to repair to Our said Province, and being there arrived you are to take upon you the Execution of the place and trust We have reposed in you, and forthwith to call together the members of Our Council in and for that Province Viz^t Robert Hunter Morris, Ew^d Antill, James Hude, Andrew Johnston, Peter Kimbold, Richard Saltar, David Ogden, Lewis Ashfield, Samuel Woodruffe Esq^{rs} William Alexander Esq^r claiming to be Earl of Stirling, Charles Read, & John Smith Esq^{rs}

* * * * *

22 *Whereas* Acts have been passed in some of Our Plantations in America for striking Bills of Credit and issuing Out the same in lieu of Money, in order to discharge their publick Debts & for other purposes from

whence several inconveniences have arisen, It is therefore *Our Will & Pleasure*, that you do not give your Assent to or pass any Act in Our said Province of New Jersey, under your Governm^t whereby Bills of Credit may be struck or issued in lieu of money without a clause to be inserted in such Act declaring that the same shall not take effect until the said Act shall have been approved of and confirmed by Us Our Heirs and successors, And it is *Our further Will & Pleasure* that you do not give your assent to or pass any Act in Our said Province of New Jersey, under your Government for payment of Money either to you the Governor or to any Lieut. Governor or Commander in Chief, or to any of the Members of Our Council or to any other person whatsoever except to Us Our Heirs and Successors, without a clause be likewise inserted in such Act, declaring that the same shall not take effect until the said Act shall have been approved and confirmed by Us Our Heirs or Successors.

* * * * *

27th *You* are not [are to] Examine what rates & Duties are charged and payable upon any goods exported and imported within Our said Colony whether of the Growth or Manufacture of the said Colony or otherwise and you are to suppress the engrossing of Commodities as tending to the prejudice of that freedom which Trade and Commerce ought to have, and to use your best endeavours in the improving the Trade of those parts by settling such Orders and regulations therein, with the advice of Our said Council, as may be most acceptable to the generality of the Inhabitants, and it is *Our Express Will & Pleasure*, that you do not upon any pretence whatsoever, upon pain of Our highest displeasure, to give your assent to any Laws for setting up any Manufactures and carrying on any Trades which are hurtfull and prejudicial to this Kingdom, and that you do use your utmost endeavors to dis-

courage discountenance & restrain any attempt which may be made to set up such Manufactures or Establish any such Trade.

* * * * *

[Sections 35, 36 and 37 of the instructions to Governor Bernard are omitted in the instructions to Governor Hardy.]

* * * * *

54. *It is Our Will and Pleasure* that you do not dispose of any Forfeitures or Escheats of any person untill the Sheriff or other proper Officer have made enquiry by a Jury upon their Oaths into the true value thereof, nor untill you shall have transmitted to the Commissioner of Our Treasury & to Our Commissioners for Trade and Plantations, a particular Account of such forfeitures and Escheats and the value thereof, and shall have received Our directions thereupon. And you are to take care, that the produce of the said forfeitures and Escheats, in case We shall think proper to give you directions to dispose of the same, be duly paid to Our Receiver General of the said Province, and a full account transmitted to the Commissioners of Our Treasury or Our High Treasurer for the time being and to Our Commissioners for Trade & Plantations, with the names of the persons to whom disposed. And provided that in the Grants of all forfeited and Escheated Lands there be a clause obliging the Grantee to plant and cultivate three Acres for every Fifty within three years after the passing such grant, in case the same was not so planted & cultivated before and that there be the proper savings & reservations of quit Rents to Us, Our Heirs and Successors.

Letter from Capt. William Skinner to his brother, Cortlandt Skinner, at Perth Amboy—giving an Account of the Assault and landing upon the island of Belle Isle on the Coast of France, by the English Forces under Generals Hodgson, Crawford and Rufane, and Commodore Keppell.

[From the Whitehead Manuscripts.]

BELLE ISLE y^e 24th May, 1761.

Dear Cortlandt

I think in my last letters to you, I acquainted you that I was going upon an Expedition to the East Indies, but was agreeably Surprised when we Anchored in Belle Isle Road. Our Army consisted of about 9000 men, mariners included under the Command of General Hodgson, General Crawford & Rufane, the Navy under the Command of Commodore Keppell. On the 8th of April we made an attempt to land, but were repulsed with the loss of about 400 men Killed, wounded and taken prisoners, which added to the natural Strength and innumerable fortifications in every part of the Island where there seemed to be the least possibility of landing, made every body imagine it impossible to make our landing good. Despatches were immediately sent home with an account of our bad success, but before we got an answer to that Express, we made another attempt on the 22^d of April and made good our landing with the loss of about 300 men, and 400 of the Enemy. Our principal attack was intended to be made at Fort Andrew with the Choice of our troops, under the Command of General Crawford; another body of men Consisting of Beauclerk's Grenadiers, 500 of our Reg^t, Grey's and Stewart's Independents, and about 500 Mariners, under the Command of Col. Lambert, were designed to make a feint at another part of the island. Col. Lambert did me the

honor to give me the Command of the first division that landed, in which I succeeded with the loss of about 300 men; we were opposed by about 500 men, who, if they had behaved as they ought to have done, might have killed every man of us, for we were obliged to scramble up an Eminence, while the Enemy were upon the top of the hill, discharging their pieces at us and pelting us with stones; however, we succeeded in our landing and drove the Enemy before us.

The General did me the honor of thanking me in public for my behaviour, and mentioned me to Mr. Pitt, and has promised me that if a Vacancy of Lieut. Col. happens, he will recommend me to the King for it. We have since made our approaches and opened our batteries of 32 pounders this morning in order to make a breach, but our wise Engineers have been mistaken in their distance, and find it impracticable till we get 200 yards nigher; till then we shall do nothing. We have a line of Circumvallation about the Citadel, so that not a man can come out, and hope in about ten days time we shall be in possession of it. We have lost since we came to the Island near 900 men, & the French 1000, which reduces their number to 1,200 by the accounts of deserters. This is all that has happened since we landed, excepting an unlucky accident that happened to General Crawford who was taken prisoner in a sortie the Enemy made upon our lines in a dark night; but they met with so warm a reception that they have not attempted it since.

We are alarmed here with a report that the Spaniards have assisted the French with 12 sail of the line, in order to relieve this place, but how true it is we do not know. * * *

Believe me to be your ever Affectionate brother

WILLIAM SKINNER.

P. S. Lest you should not have heard of my promotion, I mention it now. I am Major to the R. Volunteers.

Letter from Governor Boone to the Lords of Trade, transmitting two public and two private acts of the New Jersey Assembly—had declined issuing new commissions to the government officers.

[From P. R. O., B. T., New Jersey, Vol. 9, K. 15.]

NEW JERSEY P. Amboy June 5th 1761

My Lords

I have the honour now to Send you the two Publick, & two private Acts of Assembly which I passed last Sessions, & which in my letter of the 8th of April I Gave your Lordships an Account of; after having waited the Printing them I was under necessity of Causing them to be Copied, as the different Acts by the setting of the Press run into one another, & rendered It impossible for me to Affix separate Seals, this has been the Occasion of the Delay: I have the Honour also to Send your Lordships the Copies of the Minutes of Council & Assembly, & beg leave to Inform your Lordships that I have been applied to, to Issue here Commissions to the Respective officers, particularly to the Inferior Judges of the Supream Court, & to the Attorney General whose office is of little or no value, & his conduct during my administration Irreproachable; I declined however doing anything in these matters till they were on the self same footing as my self

I have the honour to be with the utmost

Deference & Respect My Lords

Your Lordships most Obedient & most

Hum^{ble} Servant

THO: BOONE.

*Commission of Josiah Hardy to be Vice-Admiral of
New Jersey.*

[From Book AAA of Commissions, Secretary of State's Office, Trenton, fol. 355.]

GEORGE the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. To our Beloved JOSIAH HARDY Esq. our Captain General & Governor in Chief of our Province of NOVA CEESAREA or New Jersey in AMERICA *Greeting* We confiding very much in your Fidelity Care and Circumspection in this behalf do by these Presents which are to Continue during our Pleasure only, Ordain Constitute and depute you the said Josiah Hardy Esq. our Captain General & Governor in Chief aforesaid our Vice Admiral Commissary and deputy in the Office of Vice Admiralty in our Province of Nova Ceesarea or New Jersey aforesaid and Territories thereon depending and in the maritime parts of the same & thereto adjoining whatsoever with power of Taking and Receiving all and every the Fees profits Advantages Emoluments Commodities and Appurtenances whatsoever due and belonging to the said Office of Vice Admiral Commissary and deputy in our said Province of Nova Ceesarea or New Jersey and Territories dependant thereon and Maritime parts of the same, and adjoining to them whatsoever according to the Ordinances and Statutes of our High Court of Admiralty of England. *And* we do hereby Commit and Grant unto you the aforesaid JOSIAH HARDY Esq. our Power and Authority in and throughout our province of Nova Ceesarea or New Jersey aforementioned and Territories thereof and Maritime parts whatsoever adjacent thereto, and Also throughout all and every the Sea Shores, Public Streams Ports, Fresh

Waters, Rivers, Creeks, and Arms as well of the Sea as of the Rivers and Coasts whatsoever of our said Province of Nova Ceesarea or New Jersey and Territories dependant thereon and Maritime parts whatsoever of the same and thereto adjacent as well within Liberties and Franchises as without To take Cognizance of and proceed in all causes Civil and Maritime, and in Complaints Contracts Offences or Suspected Offences, Crimes Pleas, Debts Exchanges, Accounts, Charter Parties, Agreements, Suits, Trespasses, Injuries, Extortions, & Demands, and Businesses Civil and Maritime whatsoever Commenced or to be Commenced Between Merchants or between Owners and Proprietors of Ships and other Vessels and Merchants or others Whomsoever with such Owners and Proprietors of Ships and all others Vessels whatsoever Employed or Used within the Maritime Jurisdiction of our Vice Admiralty of our said Province of Nova Ceesarea or New Jersey and Territories depending on the same, or Between any other persons whomsoever had made Began or Contracted for any matter thing Cause or Business whatsoever done or to be done within our Maritime Jurisdiction aforesaid, together with all and singular their Incidents, Emergencies, Dependencies annexed or Connexed Causes whatsoever wheresoever or howsoever, and such Causes Complaints Contracts and other the Premises abovesaid or any of them which may happen to Arise be Contracted had or done to hear and determine According to the Rights Statutes Laws Ordinances and Customs Antiently Observed.

[It is unnecessary to give the Commission in full, as it is, in all respects, similar to that given to Governor Boone which may be found at page 195. It concludes as follows:]

Given at London in the High Court of our Admiralty

Robert Monckton Esq^r Captain General & Governor in Chief of Your Majesty's Province of New York and Territories depending thereon in America, or the Governor or Commander in Chief of the said Province for the time being.

Josiah Hardy Esq^r Captain General and Governor in Chief of Your Majesty's Province of New Jersey, or the Governor or Commander in Chief of the said Province for the time being.

The Proprietaries and Governors of the Province of Pennsylvania for the time being.

The Vice Admirals of New York, New Jersey, Pennsylvania & Connecticut for the time being.

The Flag officers or Commanders in Chief of such Squadron or Squadrons of Your Majesty's Ships of War, as shall happen to be within the Admiralty Jurisdiction of New York, New Jersey, Pennsylvania, & Connecticut respectively for the time being.

Cadwallader Colden Esq^r Lieutenant Governor of the said Province of New York for the time being.

Thomas Pownall Esq^r Lieutenant Governor of the Province of New Jersey, or the Lieutenant Governor of the said Province for the time being.

The Governor of the Colony of Connecticut for the time being.

Cadwallader Colden Archibald Kennedy, Daniel Horsmanden, George Clarke, Sir William Johnson, John Chambers, William Smith, John Watts, William Walton, Josiah Martin, Oliver Delancey, and Benjamin Pratt Esquires, Members of Your Majesty's Council in the Province of New York, during their being of Your Majesty's said Council, and the Members of Your Majesty's Council in the said Province for the time being.

Robert Hunter Morris Edward Antill, James Hude, Andrew Johnson, Peter Kimbold, Richard Saltar, David Ogden, Lewis Ashfield, Samuel Woodruff,

William Alexander, claiming to be Earl of Stirling, Charles Read, and John Smith Esquires, Members of Your Majesty's Council in the Province of New Jersey, during their being of Your Majesty's said Council, and the Members of Your Majesty's Council in the said Province for the time being.

The Chief Justice in the Province of New York for the time being.

The Chief Justice in the Province of New Jersey for the time being.

The Judge or Judges of the Vice Admiralty in their Provinces of New York, New Jersey, Pennsylvania, and Colony of Connecticut for the time being.

The Captain & Commanders of Your Majesty's Ships of War within the Admiralty Jurisdiction of the Provinces of New York, New Jersey, Pennsylvania and the Colony of Connecticut for the time being.

The Secretary of the Province of New York or his Deputy for the time being.

The Secretary of the Province of New Jersey, or his Deputy for the time being.

The Receiver General of Your Majesty's Revenue in the Province of New York for the time being.

The Surveyor General of Your Majesty's Customs in America for the time being.

The Collectors of Your Majesty's Plantation Duties in the Provinces of New York New Jersey & Pennsylvania and the Colony of Connecticut, pursuant to An Act passed in the 25th of King Charles the 2^d for the better securing the Plantation Trade, for the time being.

All which is most humbly submitted

SANDYS

SOAME JENYNS

JOHN YORKE

ANDREW STONE.

*Order in Council approving the Draft of Instructions
for Josiah Hardy, Governor of New Jersey.*

[From P. R. O., America and West Indies, Vol. 105.]



AT THE COURT AT S^T JAMES'S THE 25TH
JUNE 1761

PRESENT

TO THE KING'S MOST EXCELLENT MAJESTY IN
COUNCIL.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 18th of this Instant in the words following. viz:—“*In Obedience* to an Order in Council of the 16th of this Instant referring to this Committee a Report of the Lords Commissioners for Trade and Plantations, together with Draughts of General Instructions and also of those which relate to the Observance of the Acts of Parliament for the Encouragement and Regulation of Trade and Navigation, prepared by the said Lords Commissioners pursuant to Your Majestys Order in Council of the 20th of March last, for Josiah Hardy Esq^r whom Your Majesty has been pleased to appoint Captain General and Governor in Chief of the Province of New Jersey—The Lords of the Committee this day took the said Report and Draughts of Instructions into their Consideration, and do find, That in the said Draughts, The said Lords Commissioners have made no Alterations from the Instructions given by His late Majesty to Thomas Boone Esq^r late Governor of the said Province, except only in the following Particulars—That in the first Article of the present Draught of General Instructions they have in-

sented the names of Twelve Persons, who were all appointed by His late Majesty to be of the Council in this Province. That at the End of the 27th Article of the said Draught they have added some Words (as in the like Article of the Instructions which they lately prepared for the Governors of other Provinces on the Continent of North America) directing the Governor to discourage and restrain all Attempts that may be made to set up any such Manufactures or Trades as are or may be prejudicial to the Commercial Interests of this Kingdom. That in this Draught of General Instructions they have omitted, as in the others which they have lately prepared, all such Articles of the former Instructions as appeared to have become Useless and unnecessary, the purposes for which they were formerly given having been sufficiently provided for by the Laws of the Province namely, The 35th Article for the Security of the Life Limb and Property of the Subject, The 36th directing Proofs to be sent with Prisoners to this Kingdom; and the 37th for restraining inhuman Severities towards Servants and Slaves. And that the draught of Instructions relative to the Observance of the Acts of Parliament for the Encouragement and Regulation of Trade and Navigation, is exactly conformable to the Instructions given by His late Majesty for the like purposes, to the Governor of this and other your Majestys Provinces on the Continent of North America The Lords of the Committee upon mature Consideration of the said Draughts of Instructions, and of all the aforementioned Alterations and Additions are of Opinion, that the same were not only proper but necessary to be made therein, And do therefore agree humbly to lay the said Draughts before Your Majesty for Your Royal Approbation."

His Majesty this day took the said Report into Consideration and was pleased, with the advice of His Privy Council, to approve thereof, and also of the said Draughts and Instructions so amended and altered,

and to order, as it is hereby ordered, that the Right Honourable William Pitt Esq^r one of His Majestys Principal Secretarys of State do lay the same before His Majesty for His Royal Signature.

F VERNON.

Address of the House of Representatives to Governor Boone, complimenting his administration, etc.

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

BURLINGTON, July 7, 1761

May it please Your Excellency,

We, His Majestys Dutiful and Loyal Subjects, the Representatives of New Jersey, in General Assembly Conven'd without delay, have Taken into Consideration the providing for a Number of men to be Inlisted, pursuant to the Expectation of His Excellency General Amherst, and done therein according to his desire, in Confidence of their being Discharged at the time Limited.

Tho' we Could not be sufficiently assured, that the Number we provided for last Spring, Considering the Extream Scarcity of men among us, Could be Raised, it is with pleasure we now Receive the information your Excellency has given us, that the Regiment is no [so ?] near Completed; We have not in the Course of this War been Remarkable for Deficiencies; We Entered into the Service with the View of giving our best Assistance, and with hopes of future Security, we have, tho' deeply in Debt, Continued our Endeavours: And as the Salutary prospect of a General peace Seems at Hand, notwithstanding we have had, and must hereafter Struggle with heavy Taxes, when the Important point of Security against French Perfidy and Savage Cruelty, is Obtained, We doubt not of their being paid

with Chearfulness, and the Occasion Retained with grateful Admiration.

If Common Report may be Credited, this is likely to be the last Address to your Excellency; unsolicited by any Applications, It may, we presume, be unexpected; yet permit us to Remark, That as we have asked nothing of you unbecoming his Majesty's Representative to grant, You have refused us nothing we have Asked. If it is Honourable to distinguish an Administration, not only unsullied, but publickly kind and benevolent, such an Administration as yours Demands our grateful acknowledgements; The Shortness of the time you have been among us is an Objection not in our power to Remedy: on your Successor therefore must Remain our further hopes, whom we shall be happy to find Equally Succeeding to our Wishes.

By order of the House

SAMUEL NEVILL Speaker.

Answer of Governor Boone to the foregoing address.

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

BURLINGTON July 7, 1761

Gentlemen,

You have given a fresh Instance of your Duty to the Crown, and Readiness to Promote His Majestys Measures by so Chearful and Speedy Compliance with General Amherst's Requisition nor will your Confidence be Abused.

A Common Report Gentlemen has been productive of a very kind Compliment to me, I have discharged my duty faithfully, and am particularly happy that a Conduct which I have pursued without Difficulty should be looked upon by you with Approbation.

THO: BOONE

*Crown Rules and Instructions to be observed by the
Receivers General of the several colonies in America.*

[From P. R. O. B. T. Plantations General, No. 15, Q. 17.]

TREASURY CHAMBERS 24th July 1761

JOHN POWNALL ESQ^R

Sir,

By direction of the Lord's Commissioners of his Majesty's Treasury I send the inclosed Memorial from the Auditor of the Plantations with a draught of Instructions proposed by him to be sent to the several Receivers of the Kings Revenue in America. My Lords are not without some doubt upon the matter of these Instructions as affecting the Interest of the Colonies, and they desire the Lords Commissioners for Trade and Plantations will be pleased to consider the same and acquaint my Lords with their Opinion how far this draught is fit to be carried into Execution I am

Sir Your very humble Servant

SAM^L MARTIN

(Enclosure Indorsed)

Auditor Generals Memorial praying the annexed instruction may be sign'd by His Majesty & by their Lordships and made fixed and standing instructions

Read 17th July 1761 referred to y^e Board of Trade.

To The Right Hon^{ble} The Lords Commissioners of his Majesty's Treasury

May it please your Lordships

Whereas by a Clause in my letters patent I am directed to lay before your Lordships such observations as may appear to me to have a tendency to the benefit

and improvement of his Majestys revenues I take the Liberty to lay before your Lordships the two inclosed papers of instructions marked (No 1 & No 2) which I am of opinion cannot fail of having a beneficial effect with regard to the well regulating and improving the management of his Majestys revenues, those marked No 1, are instructions that upon an application from my Predecessor in office were sign'd by his Majesty King George the first and made standing rules orders and instructions for the Receiver General of the Casual revenues in the Island of Barbadoes and the Leeward Island but were never sent to any of the Colonys and Provinces on the Continent of America, Now as the Casual Revenue has been but little attended to in the Provinces on the Continent and may be likely to be entirely lost I humbly offer them to your Lordships consideration and request your Lordships interposition that the same may be not only renewed for the Island of Barbadoes and the Leeward Charibbee Islands but may be also made out & sent likewise to every Province and Colony of the Continent of North America provided they meet with your Lordships Approbation. The paper marked No. 2 are instructions for the Receivers General in the Colonys which I have framed with great consideration and with advice & information as to the Law points & which I am of opinion will greatly tend to the service of his Majesty and the improvement of his revenues & therefore hope if they are approved by your Lordships that your Lordships will order them to be made out & prepared for his Majestys signature & sent to every Colony in North America I am my Lords with the

most profound respect your Lords

most obedient and most humble Servant

R^{BT} CHOLMONDELEY A. G. A.

Auditor's Office 25th June 1761

(No 1) Orders rules & instructions which our pleasure is shall be observ'd by the Receiver General for the time being of our Casual Revenues within our Island of Barbadoes & by all other our Officers concerned for the managing recovering & improving thereof.

Imprimis That although it is to be understood that our said Casual Revenues cannot in all cases be described by particular denominations yet we order & direct that all moneys revenues or effects under the following denominations shall be esteemed & taken as our Casual Revenues and received and accounted for by our Receiver General thereof for the time being & by no other person or persons whatsoever, that is to say, all fines forfeitures Amerciaments penaltys Escheats & costs of suit happening or arising in any of our Courts of Judicature whatsoever within our said Island, or before any of our civil Magistrates there, & estreated certified or sent into our said Courts or any of them to be levyed & recovered for our use, also all moneys or effects arising for our part or share in uncustomed and prohibited goods seized and condemned, or by the seizure & sale of Ships & Vessels condemned and forfeited for unlawfull trade and importations, and likewise all moneys or effects belonging to Pyrates that are or shall be seized and condemned, and our Officers and Ministers concerned are hereby strictly charged and commanded to take care that the revenues before enumerated & all other our casual Revenues be put within the charge of our said Receiver, and accounted for by him & by no other person whatsoever

Secondly. Our said Receiver is hereby commanded

to use his utmost diligence and attention in the executing of the said Office and to be carefull to inform himself from time to time of our rights & dues with respect to any the casual Revenues described or not described as aforesaid, and as they shall be adjudged & become legally due to demand in our name the receipt & payment thereof, and in case the partys chargeable refuse neglect or delay payment to apply in our name to our Governour Judges Attorney General or any other our Officers or Magistrates concerned to aid & assist him in the recovering & levying thereof

Thirdly That in order to our said Receivers being better enabled to sue for and recover all arrears that are due or any money or effects that shall from time to time become due to us for our said Casual Revenue our said Receiver is hereby authorized & required to employ such Sollicitor as shall be appointed in this behalf by us or by our High Treasurer or any three or more of our Commissioners of the Treasury for the time being, and our said Receiver is hereby impowered to pay to such Sollicitor, so to be appointed, for his service pains and trouble in solliciting prosecuting and recovering our said Revenue after the rate of 4 $\frac{7}{8}$ Cent for & upon all moneys to be actually received by him and charged on his account, and we do hereby direct that the same be allow'd to our said Receiver General by the Auditor of our said Revenue or his Deputy on his account.

Fourthly In case of apparent neglect delay or indifference of any of our Officers in giving their aid & assistance for recovering and levying the aforesaid rights of the Crown, our said Receiver is hereby directed to represent the same from time to time to the Governour of our said Island, who is hereby also directed to use all lawfull authority for redressing the same, and also to the Auditor of our Plantations, who is hereby directed to lay the same before our High

Treasurer or Commissioners of our Treasury for the time being in order to his or their being fully apprized of the behaviour of the officers concerned in the management of our said Revenue.

Fifthly Our said Receiver is hereby directed & impowered to allow and pay reasonable fees to any the Officers who are or shall be aiding & assisting, or by whose means any of our said Casual Revenues shall be recovered and paid to him, & the same shall be allowed in his account by our Auditor of the Plantations or his Deputy Provided the said fees be such as our Attorney General there shall have allowed, and to that end our said Attorney General is hereby required to settle & adjust a table of fees to be paid for the purposes aforesaid, which table of fees our pleasure is shall be first approved by us & be enter'd in our said Auditor or his Deputy's Office, and to be hung up and affixed in such publick place or places as shall be thought necessary for the information of all persons concerned.

Sixthly. Our said Receiver is hereby also directed & impowered to allow and pay unto the Discoverers of any concealed rents Revenues Escheats or other rights of the Crown hereby declared and appointed to be within his receipt a reward after the rate of 5 $\frac{1}{2}$ Cent upon and out of all clear moneys after all costs and charges deducted, that shall come and be paid into the hands of our said Receiver by means of such discoveries, and we do hereby direct that the same be allowed by our said Auditor or his Deputy in the said Receivers accounts Provided the Discoverer with our said Receiver do first come to the Office of our said Auditor or his Deputy, & there enter in a book to be kept for that purpose the import of such discoveries, so as the said Auditor or his Deputy may be judges of the probability of our being advantaged by the discoveries made before we are engaged in any expence or vexatious suits about the same.

Seventhly. The proper Officers of any of the Courts of our said Island respectively are hereby directed to transmit a particular account of all fines forfeitures Amerciaments and escheats or of any other branches of our said Casual Revenue decreed & adjudged to us in any of our said Courts to our said Auditor or his Deputy in order to our said Receivers being duly charged therewith.

Eighthly. Our said Receiver is hereby directed at the end of every month to deliver into the office of our said Auditor or his Deputy a list or schedule signed by himself of all moneys or effects had & received by him within & for such month, expressing therein under distinct columns, the day when received, of whom, upon what account, and the sums, so as our Auditor or his Deputy may from time to time be apprized of our Revenues in the hands of our said Receiver, & of the ways & means by which they arise, and our said Receiver is hereby also directed at the end of every twelve months or at Michaelmas yearly to give into the Office of our said Auditor or his Deputy his account for such year; which account our said Auditor or his Deputy is to examine and pass in the form such accounts have used to be passed & that without delay, and we do hereby direct that our said Receiver shall be allowed on such his years account after the rate of six  Cent for and upon all moneys actually received by him & charged in such accounts in consideration of his service pains & charges in executing the said Office of Receiver, and we do hereby also direct that our said Auditor for his services pains & charges in examining and passing the said accounts & otherwise employing his care about recovering & managing the said revenues shall have and receive an allowance after the rate of five  Cent upon all moneys actually received as aforesaid.

Lastly. Our pleasure is that our Orders rules and

instructions be entered in all Courts Offices and places in our said Island where or before whom any our Revenues hereby meant to be taken in charge by our said Receiver shall arise or happen, so as all our Officers and Ministers concerned without being particularly named may be acquainted therewith, and take notice of our pleasure, and conform themselves severally thereunto in all other things accordingly. *Given at Court at Kensington the 12th day of September 1721 in the 8th year of our Reign*

By his Majestys Command

R WALPOLE

GEO BAILLIE

R EDGCUMBE

(No 2) Orders, Rules and Instructions to be observed by the Receivers General of the several Colonys and Provinces in North America

1st *You* are in Conjunction with the Deputy Auditor for the time being, to use your utmost endeavours to form an exact and compleat Rent Roll of his Majesty's Quit rents, and as the same cannot be done without extraordinary Trouble and Expence in taking Extracts from Records in Publick Offices and County Courts, of all Grants and mesne Conveyances of Lands heretofore Granted and Conveyed, proper Consideration shall be had for such Service, as has been done in such Cases in other Colonies.

2^d *The* better to enable you to carry on the Service relative to his Majesty's Lands, you are required personally or by your Deputies at all times to attend the Land Office on Granting of Lands.

3^d *You* are every six months or oftener to call upon the proper Officers of the Courts of Justice for exact

Dockets of all fines and forfeitures imposed by such Courts, and to call upon the Sheriffs and proper Officers for the money levied by them accordingly, in all which Cases the Judges of the respective Courts are to interpose their Authority for the Service of the revenue.

4th *You* are to take the same Measures with regard to the Courts of Admiralty in Cases of Seizures and Condemnations, where the Forfeiture is to the Crown, and to take Care that the same be accordingly paid over to you, and properly accounted for in the Auditors Office.

5th *That* no undue preference may be given by you in payment of the Officer's Salaries, you are to take care to pay all Salaries in due proportion to the money in your Hands, and the same rule to be observed in payment of their Arrears And where payments of Quit rents cannot be made in Gold or Silver rated according to the 6th of Queen Ann In receiving Quit rents and the Kings dues in paper money in place of Gold and Silver. You are at all times to keep up to the Valuation of Gold and Silver as fixed by the said Act of Parliament receiving and paying in Paper money what is *bona fide* in all payments adequate to so much Gold and Silver.

6th *Whereas* it is absolutely necessary for his Majesty's Service, that you as well as the Deputy Auditor, be authorized to act as Justices of the Peace throughout the Province you are therefore to apply to the Governor to nominate you accordingly Justice of the Quorum, in Case you are not already so nominated.

7th *And*, for the better Collecting his Majesty's rents, you are to know that you may distrain not only upon the particular Lands, for which the Quit rents are due, but also upon all other Lands of the Kings Debtor within the Province whether the same are held immediately under the King's Grant or otherwise.

8th *Where* no distress is to be found, and the Tenant in Arrear lives out of the Province, the Lands themselves, or any other Effects within the Province, are liable to be taken in Execution for the Debt—The Tenant in Arrear for Rent Living within the Province, his person, as well as Lands become liable by way of debt.

9th *Whereas* for want of a Court of Exchequer in North Carolina, the usual and legal process at Common Law cannot Issue in Cases of Intrusion on his Majesty's Lands, Concealment of rents, Escheats, and many other Cases relative to his Majesty's prerogative Rights and Revenues, You are therefore in all such Cases to apply to his Majesty's Attorney General for Redress, through the Jurisdiction incident to the Court of Chancery in such Cases by way of Information or Bill, in his Majesty's behalf as his Attorney General shall, according to the nature of the Case Advise.

10th *And* altho' it be understood that the said casual revenue cannot in all Cases be described by particular denominations, yet it is ordered and directed, that all Monies, Revenues or Effects under the following denominations shall be Esteemed and taken as such His Majesty's Casual Revenues, and received and accounted for by the said Receiver General thereof for the time being, and by no other person or persons whatsoever That is to say, *All Fines, Forfeitures, Amerciaments, Penalties, Escheats and Costs of Suit* happening or arising in any of the Courts of Judicature whatsoever in the said province, or before any of the civil Magistrates there, and Estreated, Certified, or sent into the Courts, or any of them, to be levied and recovered for his Majesty's Use, also, the monies or effects, arising for his Majesty's part or share in uncustomed or prohibited Goods seized and condemned or by the Seizures and Sales of Ships and Vessells condemned and for-

feited for unlawful Trade and Importations, and likewise All Vessells, Monies or Effects whatsoever, belonging to the Enemy taken and condemned to his Majesty's Use as lawful Prize also all Monies, Vessells or Effects taken from Pyrates that shall be taken and condemned, together with all Monies arising by way of Quit-rents or by way of Right money or Consideration money, or under whatever Denomination, whether by way of Quit rents or Fine and Consideration money, for his Majesty's Lands in the said province. And all his Majesty's Officers and Ministers, the Governor, as well as others, are hereby strictly charged and commanded to take Care that the revenues before enumerated, and all other the Kings Casual revenue whatsoever, be put within the Charge of the said Receiver and accounted for by him accordingly.

11th *You* are to use your utmost diligence and attention in the Executing of the said Office and to be careful to inform yourself from time to time of his Majesty's Rights and Dues with respect to any of the casual revenue described or not described as aforesaid and to demand in his Majesty's name the Receipt and Payment thereof, and in Case the parties chargeable refuse, neglect or delay payment, to apply to the Governor, Judges, Attorney General, or any other his Majesty's Officers concerned to aid and assist you in recovery and levying thereof.

12th *In Case* of apparent neglect delay or indifferency in any of his Majesty's Officers in giving their aid and assistance for recovering and levying the aforesaid Rights of the Crown, You are hereby directed to represent the same from time to time to the Governor, who is hereby directed to use all lawfull Authority for redressing the same, and also to our Auditor of the plantations, who is hereby directed to lay the same before the Lords Commissioners of the Treasury for the time being, in order to their being fully apprized of the behaviour of the Officers concerned therein.

13th *These Orders, Rules and Instructions*, together with such other Instructions as may heretofore or hereafter be given for the Service of the Revenue to be entered in All Courts, Offices and Places in the said province, where or before whom any of his Majesty's Revenues hereby meant to be taken in Charge by the said Receiver, shall arise and happen so as that All his Majesty's Officers and Magistrates concerned, without being particularly named may be acquainted therewith, and take care to conform themselves severally thereunto in all things accordingly. Given at &c.

Letter from Governor Boone to the Lords of Trade, informing them that an Act had been passed for continuing a part of the New Jersey Regiment and that he had suspended Mr. Antill, one of the Council.

[From P. R. O. B. T. New Jersey, Vol. 9, K, 16.]

P. AMBOY July 28th 1761

My Lords

Since my last of the 5th of June, Gen^l Amherst found it Necessary to apply to me, in order that a Proportion of the Regiment of this Province might be Continued during the Ensuing Winter, when his Majesty's Regular Forces may Possibly be absent; I called therefore the assembly, & they came to an Immediate Resolve that the Number required, Sixty Four Private Men & two officers, should be Continued till No^vr 1st 1762 unless sooner discharged; in the Providing for the men the Season of their Service has been Considered, & proper Clouthing not forgot; An Act passed without any fresh Emission of Money, for these Purposes, to which any Money that is Actually, or may Come into the Treasury is made liable: I have great Reason to be

Satisfied both with the Readiness and Manner of the Assembly's Coming into this measure, but the Act itself is of such an unnecessary length that it is Impossible for me as yet to transmit it to your Lordships; neither have I as yet got the Minutes of the Assembly, those of the Council I have the honour to Enclose you, by which your Lordships will Perceive that I have Suspended M^r Antill for non Attendance as A Member of the Council, I wish this Example may be of Service, it appeared to me Necessary, & cannot be hurtfull. I have the honour to be with great Respect

My Lords Your Lordships

most Obedient & most hum^{ble} Servant

THO: BOONE.

P. S. Since writing the above I have procured printed Copies of the Minutes of Assembly, & the Act passed in our last Session, which I have the honour to Enclose Augst 5th 1761.

*Letter from Governor Boone to the Lords of Trade—
giving an account of the seizure and condemnation
of a vessel and cargo engaged in illicit trade.*

[From P. R. O. B. T., New Jersey, Vol. 9, K. 17.]

PERTH AMBOY New Jersey Augst 30th 1761

My Lords

I have deferred making your Lordships acquainted with my Proceeding against a vessel concerned in an Illegal trade, till the trial in the Court of admiralty was over, & till I could at the same time Communicate the Judgement that was given yesterday, by which the Vessel a Brigantine belonging to New York, her Tackle, apparell, and Furniture, and one Hundred & Fifty Seven Hogsheads of Brandy, twenty one Tierces of do. Fifty four cags or Anchors of Geneva, ten

tierces, & ten Barrels of Starch were declared forfeited, & the Master of the Vessel adjudged to have Incurred the Penalty of one Hundred Pounds Sterling pursuant to the Act which Inflicts the same.

It gives me a sincere pleasure to have Succeeded in making so publick an Example of a Vessel, engaged in a trade equally Injurious to the fair dealer, & the mother Country, and it is a considerable addition to my Satisfaction to my Satisfaction, that I have surmounted those difficulties which Every Governor must Encounter, who Engages in a Cause of this kind, in a Country where a false humanity for the delinquents (Occasioned perhaps by the too general prevalence of the trade itself) renders the procuring voluntary testimony almost Impossible. It appears by the Custom house Books of New York, which I have caused to be searched, that this vessel about a year ago cleared out of that Port immediately for Hamburgh with a load of Sugar by a certificate from this Port of Perth Amboy, her owner Ensured at New York her return there, she took on board at Hamburgh besides the goods actually Condemned East India goods Tea &c. The Master and Mate Acknowledged in an Examination to which submitted voluntarily, to have broke Bulk, & the verry goods taken out of the Vessell were actually seized at N. York, and yet notwithstanding this, they claimed, stood trial & by paying some Evidence, & Removing others, they made the matter so doubtfull, that upon an application from them to the Attorney Gen^l for a Compromise, I was induced to make them an offer, if they would withdraw their Claim & suffer publick Condemnation, they might depend on my word that I would relinquish the Intire Proportion, which the Act of Parliament allots Governors; this they have accordingly done and I have the honour to Acquaint the Lords Commissioners of the Treasury of this transaction. I Promise myself your Lordships approbation

of my Zeal in this affair, which I have carried through singly, & from which I am not to derive the least pecuniary Benefit, unless your Lordships do me the Honour of Recommend me to the Lords of the Treasury as not undeserving the King's Third, a Favour which his Majesty is sometimes most graciously pleased to Confer on Governors even in less particular Cases. I have been thus Explicit in order to give your Lordships a Sketch of the Disadvantages we labour under in the Exercise of this Part of our Duty, to which your Lordships wisdom may possible suggest a Remedy. I have the honour to be My Lords with Utmost Respect

Your Lordships
most obed^t & most Hum^{ble} Servant

THO: BOONE.

P. S. I beg leave to Acquaint your Lordships that the Kings Third, for which I have presumed to Sollicit your Lordships interposition in my Behalf, will scarce Amount to above Six Hundred Pounds.

*Representation from the Lords of Trade to the King,
with a draft of Instructions to Governors of the
Colonies, relative to the alteration in the prayers
for the Royal Family.*

[From P. R. O., B. T., Plantations General, Vol. 41, p. 122.]

To the King's most Excell^t Majesty.

May it please Your Majesty,

In Obedience to Your Majesty's Order in Council of the 11th instant, directing Us to prepare Draughts of Instructions proper to be sent to the Governors of Your Majesty's Plantations in America for an Altera-

tion in the Prayers for the Royal Family, We herewith humbly lay before Your Majesty the Draughts of such Instructions as We conceive proper on this Occasion for Your Majesty's Royal Signature.

Which is most humbly submitted

SANDYS
ED: THOMAS
ANDREW STONE
JOHN YORKE

Sept^r 16: 1761

Instruction to Our Trusty and Wellbeloved Arthur Dobbs Esquire Our Captain General and Governor in Chief in and over Our Province of North Carolina in America.¹ Given at Our Court at S^t James the — day of — 1761 in the — Year of Our Reign.

Whereas we have been pleased by Our Order in Council of the 11th Day of Sept^r instant, to declare Our Pleasure, that in the Morning & Evening Prayers in the Litany & in all other Parts of the publick Service as well in the occasional Offices as in the Book of Common Prayer where the Royal Family is appointed to be particularly pray'd for, the following Form of Words should be used viz^t Our Gracious Queen Charlotte Her Royal Highness the Princess Dowager of Wales and all the Royal Family Our Will and Pleasure therefore is, that in all the Prayers Litanys & Collects where the Royal Family is prayed for, and which are used within Our Province of North Carolina under

¹ A like instruction was sent to the Governors of Georgia, South Carolina, Virginia, New York, New Jersey, Massachusetts, New Hampshire, Connecticut, Rhode Island, Pennsylvania, Maryland, Nova Scotia, Barbadoes, Jamaica, Leeward Islands, Bermuda, Bahamas, Quebec, Montreal, Cape Breton, Guadaloupe.

Your Government the same Form and Order of Words be used as follows viz: Our Gracious Queen Charlotte Her Royal Highness the Princess Dowager of Wales and all the Royal Family And for the better Notice hereof in Our said Province, It is Our further Will & Pleasure that you cause the same to be forthwith published in the several Parish Churches and other Places of Divine Worship within our said Province, and that you take Care that due Obedience be paid thereto accordingly.

*Letter from Governor Boone to the Secretary of State
—Congratulatory on the King's intended marriage.*

[From P. R. O. America and West Indies Vol. 73.]

P. AMBOY N. Jersey Sept 21st 1761.

Sir

I have this day the Honour of Receiving your Notification of his Majesty's Resolution to Demand in Marriage the Princess Charlotte Sister of the Duke of Mecklenburg, & the Extraordinary Gazette published on that Occasion; I beg leave Sir to Join my Congratulations to you, with those of the most Dutifull of his Majesty's Subjects, upon this Joyfull Event, and I have the honour to be with the Utmost Respect

Sir Your most Obedient

& most Humble Servant

THO: BOONE.

Letter from Governor Boone to the Lords of Trade, informing them that he had received leave of absence before proceeding to South Carolina but would not avail himself of it at present.

[From P. R. O. B. T., New Jersey, Vol. 9. K. 19.]

N. YORK NOV^r 24th 1761

Original Oct. 20th from The Jerseys

My Lords

I have the honour to Acquaint your Lordships that though it is two months since I received his Majesty's leave of Absence, yet my Inclination to deliver this Government to my Successor in its Present State of Harmony, & the doubtfull Situation of S^o Carolina to which the King has been most graciously pleased to promote me, have Prompted me Entirely to wave making use of his Majestys Permission to go to Europe however detrimental this resolution may be to my private affairs: My Zeal for his Majesty's Service will not, I hope be unacceptable to your Lordships & I presume to promise myself your favourable Interposition, if hereafter in less troublesome times my health or private Business should render a second application for his Majesty's Indulgence Necessary

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

Your Lordships most Obedient
& most Humble Servant

T^{HO}: BOONE.

The L^{ds} Commissioners for Trade &^c

Letter from Secretary Pownall to James West, Secretary to the Lords Commissioners of the Treasury, enclosing a copy of Governor Boone's letter of August 30, relating to the seizure of a vessel engaged in illicit trade.

[From P. R. O. B. T. New Jersey, Vol 17, p. 120.]

WHITEHALL NOV^r 13: 1761

To James West Esq^r Secretary to the Lords Commissioners of the Treasury.

Sir,

I am directed by the Lords Commissioners for Trade & Plantations, to send you the inclosed Copy of a Letter, which their Lordships have received from Thomas Boone Esq^r late Governor of New Jersey, dated the 30th of August 1761,¹ containing an Account of the Prosecution and Condemnation of a Vessel in the Admiralty Court of that Province, for illicit Trade, and I am to desire you will be pleased to lay the said Letter before the Lords Commissioners of His Majesty's Treasury.

Their Lordships do not take upon them to Judge of the propriety of M^r Boone's request, that His Majesty would be graciously pleased, to grant him the Crown's share, of the Produce of the said forfeiture, but they think it incumbent upon them in Justice to M^r Boone, to give it as their Opinion, that his relinquishing his own Share of the forfeiture, in order to induce a greater facility in the Condemnation of the Vessel and Cargo,

¹ See *ante*, page 300.—Ed.

is such an Example of disinterested regard to the Publick, in a case of very great importance to the Trade of this Country, and its Colony's, as justly entitles him to His Majesty's favour ¹

I am Sir

Your most Obed^t hum^{bl} Servant

JOHN POWNALL

¹ Nothing has been discovered in the matter of legislation during Gov. Boone's brief authority in New Jersey upon which to base an enlightened estimate of his qualifications, or from which to gather correct information respecting his political sentiments. It is evident, however, that his capacity for business, his character and disposition were such as to attach the people to him. The Assembly's last address, presented July 7, 1761, thus concludes: "If common report may be credited, this is likely to be our last address to your Excellency. Unsolicited by any applications, it may be unexpected, yet permit us to remark, that as we asked nothing of you unbecoming his Majesty's representative to grant, you have refused us nothing we have asked. If it is honorable to distinguish an administration, not only unsullied but publicly kind and benevolent, such an administration as yours demands our grateful acknowledgements. The shortness of the time you have been among us is an objection not in our power to remedy. On your successor, therefore, must remain our hopes, whom we shall be happy to find equally succeeding to our wishes." The Corporation of Perth Amboy thus addressed him on the day before the arrival of his successor: "It has ever been the custom to address Governors on their first arrival, to enumerate their virtues and good qualities, and to extol their abilities for government, and oftentimes upon no better foundation than the authority of common fame; hence it too often happens, that, upon a better acquaintance, they are ready to unsay all they said and to show the greater joy upon a change or removal. But with respect to you, Sir, every day has given us fresh proofs of your Excellency's abilities and upright intentions, and demands our sincerest acknowledgments. No selfish or lucrative schemes have appeared in your conduct, or sullied your administration; on the contrary, all your measures have been dictated by generous and benevolent principles, and your Excellency in public life has maintained that good character you so justly and universally acquired in private."—*N. Y. Gazette*. Such language from the authorities of the place where he resided—his personal associates and neighbors—must be considered indicative of more than common feelings of satisfaction. Governor Boone was present on the arrival and installation of his successor, and did not sail from New York for South Carolina until December 3, entering upon his duties as Governor of that Colony early in January, 1762. He left there in May, 1764, being recalled in consequence of differences with the Assembly.—*N. Y. Mercury*, June 18th, 1764. After his return to England, Mr. Boone received an appointment as a Commissioner of the Customs, which he held for several years. He resigned it in September, 1805, and retired to Lee Place, Kent. In 1771, his first wife, whom he had married in South Carolina, having died or been divorced, he married a Mrs. Ponnereau of South Carolina, who died at his residence in Kent in April, 1812. The time of his own death has not been ascertained. See Hampton's *Hist. Ant.*, p. 8; Gates Papers, N. Y. Hist. Soc. Library.—*Contributions to the Early History of Perth Amboy*, p. 176.

Order of the King in Council, approving of a representation of the Lords of Trade relative to the passing of Patents for Lands upon the Mohawk River, and the granting Judges' Commissions during good behavior.

[From P. R. O. B. T., Plantations General, Vol. 17, [15] Q. 21.]

AT THE COURT AT S^T JAMES'S the 23^d day of
November 1761.

L. S.

PRESENT

The Kings most Excellent Majesty
in Council

Upon reading this day at the Board, a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs, dated the 21st of this Instant, in the Words following—Viz^t

“*Your Majesty* having been pleased to refer unto this Committee a Representation from the Lords Commissioners for Trade and Plantations, dated the 11th of this Instant Setting forth, “That they have had under their Consideration several Letters and Papers which they have received from Cadwallader Colden Esq^r, Lieutenant Governor, and late Commander in Chief of Your Majestys Province of New York in America, and as those Letters and Papers have reference to certain Measures of Government there, which have either been acted upon, or become the Subject Matter of Discussion, and which appear materially to affect Your Majestys Service and the Interest and Welfare, not only of that Province but of all other Your Majestys Colonies and Plantations in America, they thought it their indispensable Duty to lay the same before Your

Majesty with such Observations as have occurred to them thereupon”

“That the material Points to which those Papers refer, and to which the said Lords Commissioners confine their Observations are”

“1st The measures which the Lieutenant Governor and Council have entered upon for granting Lands and making Settlements upon the Northawk [Mohawk] River, and in the Country adjacent to Lake George”

“2^{dly} The Proposition made to the Lieutenant Governor by the Council to grant Commissions to the Judges during good Behaviour, the Limitation of which Commissions is by Your Majestys Instructions to all Your Governors in America to be during Pleasure only.”

“That the said Lords Commissioners shall not, upon this Occasion, take upon them to controvert the general Principles of Policy upon which either one or other of these general Propositions is founded, but however expedient and constitutional they may appear in the abstract View and Consideration of them, Yet they apprehend, that when they come to be applied to the present State of Your Majestys Colonies, they will appear in a very different Light, and be found, the one to be dangerous to their Security, and the other destructive to the Interests of the People, and subversive of that Policy by which alone Colonies can be kept in a just dependence upon the Government of the Mother Country.”

“That this is the general Light in which they see these Measures, but as they are in their Nature separate and distinct, so they will as the said Lords Commissioners apprehend require a separate and distinct Consideration, and therefore they humbly offer to Your Majesty what has occurred to them upon each in the Order in which they have placed them”

“That it is as unnecessary as it would be tedious, to

enter into a Detail of all the Causes of Complaint which Our Indian Allies had against Us at the Commencement of the Troubles in America, and which not only induced them, tho' reluctantly, to take up the Hatchet against Us, and desolate the Settlement on the Frontiers, but encouraged Our Enemies to pursue those Measures which have involved Us in a dangerous and critical War, it will be sufficient for the Present Purpose to observe, that the Primary Cause of that discontent which produced these fatal Effects was the Cruelty and Injustice with which they had been treated with respect to their Hunting Grounds, in open Violation of those Solemn Compacts by which they had yielded to Us the Dominion, but not the Property of those Lands. It was happy for Us that We were early awakened to a proper Sense of the Injustice and bad Policy of such a Conduct towards the Indians, and no sooner were those Measures pursued which indicated a Disposition to do them all possible Justice upon this Head of Complaint than those Hostilities which had produced such horrid Scenes of Devastation, ceased, and the Six Nations, and their Dependants became at once from the most inveterate Enemies Our fast and faithfull Friends "

"That their steady and intrepid Conduct upon the Expedition under General Amherst for the Reduction of Canada, is a striking Example of this Truth, and they now, trusting to Our good Faith, impatiently wait for that Event, which, by putting an End to the War, shall not only ascertain the British Empire in America, but enable Your Majesty to renew those Compacts by which their Property in their Lands shall be ascertained, and such a System of Reformation introduced with respect to Our Interests and Commerce with them, as shall, at the same time that it redresses their Complaints and establishes their Rights give equal Security and Stability to the Rights and Interests of all your Majestys American Subjects."

“That under these Circumstances and in this Scituation, the granting Lands hitherto unsettled, and establishing Colonies upon the frontiers, before the Claims of the Indians are ascertained, appears to be a Measure of the most dangerous Tendency, and is more particularly so in the present Case, as these Settlements now proposed to be made, especially those upon the Mohawk River, are in that part of the Country, of the Possession of which the Indians are the most jealous having at different times expressed in the strongest Terms their Resolution to oppose all Settlements thereon as a manifest Violation of their Rights.”

“That the Principles of Policy which the said Lords Commiss^{rs} have laid down, are, they apprehend, in their Nature so clear and uncontrovertable, that it is almost unnecessary to add anything further to induce Your Majesty to give immediate Orders for putting a stop to all Settlements upon the Mohawk River, and about Lake George, until the Event of the War is determined, and such Measures taken thereupon, with respect to Our Indian Allies, as shall be thought expedient, and yet it may be proper to observe, that independent of what regards Our Connection with the Indians the Conduct of those who have in former times been entrusted with the Administration of the Government of New York, has, in reference to granting of Lands in general, been very exceptionable, and has held forth a very bad Example to their Successors.”

“That the exorbitant Grants of Lands which Governors, and others, have heretofore made, greatly to the Benefit of themselves, but very much to the prejudice of the Interests of the Crown, and of the People in general, have long been the Subject of great Complaint: And the said Lords Commissioners cannot but think, that the Lieutenant Governor, and the Council, would have shewn a greater regard to Your Majesty's Interest, and the Welfare of the Province in

General, by a pursuit of such Measures as might have operated to correct those Abuses, and remedy the Evils arising from so improper a Conduct in their Predecessors in Government, than by entering upon Measures for making fresh Grants and Settlements, which they have great reason to apprehend, from Information which may be depended upon, are more for the Benefit of themselves and their Families than for the Subject in general, and therefore they submit to Your Majesty whether this may not be an additional Reason why speedy and positive Orders should be given for putting a Stop to Measures which appear, in every light, so destructive of Your Majesty's Interests, and the general Welfare and Security of the Colony."

"That with respect to the other point relative to the granting the Judges Commissions during good Behaviour, it will be less necessary to detain Your Majesty long upon this Question, as it has been already so solemnly determined in the Case of a Law some time since passed in Jamaica, and one lately in the Proprietary Government of Pensilvania for establishing such a Constitution "

"That the Principles laid down in the Attorney and Solicitor Generals Report upon the Jamaica Law, and in that of the said Lords Commiss^{rs} Predecessors in Office upon the Act passed in Pensilvania, are so clear and explicit, that it is almost unnecessary to add anything thereto, But as the People of New York appear from the Lieutenant Governors Letters, to be so strenuous upon this Point, alledging the Precedent and Example of the Mother Country, The said Lords Commiss^{rs} observe that the Cases are in no Degree Similar."

"That the Change which the Tenure of the Judges Commissions underwent at the Revolution in this Kingdom, was founded upon the most conclusive and repeated Proofs of arbitrary and illegal Interposition,

under the Influence of the Crown, upon Points of the greatest Importance to the Constitution, and the Liberty and Rights of the Subject; It was not however by the Tenure of their Commissions alone that they were rendered independant, but such Salaries were settled upon them, as not only rendered them less liable to be corrupted, but was an Encouragement for the ablest Men to engage in that Profession which qualified them for such high Trusts."

"That the same Circumstance does in no Degree exist in the American Colonies, where, as there is no certain established Allowance that may encourage Men of Learning and Ability to undertake such Offices, Your Majestys Governors are frequently obliged to appoint such as offer from amongst the Inhabitants however unqualified to sustain the Character and tho' a more fit Person should afterwards be found, yet, if the Commission was during good Behaviour, such unqualified Person could not be displaced."

"That late years have produced but too many Examples of Governors having been obliged, for want of such an Establishment as might induce able Persons to offer their Service, to confer the Office upon those who have accepted it merely with a View to make it subservient to their own Private Interests, and who, added to their Ignorance of the Law, have too frequently become the Partizans of a factious Assembly upon whom they have been dependant for their Support, and who have withheld or enlarged that Support according as the Conduct of the Judges was more or less favourable to their Interests."

"That it is difficult to conceive a State of Government more dangerous to the Rights and Liberties of the Subject, but aggravated as the Evil would be by making the Judges Commissions during good Behaviour, without rendering them at the same time independant of the factious Will and Caprice of an

Assembly, The said Lords Commissioners cannot but consider the Proposition as subversive of all true Policy, destructive to the Interests of Your Majestys Subjects, and tending to lessen that just Dependance which the Colonies ought to have upon the Government of the Mother Country.”

“That this was in a great Degree the Opinion of the Lieu^t. Governor himself, as will evidently appear from a Letter to the said Lords Commissioners of the 2^d of June last, in which he acquainted them with his having rejected a Bill passed by the Assembly for this purpose, and urges as a Reason that there was no fixed Salary to the Judges, that it was dependant from Year to Year on the Pleasure of the Assembly, and that whilst they were thus dependant upon the People for their Subsistence, such a Measure might be highly Prejudicial to the just Rights of the Crown, and the Acts of Trade; That these were then the Sentiments of the Lieutenant Governor, and though the said Lords Commissioners are at a Loss to guess at the Motive which could have induced him to declare, as he does, in his Letter to them of the 12^h of August following, That he apprehended he should be under a Necessity of giving way to the Proposition, Yet they cannot but be of Opinion, that if under these Circumstances he should have complied with so pernicious a Proposition, he would justly have deserved Your Majestys Royal Displeasure.”

“The Lords of the Committee this day took the said Representation into their Consideration, and agreeing in Opinion with the Said Lords Commissioners for Trade and Plantations, do humbly report to Your Majesty, that they conceive it advisable that Your Majestys Pleasure should be made known upon the first point of granting Lands, as well in the Colony of New York as in all other Your Majestys Colonies on the Continent of America, where such Grants interfere

with the Indians bordering on those Colonies—And that Your Majestys Pleasure should be made known upon the last Point which relates to the Appointment of Judges, not only in the Colony of New York but in all other Your Majestys Islands and Colonies in America; And therefore that Your Majesty may be graciously pleased to order the said Lords Commissioners to prepare Draughts of Instructions proper to be sent hereupon to the Governors or Commanders in Chief of all Your Majestys Islands and Colonies in America accordingly. To the end that due Obedience be given thereto, and the Matters complained of so detrimental to the Publick Service, Prevented for the future”

His Majesty taking the said Report into Consideration was pleased with the Advice of His Privy Council, to approve of what is therein proposed and accordingly to order, as it is hereby ordered, that the Lords Commiss^{rs} for Trade and Plantations do prepare Draughts of Instructions proper to be sent with respect to the first Point of granting Lands, as well to the Governor or Commander in Chief of the Colony of New York, as to the Governors or Commanders in Chief of all other His Majestys Colonies on the Continent of America, where such Grants interfere with the Indians bordering on those Colonies—And that they do also Prepare like Draughts of Instructions upon the last Point, which relates to the Appointment of Judges, to the respective Governors and Commanders in Chief of all other His Majestys Islands and Colonies in America, to the End that due Obedience be given thereto, and the Matters complained of, so detrimental to the Publick Service, presented for the future.

And that such Draughts of Instructions be laid before His Majesty at this Board for His Royal Approbation.

HEN FANE

Letter from Governor Hardy, of New Jersey, to the Lords of Trade, informing them of his arrival in the Province—asks to have the suspension of Edward Antill confirmed.

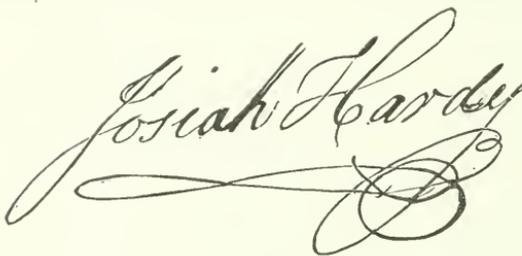
[From P. R. O. B. T. New Jersey, Vol. 9, K. 20.]

PERTH AMBOY Nov^r 23^d 1761

The R^t hon^{ble} The Lords Commissioners for
Trade & Plantations.

My Lords

I have the honour to acquaint your Lordships, that I arrived in the Province of New Jersey the 29th of last month^l and immediately published his Majestys Commission in this City & two days after at Burlington in the usual form, on my return from thence to this City I summon'd a meeting of the Council and by their advice have issued a new Commission of the Peace & for the Courts of Pleas in each County; this



was a brother of Sir Charles Hardy at one time Governor of New York. Very little information has been obtained respecting him and he does not appear to have

had any connection with the colonies previous to his appointment to the Governorship of New Jersey. The *New York Gazette* of October 22, 1761, announced his arrival on board His Majesty's Ship, Alcide, with his wife and family. On the 29th he landed at Elizabethtown Point on his way to Perth Amboy, being received on his landing by Governor Boone, Lord Stirling, who had been a fellow passenger. the members of the Council, and some of the chief gentlemen and magistrates of the Borough of Elizabethtown, and the troops of Captains Terrell and Parke were put in requisition, as they had been for his predecessor, to escort him to the seat of government at Perth Amboy. In addition to the authorities of the city, they were

proceeding I found absolutely necessary, as there were many vacancies of Justices by deaths, & several others complained of for irregularity in their conduct, both in the execution of their office, as well as their private lives, I thought it proper with the advice of the Council to leave them out and fill up their places with such as were well recommended by the Gentlemen who reside in the different Parts of the Province. I have also by advice of his Majestys Council granted a new Commission under the Great Seal of the Province appointing Courtland Skinner Esq: Attorney and Advocate General (during pleasure) he has held this office some Years with great reputation.

I intended on my arrival to have called together the General Assembly according to the twelfth article of his Majestys instructions; I found them prorogued to the first of the present month, but on consulting the Council & some of the members of the general Assembly and finding them of opinion that it would be very inconvenient if I called them together before they had finished their business in the Country, and having nothing to come before them wherein his Majestys Service or the Province could suffer, I judged it proper to prorogue them to the 30th of this month, when they are to meet in this City

I find on the Minutes of the Council books that Gov-

met by "Capt. Johnston's company of militia, under arms," a feature which had not entered into previous programmes, and proceeding to the court house and proclaimed the Governor's commission. The next day he was addressed by the Corporation, after which he left for Burlington.—*N. Y. Gazette*, November 5th. The celerity of the Governor's movements indicates no small degree of promptness in his character, and his answers to the various addresses presented to him, show him to have been a man of few words. As a fair specimen, the following was his reply to the address of the Trustees of the College of New Jersey, September 29, 1762: "Gentlemen, I heartily thank you for your address. It will be at all times a particular satisfaction to me to give you every assistance in my power in promoting the prosperity of this useful seminary of learning. Josiah Hardy." Excepting the announcement that his wife and family came with him to New Jersey no further notice of them has been discovered.—*Contributions to the Early History of Perth Amboy*, p. 183.—ED.

ernor Boone has suspended Edward Antill Esq from the Council for non Attendance tho' constantly summon'd; I find on inquiry that this Gentleman will neither attend nor assign any reason why he does not, I therefore hope your Lordships will please to recommend to his Majesty to confirm his suspension I am afraid I shall find it difficult to name three Gentlemen out of each division of the Province properly qualify'd for this office till after the meeting of the Assembly, I shall then have an opportunity of seeing more of the People, and be better able to Judge who may be fit Persons to recommended to your Lordships for this Vacancy

I have the honour to be My Lords

Your most humble & Obedient Servant

JOSIAH HARDY

Articles of Association to Work Royal Mines in New Jersey or elsewhere.

[From New York Colonial MSS., Vol. XC, fol. 39.]

Articles of Agreement Indented made and Concluded upon this twenty fifth day of November In the year of our Lord one thousand seven hundred and sixty one Between John Stearndall Charles Scot Thomas Cryer George Traile and Johan Sebastian Stephani All at present of the City of New York whereas it is Thought a Royal Mine or Mines' may be Discovered in

¹ "A twelfth branch of the Royal revenue, the right to *mines*, has its original from the king's prerogative of coinage, in order to supply him with materials; and, therefore, those mines which are properly royal, and to which the king is entitled when found, are only those of silver and gold."—1 *Blackstone*, viii., 12. In 1733 the Attorney-General and Solicitor-General gave the opinion that by the charter granted to the Proprietors of New Jersey, "only the Base Mines within that Province passed to the Grantees, and that the words of the Grant are not Sufficient to carry Royal Mines, the property whereof Still Remains in the Crown."—*N. J. Archives*, V., 74. From an early date, there had been rumors of silver and gold mines in New Jersey.—*Ib.*, 64, 129.—[W. N.]

the Provinces of New York Connecticut or New Jersey in America *And Whereas* if such should be Discovered it will be necessary that a Grant or Grants should be Obtained from the Crown to Enable the Discoverers to carry on the same for their benefit whereupon it is Covenanted granted and agreed by and between them the said John Stearndal Charles Scot Thomas Cryer George Traile and Johan Sebastian Stephani for themselves their Executors and Administrators in manner and form following, first that they the said Charles Scot and Thomas Cryer shall and will upon their arrival in London use their utmost Endeavours to Obtain a Grant from the Crown to the Parties to these Presents and their Executors Administrators and Assigns for such Royal Mine or Mines as may be discovered in the provinces of New York Connecticut or New Jersey in America for such Time and Term and under such Provisions Limitations and reservations as the Crown will be favourably Pleased to Grant the same and also that they the said John Stearndal Charles Scot Thomas Cryer George Traile and Johan Sebastian Stephani and every of them their and every of their Executors Administrators and Assigns shall and will Pay and Bear their respective equall shares and Parts of all Costs and Charges whatsoever that may attend the Obtaining the said Grant or Grants or the Endeavour to Obtain the same and in case that they the said John Stearndal Charles Scot Thomas Cryer George Traile and Johan Sebastian Stephani and every of them their and every of their Executors Administrators and Assigns shall and will Pay and Bear their respective equall shares and parts of all such Costs Charges & Expences whatsoever as shall accrue either in searching for such Royal Mine or Mines or in working the same when Discovered and also that they the said John Stearndal Charles Scot

Thomas Cryer George Traile and Johan Sebastian Stephani nor either of them shall or will sell Transfer or otherwise dispose of their or either of their share or Interest in such Grant or any Mine that may be Discovered in Consequence thereof without first Offering the same to each and every of the other Parties to these Presents and also in Case the said Grant or Grants shall be Obtained & any Mine or Mines discovered in consequence thereof that then the working thereof shall be under the Guidance Management and direction of the said John Stearndal and Charles Scot two of the Parties to these Presents And lastly for the true performance of all and singular the Covenants conditions Restrictions and Agreements herebefore in these Presents mentioned and Contained they the said John Stearndal Charles Scot Thomas Cryer George Traile and John Sebastian Stephani do hereby Bind themselves their and each and every of their heirs Executors and Administrators and every of them each to the other in the Penal Sum of Ten Thousand Pounds Current Money of the Province of New York *In Witness* whereof they the said John Stearndal Charles Scot Thomas Cryer George Traile and Johan Sebastian Stephani have hereunto Subscribed their Names and Affixed their Seals in the City of New York the Day and Year first above in these Presents Written.

| | |
|-------------------------------------|---------|
| JOHN STEARNDAL | (L. S.) |
| CHARLES SCOT | (L. S.) |
| THOMAS CRYER | (L. S.) |
| GEORGE TRAILE | (L. S.) |
| JOH ^s SEBASTIAN STEPHANI | (L. S.) |

Sealed and Delivered in the Presence of Us the Parties Consenting and declaring that It was not their Intent or meaning that any Discoveries made by John Stearndal which are already under Lease to him or for

his use or in which he is already Interested' should be within the Intent & meaning of the Preceeding Articles.

RICHARD MORRIS
JOHN CRAWLEY

[Endorsed:] Copy Articles between Stearndal, Scot, Traile, Cryer & Sebastian Stephani concerning the Patenting & Ordering a Reputed Mine.

Communication from the Lords of Trade to the King, with drafts of Instructions to the Governours of the Colonies, as to Settlements on the Borders likely to interfere with the Indians, and the Tenure of Commissions granted to Judges and other officers.

[From New York Colonial Documents, Vol. VII., p. 477.]

WHITEHALL Dec: 2. 1761.

To the Kings most Excellent Majesty

May it please your Majesty

In obedience to your Majesty's Order in Council the 23 of last month We have prepared the Draughts of an Instruction for the Governours of such of your Majesty's Colonies upon the Continent of North America as are under your Majesty's immediate Government and where the property of the soil is in your Majesty, forbidding them to pass Grants of or encourage settlements upon any lands within the said Colonies which may interfere with the Indians bordering thereon.

¹ On July 1, preceding the above agreement, Stearndal and Josiah Hornblower had leased the Schuyler copper mine, opposite Belleville, New Jersey, for the term of fourteen years, subsequently extended for ten years longer.—*Josiah Hornblower and the First Steam Engine in America*, by William Nelson, 1883, p. 29.—[W. N.]

We have also in obedience to the said Order prepared the Draught of an Instruction for the Governors of your Majesty's American Islands, and for the Governors of those Colonies on the Continent of America, which are under your Majesty's immediate Government containing directions with respect to the tenure of the Commissioners to be by them Granted to the Chief Judges and Justices of the Courts of Judicature of the said Colonies both which Draughts, We humbly beg leave to lay before your Majesty for your Royal approbation

Which is most humbly submitted

SANDYS ED: BACON
 GEORGE RICE SOAME JENYNS.

[The first mentioned draft following, referring only to Nova Scotia, New Hampshire, New York, Virginia, North Carolina, South Carolina and Georgia: and then the second which includes New Jersey.]

Draught of an Instruction for the Governors of Nova Scotia New Hampshire New York, New Jersey Virginia North Carolina South Carolina Georgia Barbadoes Leeward Islands Bermuda Bahama and Jamaica relative to the Tenure of the Commissions to be by them granted to the Judges & other Officers and Ministers of Justice in the said Colonies

WHEREAS laws have been lately pass'd or attempted to be passed in several of Our Colonies in America enacting that the Judges of the several Courts of Judicature or other chief officers of Justice in the said Colonies shall hold their offices during good Behaviour And whereas the Governors or other chief Officers of several other of Our said Colonies have granted Commissions to the Judges or other chief Officers of Justice by which they have been impowered to hold their said Offices during good Behaviour contrary to the express Directions of the Instructions given to the said

Governors or other chief Officers by Us or by Our Royal Predecessors And whereas it does not appear to Us that in the present situation and Circumstances of Our said Colonies it would be either for the interest or advantage of the said Colonies or of this Our Kingdom of Great Britain that the Judges or other Chief Officers of Justice should hold their Offices during good Behaviour It is therefore Our express Will and Pleasure that you do not upon any pretence whatever upon pain of being removed from your Government give your Assent to any Act by which the tenure of the Commissions to be granted to the Chief Judges or other Justices of the several Courts of Judicature shall be regulated or ascertained in any manner whatever And you are to take particular care in all Commissions to be by you granted to the said Chief Judges or other Justices of the Courts of Judicature that the said Commissions are granted during Pleasure only, agreeable to what has been the ancient Practice and usage in our said Colonies and Plantations.¹

¹ In the above instructions the doctrine is boldly laid down more clearly than ever before by an English ministry, that the Americans were not entitled to the same rights and privileges as their fellow-subjects residing in Great Britain. Four years later the Stamp Act was passed, on the same principle, and then the Americans were aroused to the importance of this idea, as involving all their rights as subjects of the British Crown. The second principle referred to in this document—the independence of the judiciary—attracted little attention at a time when the country was profoundly interested in the French war, but when, soon after, justice was prostituted by the appointees of the Crown, in the administration of the admiralty courts, and in the enforcement of other obnoxious legislation by Parliament (*Marshall's Life of Washington*, II., 73; *Works of John Adams*, III., 465), the colonies awoke to the fact that their liberties were being insiduously attacked in a new and vital spot. The immediate occasion of the dispatch of December 2, 1761, was the enactment of a law by the New York legislature to make the commissions of judges hold during good behavior. The Pennsylvania Assembly had enacted such a law in September, 1759, which had received the assent of the Lieutenant-Governor, by advice of his council.—*Minutes Provincial Council of Pennsylvania, Colonial Records VIII.*, 398-402. It was disallowed by the king in Council, September 2, 1760, on these grounds: 1, Under the charter of Pennsylvania the appointment of judges was vested in the Proprietaries, and their appointments had been as good as the colony could afford; 2, "It would excite the jealousy of the other colonies, which would demand the same advantage;" 3, It would prevent the incompetent judges from being replaced by better men as the latter came into the province; 4, "It was not expedient for the interest of either the mother country or

Order in Council directing Instructions to be submitted for the King's signature in relation to Granting Lands and Judges' Commissions.

[From America and West Indies, Vol. 105.]



AT THE COURT AT S^t JAMES'S THE 3rd
DAY OF DECEMBER 1761

PRESENT

The King's Most Excellent Majesty in Council

Upon reading at the Board, a Report from the Lords Commiss^{rs} for Trade and Plantations dated the 2^d of this Instant, together with two Draughts of Instructions prepared by them, The one for the Governors of such of His Majesties Colonies upon the Continent of North America, as are under His Majesties immediate Government, and where the Property of the Soil is in His Majesty, forbidding them to pass Grants of, or encourage Settlements upon any Lands within the said Colonies, which may interfere with the Indians bordering thereon: And the other for the Governors of

the colonies, that judges in the plantations should hold their places *quamdiu se benevesserint*."—*Ib.*, 543-4, 558. The instructions to the royal Governors of New York and New Jersey, from 1686 down to 1761 contained this provision: "You shall not displace any of the judges * * * without good and sufficient cause signified unto us & to our committee of plantations. And to prevent arbitrary removals of judges * * * You are not to express any limitation of time in y^e commissions."—*N. Y. Col. Docs.*, III., 371, 687, 820; V., 130, etc.; *N. J. Archives*, II., 518, etc.; *Leaming and Spicer*, 630. In 1733 Governor Cosby took it for granted that judges could not be displaced except for cause.—*N. Y. Col. Docs.*, V., 949. A remarkable instance of the recognition of this principle is the case of Chief-Justice Robert Hunter Morris, of New Jersey, so copiously referred to in the correspondence in this volume regarding his claims to that office. He resigned: his resignation was not accepted formally, but a successor, William Aynsley, was appointed, who discharged the duties of the office from March, 1758, until his death in the July ensuing, when another successor was appointed. Then the Chief-Justice concluded, that as his resignation had not been accepted, it was his duty, as it happened also to be his

His Majestys American Islands, and for the Governors of those Colonies on the Continent of America which are under His Majestys immediate Government, containing Directions with respect to the Tenures of the Commissions to be by them granted to the Chief Judges and Justices of the Courts of Judicature in the said Colonies His Majesty this day took the said Draughts of Instructions into Consideration, and was pleased with the Advice of His Privy Council to Approve thereof, And to Order, as it is hereby ordered, That the Right Honourable the Earl of Egremont, One of His Majestys Principal Secretarys of State, do cause Instructions to be prepared agreeable to the said Draughts (which are hereunto annexed) for the Governors or Commanders in Chief of His Majestys Colonies on the Continent of North America, and also for the Governors or Commanders in Chief of His Maj-

pleasure, to resume his seat upon the bench, and the other judges decided that he had a right to do so, inas-much as his commission was *during good behavior*. Writing in 1756, William Smith, the historian of New York, himself Chief-Justice of the province for many years, and the son of a Supreme Court judge, said the commissions of the judges of that court "were formerly during pleasure, but of late *quandiu se bene gesserint*."—*Smith's Hist. New York*, London Ed., 1776, p. 320. There appears to have been some question, however, as to their terms, and in the early part of 1761 the New York Legislature passed an act "to provide that the judges of the Supreme Court shall have their commissions during good behavior," but Lieutenant-Governor Colden thought it well "to have the judges removable on the king's pleasure," and succeeded in preventing the passage of the bill. In May following the legislature again passed the bill, and the Governor staved it off for a time with the objection that it contained no provision for fixed salaries, but left the judges dependent from year to year on the will of the Assembly. He admitted that it was "a popular bill," and finally assented to it with reluctance. The instructions above given deterred the Assembly from any further efforts in the same direction, but that body resolutely refused to grant any salaries to the judges unless their commissions were issued during good behavior.—*Journals Legislative Council of New York, 1691-1775*, pp. 1435-7, 1443-51; *N. Y. Col. Docs.*, VII., 462, 470, 484. When the Stamp Act was passed, in 1765, the Americans soon perceived that they would necessarily be dependent for the judicial interpretation and enforcement of obnoxious laws of Parliament on judges holding office at the pleasure of the king, or *durante beneplacito*, instead of *durante se bene gesserint*, as was the law of England. Here both the practical workings of this system of commissioning and the invidious distinction made between the Americans and their fellow British subjects in England were perceived, and thoughtful men soon saw the importance of having a judiciary with fixed terms and fixed salaries.—*Works of John Adams*, IV., 186. In that remarkable paper, "The American Claim of Rights," by William Henry Drayton, of South Carolina, dated August 10, 1774, one of the grievances set forth

estys American Islands, and of those Colonies on the Continent of America which are under His Majestys immediate Government, and lay the same before His Majesty for His Royal Signature.

HEN FANE

Draught of an Instruction for the Governors of Nova Scotia, New Hampshire, New York, [New Jersey,] Virginia, North Carolina, South Carolina, and Georgia, forbidding them to grant Lands or make Settlements which may interfere with the Indians bordering on those Colonys

Whereas the Peace and Security of Our Colonys & Plantations upon the Continent of North America, does greatly depend upon the Amity & Alliance of the several Nations, or Tribes of Indians bordering upon the said Colonys, and upon a just and faithfull Observance of those Treatys and Compacts which have been heretofore Solemnly entered into with the said Indians, by Our Royal Predecessors, Kings and Queens of this Realm. And whereas notwithstanding the Repeated Instructions which have been from time to time given by Our late Royal Granfather, to the Gov-

is that "judges hold their seats at the will of the Crown, a tenure dangerous to the liberty of the subject, and therefore justly abolished in England," and therefore he claimed: "That equally as the people of England are interested in the independence of their judges, so are we interested in the independence of our judges; and upon principles of common and impartial justice, claim that their commissions should run *quamdiu se benevesserint*."—*Gibbes' Doc. Hist. South Carolina, 1764-76*, pp. 15, 17. The Declaration of Independence two years later set out as one of the just causes of complaint of the Americans against their king: "He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries." When the convention of 1787 met to frame a federal Constitution, the first business submitted was the plan of Edmund Randolph, which included a clause that the federal judges should "hold their offices during good behavior, and receive a fixed compensation." Mr. Paterson and Mr. Hamilton in their plans suggested a like provision and it was incorporated in the Constitution unanimously.—*Journal of the Federal Convention*, 69, 125, 131, 137, 188.—[W. N.]

ernors of Our several Colonys upon this head, the said Indians have made and do still continue to make great Complaints, that Settlements have been made & Possession taken of Lands the Property of which, they have by Treatys Reserv'd to themselves, by Persons claiming the said Lands, under Pretence of Deeds of Sale and conveyance, illegally, fraudelently and surreptitiously obtained of the said Indians, And whereas it has likewise been represented Unto Us, that some of Our Governors, or other Chief Officers of Our said Colonys, regardless of the duty they Owe to Us, and of the Welfare and Security of Our Colonys, have countenanced said unjust Claims and Pretensions by passing Grants of the Lands so pretended to have been purchased of the Indians, We therefore taking this matter into Our Royal Consideration, As also the fatal Effects, which would attend a Discontent amongst the Indians in the present Situation of Affairs, and being determind upon all Occasions to support and protect the said Indians in their just Rights and Possessions, and to keep inviolable the Treatys and Compacts which have been entered into with them, Do hereby strictly enjoin & Command, that neither yourself nor any Lieutenant Gov^r, President of the Council or Commander in Chief of Our said — of —¹ do upon any pretence whatsoever, upon pain of Our highest displeasure and of being forthwith removed from Your or his Office, pass any Grant or Grants to any Persons whatever, of any Land within or adjacent to the Territorys possessed or Occupied by the said Indians, or the Property or Possession of which has at any time been reserved to or claim'd by them: And it is Our further Will and Pleasure, that you do publish a Proclamation in Our Name strictly enjoining and requiring all Persons whatever who may either will-

¹ Colony or Province of —.—Ed.

fully or inadvertantly have seated themselves upon any Lands so reserved to, or claimed by the said Indians, without any lawfull Authority for so doing, forthwith to remove therefrom. And in case you shall find upon Strict enquiry to be made for that purpose, that any Person or Persons do claim to hold or possess any Lands within Our said —¹ upon pretence of Purchases made of the said Indians, without a proper Licence first had & obtained, either from us or any of Our Royal Predecessors, or any Persons Acting under Our or their Authority, you are forthwith to cause a Prosecution to be carried on, against such Person or Persons, who shall have made such fraudulent Purchases, to the end that the land may be recover'd by a due Course of Law. And whereas the wholesome Laws which have at different times been passed in several of Our said Colonys, and the Instructions which have been given by Our Royal Predecessors, for restraining Persons from purchasing Lands of the Indians, without a Licence for that purpose, & for regulating the proceedings upon such Purchases, have not been duly observ'd; It is therefore Our express Will and Pleasure, that when any Application shall be made to you, for Licence to purchase Lands of the Indians, you do forbear to grant such Licence; untill you shall have first transmitted to Us by Our Commissioners for Trade and Plantations, the particulars of such Application, as well in respect to the Situation, as the Extent of the Lands so proposed to be purchased, and shall have receiv'd Our further Directions therein. And it is Our further Will & Pleasure, that you do forthwith cause these Our Instructions to you, to be made publick, not only within all parts of Our said —¹ Inhabited by Our Subjects, but also amongst the several Tribes of Indians, living

¹ Colony or Province.

within the same, to the end that Our Royal Will and Pleasure in the Premises may be known, and that the Indians may be apprised of Our Determined Resolution to support them, in their just Rights, and inviolably to observe Our Engagements with them.

— — —

Draught of an Instruction¹ for the Governors of Nova Scotia, New Hampshire, New York, New Jersey, Virginia North Carolina South Carolina, Georgia. Barbadoes, Leeward Islands Bermuda, Bahama and Jamaica relative to the Tenure of the Commissions to be by them granted to the Judges and other Officers and Ministers of Justice in the said Colonies.

Whereas Laws have been lately passed or attempted to be passed in several of our Colonies in America, enacting that the Judges of the several Courts of Judicature or other Chief Officers of Justice in the said Colonies shall hold their Offices during good behaviour; and whereas the Governors or other Chief Officers of several others of our said Colonies have granted Commissions to the Judges or other Chief Officers of Justice by which they have been impowered to hold their said Offices during good Behaviour contrary to the express directions of the Instructions given to the said Governors or other Chief Officers by us or by our Royal Predecessors; And whereas it does not appear to us that in the present situation and Circumstances of our said Colonies it would be either for the interest and advantage of the said Colonies or of this Our Kingdom of Great Britain that the Judges or other

¹ Transmitted to the several Governors under date of December 12th, 1761.—Ed.

Chief Officers of Justice should hold their Offices during good Behaviour. It is therefore our express will and pleasure that you do not upon any pretence whatever, upon pain of being removed from your Government give your Assent to any Act by which the Tenure of the Commissions to be granted to the Chief Judges or other Justices of the several Courts of Judicature shall be regulated or ascertained in any manner whatsoever. And you are to take particular care in all Commissions to be by you granted to the said Chief Judges or other Justices of the Courts of Judicature that the said Commissions are granted during Pleasure only, agreeable to what has been the Ancient Practice and Usage in our said Colonies and Plantations—

*Letter from the Secretary of State (Earl of Egremont)
to the Governors of the North American Planta-
tions.*

[From New York Colonial Documents, Vol. VII, p. 482.]

WHITEHALL Dec^r 12. 1761.

[This circular, after setting forth the impracticability of recruiting the Regular Regiments in North America, from Great Britain, urges the Governors of the several provinces “to carry into the most speedy and Effectual Execution this Very important object” and concludes as follows:]

“I have also in Command from the King to acquaint you, that tho’ the present Situation of Affairs, would have fully justified, the having required of the Provinces, as large a number of Men as they ever have raised for any of the former Campaigns, instead of the quota, which was demanded the last year; yet, His

Maj^{ty} considering the high importance of the Service, which makes the subject of this letter, and being desirous to Ease the burthens of his faithful Subjects, as far as shall be consistent with their own Safety, has been pleased to require only the same number of Men, as for the last year, in order thereby to facilitate a measure, so essential as the compleating the Regular Regiments, by Recruits to be furnished from the Provinces in N^o America; and the King is persuaded that the said Provinces, duly sensible of His Maj^{ty's} tender and paternal care for their welfare, will in return, readily, and chearfully comply with the orders now sent you.

I am ettc.

EGREMONT.

Representation from the Lords of Trade to the King, recommending the disapproval of two Acts passed in New Jersey in April, 1761.

[From P. R. O. B. T. New Jersey, Vol. 17, p. 122.]

WHITEHALL Dec 22; 1761

To the King's most Excellent Majesty

May it please your Majesty

We have had under Our Consideration two Acts passed in Your Majesty's Colony of New Jersey in April 1761, and We humbly beg leave to lay the said Acts before Your Majesty together with such Observations as have occurred to Us upon them.

The first of these Acts is Entituled, An Act for obviating doubts respecting the Acts of Assembly past last Session and for confirming the proceedings of the Courts of Justice in this Province since the demise of His late Majesty.

As this Act is of a New & extraordinary nature and materially affects Your Majesty's Royal Prerogative, it ought not to have been passed, without a Clause suspending and deferring it's execution, until Your Majesty's Pleasure should have been known; This however is a defect arising entirely, from the inattention of Your Majesty's Governor, and does not in Our humble Opinion Affect the Merits of the Act itself; and We mention it only to point Out to your Majesty, the little regard shewn by the Governors in General, of your Majesty's American Colony, to those Instructions which respect their Conduct in the pass^{ing} of Laws.

The Objections, upon which We shall humbly propose that this Act may be repealed, have reference to the particular Provisions of it, which apply themselves to three distinct Objects;

1st To establish & confirm all Acts done by the Legislature and by the Courts of Justice, between the decease of His late Majesty & the Proclamation of your Majesty in that Colony.

2^{dly} To continue the Session of the General Assembly which shall have been called and met at any future demise of the Crown, for Six Months after the proclamation of the Successor.

3^d To declare, that no Court or Office of Justice shall be dissolved or discontinued, until the Expiration of Six Months, after any future demise of the Crown.

Upon a full Consideration of these several Provisions they appear to Us both unnecessary & inexpedient for the following Reasons;

1st because no doubt has ever arisen in any event of the nature of that referred to, nor can any doubt ever arise with any Shadow of reason to the validity of Acts done in the Name of the deceased Prince, before such decease could have been known, or legally promulged.

2^d Because the Reasons which gave rise to the Act of Parliament for continuing the sitting of Parliament

here for Six Months after the demise of the Crown do not extend in any, or at least a very small degree to the British Colonys

3^d Because the Act of the first of Queen Anne for the support of the Dignity of the Crown, and for other purposes (which Act is declared to extend to America) has already sufficiently provided for the Case, to which the third Section of this Act extends, and as the Clause is worded, it may operate or at least may be construed to operate, to take away from your Majesty and your your Royal Successors, the just, legal and Constitutional Power of Removing during the said Six Months the Judges or other Officers of the Courts of Justice in this Colony, or suspending any Commission of Assize, Oyer and Terminer, general Goal delivery or of Assosiation, Writ of admittance, Writ of Si non omnes, Writ of Assistance or Commission of the Peace, which is expressly contrary to the Tenor of the said Act of Parliament of the first of Queen Ann.

The Second of these Acts is Intituled *An Act for the Relief of Francis Goelet*.

As this Act is in the nature of a Bankruptcy Act, with respect to the Single Case of one particular person, it appears to Us to be of an Unusual and extraordinary nature, and therefore the same Objection Occurs upon it which We made upon the other Act, in respect to the Governor's Conduct, in passing it without a Clause suspending its execution untill your Majesty's pleasure should have been known : But as it is also an Act materially affecting private property, the want of a suspending Clause is not an Objection merely affecting the Conduct of your Majesty's Governor ; for We humbly apprehend, that this Clause was directed to be inserted in all Acts of this Nature, with a View to secure to the Subject a right of appeal to the Crown, in what ever might affect his private property, and that it is therefore a necessary qualifica-

Order in Council for removing Edward Antill from his seat in the Council of New Jersey, and for appointing John Stevens a Councillor in his room.

[From P. R. O., America and West Indies, Vol. 150.]



AT THE COURT AT ST. JAMES'S THE 2^D
DAY OF JANUARY 1762

PRESENT

THE KINGS MOST EXCELLENT MAJESTY IN
COUNCIL.

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 22^d of last Month, Setting forth, That Edward Antill Esq^r One of His Majestys Council in the Province of New Jersey, having during the whole Course of the Administration of Thomas Boone Esq^r late Governor of that Province refused to attend his Duty in the said Council tho' repeatedly Summoned, and the said Governor having in Obedience to the Directions of his Instructions suspended him from his seat in the said Council for such his Non Attendance, the said Lords Commissioners propose that the Suspension of the said Edward Antill may be confirmed, and that John Stevens Esq^r who

¹ John Stevens was born at Perth Amboy, N. J., about 1715-17, being the son of John Stevens, who had emigrated in 1639 from Middlesex county, England, to New York, where he studied law, removing in 1714 to Perth Amboy, where he married the oldest daughter of John Campbell, a prominent citizen of that town, and died in 1787. The younger John Stevens, with his brother Campbell, carried on a mercantile business, principally with the West Indies and Madeira Islands, and for six years sailed in command of his own vessels. In 1761 he retired from active mercantile life, devoting himself principally to the management of his extensive landed estates and copper mines at Rocky Hill. In 1751 he was a member of the General Assembly which met at Perth Amboy, and during the next ten years took a leading part in that body. In 1755 he was one of the committee empowered to build a chain

has been recommended to them as well qualified to serve His Majesty in that Station may be appointed of the said Council in the room of M^r Antill²—His Majesty taking the same into Consideration was pleased with the Advice of His Privy Council to ratify and confirm the said Suspension, and to Order as it is hereby Ordered that the said Edward Antill be removed from his Seat in the Council of the said Province, and that the said John Stevens Esq^r be constituted and appointed

of block forts to protect the New Jersey frontiers against the incursions of the Indians, and three years later was on the commission which negotiated a lasting peace with the Indians. From 1756 to 1760 he acted as paymaster of the "Jersey Blues," in the French War. In April, 1752, he took a town house in New York, and in 1761 purchased No. 7 Broadway, then the most fashionable neighborhood in the city, which he occupied for the ensuing ten years. He was one of the most prominent opposers in New York City of the obnoxious stamp act in 1765. In 1771 he built in Lebanon Valley, Hunterdon county, N. J., a few miles south of the present Lebanon station on the Central railroad, a large and elegant residence, known as the Stevens mansion which he made his home for nearly the rest of his days. He was one of the commissioners to adjust the northern boundary in 1774. In June, 1776, he resigned his seat in the Council, and was chosen to represent Hunterdon county in the Provincial Congress which met in August, 1776. He was unanimously elected Vice-President, and was continued in that position for six years, when he was sent to Congress. He was President of the Convention of 1787, which ratified the Federal Constitution, and this appropriately closed his long and notable political career. He was a zealous Episcopalian, for many years a vestryman and warden of St. Peter's Church at Perth Amboy, a liberal contributor to other churches, and was a delegate to the convention which met at New Brunswick May 13-14, 1744, to form a union of the Episcopal churches of America. His latter days were spent with his son, Colonel John Stevens, at Hoboken, where he died in May, 1792, and was buried at the Frame Meeting House, in Bethlehem township, Hunterdon county which he had contributed largely to build. He married, in 1748, Elizabeth, second daughter of James Alexander and sister of Lord Stirling. She survived him eight years. They had two children—John, and Mary, wife of Chancellor Livingston of New York.—*Sketch of John Stevens*, by Richard F. Stevens, in the *N. Y. Gen. and Biog. Record*, October, 1881, pp. 145-150.—[W. N.]

² Edward Antill was a prominent merchant in New York City in the seventeenth century. He was present at the trial of Phillip Carteret, Governor of East Jersey, before Governor Andros, of New York, in June, 1678, for alleged riot, and was justly indignant at that travesty on justice.—*N. Y. Col. Docs.*, III., 315. In 1683 he was appointed with such eminent citizens as Anthony Brockholls, Matthias Nicolls and Stephen Van Courtlandt, to inspect and catalogue the papers in the New York Secretary's office.—*Calendar N. Y. Hist. MSS*, II., 152. In 1686 he bought a tract of eighty acres on Staten Island, which he sold in 1691.—*Ib.*, 143, 243; *Calendar Land Papers*, 42. In 1686, being in the Jamaica and New Foundland trade, it was alleged that Governor Dongan, of New York, was improperly associated with him in his business, which, however, the Governor denied.—*N. Y. Col. Docs.* III., 407-8, 493. Besides dealing in the legitimate objects of trade with the West Indies he appears to have occasionally (as in 1699 and 1703) picked up an Indian woman or boy, to sell into slavery, for which he sometimes got into trouble.—*Cal. N. Y. Hist. MSS.*, II.,

a Member of His Majestys said Council in the Province of New Jersey in the room of the said Edward Antill And the Right Honourable the Earl of Egremont One of His Majestys Principal Secretarys of State is to cause the usual Warrant to be prepared for His Majestys Royal Signature accordingly.

W. BLAIR.

Letter from (Captain ?) George Otter to Lewis Johnston of Perth Amboy, inquiring about the ownership of the island "on the right-hand side betwixt Burlington and Bristol," its size, etc., with a view to securing it for himself—Sir Jeffrey Amherst had acquitted himself with great honor.—Reported that Parliament would tax their good subjects in America.

[From the Whitehead Manuscripts.]

LONDON 6th January 1762

Sir

I must now beg leave to trouble you with great Secret Business of my own and shall be very much obliged to you for your two Letters by the two first ships either from Philadelphia or New York. When

268, 279. Siding with his friends Brockholls and Bayard, in the Revolution of 1688, he was obliged to flee from the city to escape arrest at the hands of the overzealous Jacob Leisler, and one of his vessels was robbed of four guns by the Leisler Government.—*Ib.*, 300; *N. Y. Doc. Hist.*, II., 41. In his will, made June 10, 1704, proved April 7, 1725, he leaves half his land lying to the north of Hudson River to his wife Sarah, and the other half to his six children—William, Charles, Anna, Edward, Elizabeth and George. He also gives his wife all his interest in a certain proprietaryship formerly purchased of David Toshack, "Laird of Minnevarre." (This individual's identity puzzled the late Mr. Whitehead not a little.—*East Jersey under the Proprietors*, 1st ed., p. 127; 2d ed., 170. He is also spoken of as Moneybaird, or Monyweard, "Partner with James, Earl of Perth, and Sir George McKensie, of Tarbutt, and Proxy for them."—*N. J. Archives*, I., 460.) The will is witnessed by William Vesey,

either of your Sons go to Burlington enquire the name of that Island that lies on the Right hand side betwixt that place and Bristol, likewise what number of acres it contains; to do w^{ch} I would recommend it to be walked over with Mess^{rs} Kinsay and Hollingshead, or with any other of your acquaintance, those that I have mentioned are very good Tempered men and will readily answer any questions asked them, Likewise its Length & Breadth and how it bears, I think North & South. As likewise its distance from Burlington and the same from Bristol. There is a House and Barns upon it, who built it and the man's Christⁿ & Sir Name that Lives in it.. I do know that Bartington claims it, but have been oft told when I was there that they had no right to it. I would desire your Son to ask those Gents with others of your acquaintance but in such a manner as not to give the least suspicion that any Body is about it for fear of giving the alarm the w^{ch} might cause an agent to be employed against

Rector of Trinity Church, B. Cosens, a lawyer, and William Sharpas.—*N. Y. Wills, Lib. 10, F. 314.*



the son of the New York, merchant, was born in 1699 or 1700, and perhaps came into the possession of the

"Laird of Minnevarre's" broad acres at Raritan landing in Middlesex county, where he spent most of his life. Mr. Whitehead refers to him as "an oddity," and relates an incident to the effect that he once regretted to his wife that the women of the day spent so much time in idleness or profitless pursuits, instead of "abiding in the fields with their maidens," gathering flax or grain. The next morning on coming down to breakfast Mr. Antill found the house deserted, and no signs of the matutinal repast. His wife had taken him at his word, and was out in the fields with her handmaidens, pulling flax.—*Whitehead's Perth Amboy, 227.* This is only an instance of the serious, earnest view Mr. Antill took of life. In 1754 he gave £1,800 towards founding Columbia College, in the interest of the Episcopal Church.—*Hist. of New York during the Revolution*, by Thomas Jones, I., 10. He was one of the warmest friends of Christ Church, at New Brunswick, and in 1759 was one of the trustees of a lottery for the benefit of that church.—*Id.*, 323. When the Rev. Robert McKean, missionary at New Brunswick, removed in 1763 to Perth Amboy, he reported to the Society (in England) for Propagating the Gospel in Foreign Parts, that "the Hon Edward Antill, Esq., a man of most exemplary life, and singular piety, has undertaken to read prayers and a sermon every two Sundays at Brunswick, and every other two at Piscataqua, till the arrival of a missionary," and the Society voted him their thanks "for his pious labors."—*Record of Christ Church, New Brunswick, N. J.*, by the Rev. Alfred Stubbs, Rector, 1850, pp. 9, 26. He was a member of the General Assembly which met at Perth Amboy, October 27,

me—I was going to petition for ten thousand acres of land Island St John, but was too late. Am told a number of Gents have got Forty thousand acres there under my Lord Egmont the whole given to that Noble Lord.

* * *

I am Sir &c

GEO. OTTER.

P. S. You will expect some news concerning Sir Jeffrey Amherst. Lee wrote a Pamphlet Other matter or stuff appeared in the Papers neither of w^{ch} had the least weight. I am told that he acquitted himself with great honor and is consulted in all American matters. its Reported the Parliament will Tax their good Subjects in America.

1738, in which body he voted to sustain Governor Lewis Morris, who not unnaturally recommended him in 1740 for a seat in the Council. "He is a man of good Estate & Sence, and if admitted to that board, I hope and believe will prove an usefull and deserving member of it." He was appointed May 29, 1741, to make a quorum of the Council, and the appointment was confirmed in 1745.—*N. J. Archives*, VI., 110, 233, 237; *Papers of Lewis Morris*, 33, 37, 122, 219, 220, 283. He was reappointed in 1746, as a member of Governor Belcher's Council.—*Archives*, VII., 6. "Mr. Antill died August 15, 1770, in the 71st year of his age, and was buried near the southeast corner of Christ Church, New Brunswick. There is a large and handsome marble font in the church, on which is inscribed: 'The gift of John Antill, Esq., as a token of his affection to his native place.' The tradition in the family, however, was, that this font was presented by his father, the Hon. Edward Antill, as a votive offering, in consequence of deliverence from imminent danger."—*Record of Christ Church*, 26. Mr. Antill left three sons—Edward, John and Lewis. The latter two, with Margaret Antill and others, had a survey of 20,000 acres returned to them in 1770 by New York, of lands subsequently declared to be in Vermont, and in 1774 John secured 3,000 acres in western New York, which he sold in 1776 to Robert L. Hooper, perhaps to avoid confiscation.—*Cal. Land Papers*, 501-5, 668-9. Lewis is said to have served in the American army during the Revolution, and lost his life at Brandywine.—*Record Christ Church*, 26. Was he not the Dr. Lewis Antle who visited Judge John Field when the latter was a prisoner of the British in New York in 1777?—*Onderdonk's Suffolk Co.*, 219.

Edward had been in Canada ten years when the Revolution began, and being in Quebec in the Fall of 1775, when that city was besieged by the American troops, he refused to respond to the call of the governor of the city to take up arms in its defence, and was sent out to the American lines, and gladly assigned to duty at once as chief engineer of the army, by General Montgomery. He was with that gallant officer when he fell, and was dispatched by General Wooster to relate the particulars to General Schuyler and the Continental Congress. He was commissioned Lieutenant-Colonel of Colonel Hazen's regiment, and in May, 1776, was assigned by General Arnold to duty as Adjutant-General of the American army in Canada. In the following December he was sent on a recruiting tour through New Jersey and the Southern States, with the approbation of General Washington, and Congress

*Commission of Richard Saltar as Third Justice of the
Supreme Court of New Jersey.*

[From Book AAA of Commissions, Secretary of State's Office, Trenton, fol. 363.]

GEORGE the Third by the Grace of God of Great Britain France & Ireland King Defender of the Faith &c. To Richard Saltar Esq. *Greeting*, We Reposing Especial Trust and Confidence in your Integrity Learning and Ability have assigned Constituted and Appointed, And We do by these Presents Assign Constitute and Appoint you the said Richard Saltar to be third Justice of our Supreme Court of Judicature for our Province of *Nova Ceesarea* or *New Jersey*, Giving and hereby Granting unto you the said Richard Saltar full Power and Authority to hear Try and Determine all Pleas whatsoever Civil Criminal and Mixed according to the Laws Statutes and Customs of that part of our Kingdom of Great Britain called England and of our said province of New Jersey and Execution of all Judgments of the said Court to Award, and to make such Rules and Orders for the Benefit of the said province as may be found Convenient and Useful as near

voted him \$2,000 for his expenses.—*Force's American Archives*, 4th series, IV., 189, 669; VI., 591, 1106; 5th series, I., 654; III., 843, 1507, 1597, 1604, 1618. John Antill joined the British, and became a Major in the New Jersey Volunteers. On one occasion Edward was taken prisoner, and was confined on a prison ship. Happily for him, John was sent to examine the prisoners, and the first person he saw was his own brother, whose release he soon effected.—*Ib.*, 26. In 1780 John was dismissed the service for embezzlement, but four months later was restored to the command of his battalion.—*Jones's Hist. N. Y.*, II., 29. At the close of the war John was obliged to go to Canada, where he was living in 1796.—*Sabine's Loyalists* II., 472; *Eager's Orange County*, 346. He married (1772) Margaret, daughter of Alexander Colden, son of Lieutenant-Governor Cadwallader Colden, and after her death married her sister Jane.—*Eager's Orange County*, 346; *N. Y. Gen. and Biog. Record*, October, 1875, pp. 171-2. A daughter of Edward Antill, the Councillor, married the Rev. Robert McKean, which possibly accounts for the warmth of that reverend gentleman's eulogy of his father-in-law, quoted above, although she is said to have been a "young lady of very gay and independent spirit, not calculated to enhance the domestic happiness of the missionary."—*Whitehead's Perth Amboy*, 227. Mr. McKean died in 1767, and in 1772 (March 1) she was married again to — McNeil. Mrs. Antill was still living at this time.—*Cal. N. Y. Hist. MSS.*, II., 805.—[W. N.]

as may be Agreeable to the Rules and Orders of our Court of Kings Bench Common Pleas and Exchequer in that part of our Kingdom of Great Britain Called England *To Have Hold* Exercise and Enjoy the said Office or place of third Justice of our Supreme Court for our said Province with all and Singular the profits priviledges Sallerys Fees and Perquisites to the said Place belonging unto you the said Richard Saltar according to the Laws Statutes and Customs of that part of our Kingdom of Great Britain called England *In Testimony* whereof we have Caused these our Letters to be made Patent and the Great Seal of our said Province to be hereunto Affixed *Witness* our trusty and well beloved *Josiah Hardy Esq.* our Captain General and Governor in Chief in and over our Province of *Nova Ceesarea* or *New Jersey* and Territories thereon depending in America Chancellor and Vice Admiral in the same at our City of Perth Amboy the fifteenth Day of December in the Second Year of Our Reign Anno Dom. 1761.

[Endorsed:] *Be It Remembered* that on the Sixteenth Day of December 1761, Richard Saltar Esq. took the Oaths & made & subscribed the Declaration appointed by Law and the Oath for his due and impartial Executing the Office of third Justice of the Supreme Court of the province of New Jersey to which he is Appointed by the within Commission before me *Chas. Read* by virtue of a *Dedimus Potestatem*.¹



READ.

¹ Richard Saltar was the son of Richard Saltar, who in 1687 was already a prominent and influential personage in Monmouth County, and in 1700 and 1701 was conspicuously active in supporting the popular claims for the supremacy of the Nicolls patent as against the title of the Proprietors.—*Whithead's East Jersey*, 350, 351. Richard Saltar, second, was born about 1699. In 1746 he was designated as one of those who should give orders for firing the beacon lights on the Navesink High-

*Memorial of Nathaniel Jones to Earl of Hillsborough,
Secretary of State, in regard to his difficulties in
New Jersey.*

[From P. R. O., America and West Indies, No. 293.]

To the Right Honourable the Earl of Hillsborough One of His Majesty's Principal Secretarys of State &c. &c. &c.

The most respectful Memorial of Nathaniel Jones Esquire of the Middle Temple Barrister at Law.

Your Memorialist thinks himself happy on this Occasion of Addressing your Lordship on his hard Case, as his only hopes of Redress, are founded on your Lordships Known Candour, Justice, and Humanity.

Your Memorialist humbly begs leave to inform your Lordship that in the year 1759, he was constituted by his late Majesty, Chief Justice of the Jerseys in North America, and Relinquished his business in the Law in England, to attend the Duty of his Office, and at a vast Expence, repaired to America, in which he was

lands, to give warning of the approach of French cruisers.—*N. J. Archives*, VII, 374. In 1745 Governor Lewis Morris recommended him for a seat in the Council (*Papers of Lewis Morris*, 230), and in 1748 Ferdinand John Paris pressed him for the same position, to succeed President John Hamilton, deceased. This time he was given the place, greatly to the satisfaction of James Alexander, who regarded him as a "man of good understanding."—*N. J. Archives*, VII, 169, 176, 260. In 1753 Judge Charles Read recommended him for Chief Justice, to succeed Robert Hunter Morris, who contemplated resigning.—*N. J. Archives*, VIII, Part I, p. 187. In tendering his resignation some months later (March 29, 1754), Judge Morris suggested Mr. Saltar as the best man for the succession, being "a man of good understanding and fortune, a firm friend to the government, and will act in that station with honor to himself, and justice to the public."—*N. J. Analytical Index*, 304; *Provincial Courts of New Jersey*, by Richard S. Field, 1819, p. 150. Judge Morris' resignation was not accepted, but Mr. Saltar was commissioned (May 2, 1754) an Associate Judge of the Supreme Court, as the records show, to succeed Charles Read,

unhappily obliged to break in on the future Dependance of a most Valuable Wife, and her Children, in Order to discharge the Trust reposed in him, with Dignity and Fidelity:

That Robert Hunter Morris Esquire, in Open defiance of the late King, And in Opposition to the then Governor, Francis Bernard Esquire, who entred a protest in form, against M^r Morris's proceedings, as illegal, and Unwarrantable, as he absolutely prevented your Memorialist, in Execution of his Office.

That through the heavy Expences your Memorialist hath Sustained, his whole Substance is exhausted, and he was constrained to return to England, in Vain to Attempt the Recovery of his lost business in the Law, through his long absence abroad, which before afforded him a Competent Maintenance, nor has your Memorialist received any Satisfaction, or Compensation whatsoever, for the above Charges, or the injury he has suffered by this disappointment, which has reduced him to Calamitous Circumstances:

That your Memorialist being informed of a Vacancy of the Office of Chief Justice of South Carolina, Most humbly supplicates your Lordship, to consider the premises and your Memorialists perseverance, and Fidelity, in his Majestys Service, And that your Lordship will be pleased to Recommend him to his Majesty as an Object Meriting his Royal favour, And that he may be appointed to succeed in the above office now Vacant or have such other relief as in your Lordships benignity, and wisdom shall seem most meet,

And Your Memorialist will ever pray &c.

NATHANIEL JONES.

resigned.—*N. J. Analytical Index*, 306. In issuing new commissions to the Courts in 1761, Governor Hardy re-commissioned Judge Saltar. Mr. Saltar "resided for a while at Trenton; also for a while at Allentown. He built a large, substantial house at Black Point, west of the Navesink river, near the place now called Seabright. He married, June 23, 1721, Hannah, daughter of Elisha Lawrence and Lucy Stout, his wife."—*The Saltar Family*, by J. E. Stillwell, M. D., 1882, p. 3. He died in 1763, while still a member of the Council.—*N. J. Analytical Index*, 371.—[W. N.]

Remonstrance of the Judges to the Earl of
Halifax

Janry 2^d 1761.

To the Right Hon^{ble} the Earl of Halifax &c.

My Lords.

We should not be so importunate with your Lordships, but the bearer, M^r Jones, is as great an object of your Compassion, as ever was, he tells us, which we believe to be true; that by his Voyage to and from America, and the great Expence he was at in providing necessarys for himself and Servants, suitable to his Station abroad, that he has spent all his substance, and by his absence so long abroad, he says he has lost all his Business, which he had here, which though not great afforded him a Competent Maintenance, so that he is now left destitute of any provision:

We desire therefore that your Lordship will be so good to recommend him to some of the Offices now Vacant, or that some provision may be made for him, as we think we could not ask it, for one who deserves it so well:

We hope your Lordship will not consider this as a Letter of Course; for we are really concerned for this Poor Gentleman; and whatever favour you bestow on him, we shall Esteem it an Obligation lain on

My Lord Your Lordships

most obedient and most humble Servants

J: WILLES E: CLIVE
T: PARKER W: NOEL

*Letter from Governor Hardy to the Lords of Trade—
had re-appointed Mr. Morris Chief Justice and
Messrs. Nevill and Saltar second and third Judges
—and referring to a Bill before the Assembly for
laying a duty on imported Negroes.*

[From P. R. O. B. T., New Jersey, Vol. 9, K. 22.]

PERTH AMBOY Jan^y 20th 1762

The R^t Hon^{ble} The Lords Commissioners for
Trade & Plantations

My Lords

By the last Packet I received under a blank cover his Majestys Instructions bearing date the 29th day of September, directing the alteration in the morning & Evening Prayers in which the Royal Family are prayed for; I have accordingly caused a proclamation to be issued throughout the Province & the same is punctually obey'd in all the Parish Churches & other places of Divine Worship.

The General Assembly met on the 30th of Nov^r and not having much business before them I dismiss'd them the 12th of last month, after having assented to the Bill for the Support of Government, which they have voted to continue till the 21st day of May 1763. Copy of which I shall order the Deputy Secretary to transcribe as also of six other bills pass'd this Sessions all of which I will send Your Lordships by the first opportunity; the General Assembly now stand prorogued to the 16th of next month.

I found by these minutes that they intended bringing in a bill to lay a small duty on Negroes imported into this Province, but on a message from me acquainting them that his Majestys instructions would not allow my assenting to such a Bill, they dropt it; but at the same time they represented to me the incon-

venience the Province is exposed to in lying open to the free importation of Negroes,¹ when the Provinces on each side have laid duties on them; for which reason great Numbers of Negroes are landed in this Province every Year in order to be run into New York & Pennsylvania besides overstocking this Country with Slaves of which in the general opinion there are already too many. They have therefore desired I would lay this matter before your Lordships, as they look upon it as a great hardship, I could therefore wish Your Lordships would please to take into consideration & intercede with his Majesty to grant them such relief as in his wisdom he may think fit.

I must further acquaint Your Lordships, that soon after my arrival I found there was a total Stop to the Administration of Justice in the Supreme Courts, by the Judges Commissions not having been renewed since the death of his late Majesty, and a Rumour began to be spread that the Judges were not qualify'd to act. I therefore (for fear of any bad consequence, and to quiet the minds of the People who appear'd much disatisfy'd) thought it best for his Majestys Service as well as the good of the Province to order the Commissions to be renew'd, in the same manner as they have hitherto been granted, which is during good behaviour; I must observe to Your Lordships likewise that I found the General Assembly had come to a resolution not to make any provision for the Judges

¹ In 1754, John Woolman, of Burlington county, published "Some Considerations on the Keeping of Negroes," in which he strongly insisted that slaveholding was contrary to Scripture. He thenceforward labored steadfastly among his fellow Friends to do away with slavery, and through his persistent agitation of the subject the Philadelphia Yearly Meeting, in 1758, sent out a deliverance on the propriety of Friends holding slaves. In 1759 they adopted more pronounced opinions on the same subject.—*Woolman's Journal*, Dublin, 1791, 90-4, 100. Anti-slavery sentiments were thus steadily cultivated among the Friends, and it was doubtless from this movement that the New Jersey Assembly sought to do what the Pennsylvania Assembly actually did—enact a law providing for a duty on imported slaves.—*Penn. Col. Records*, VIII., 575-8, 601. The New Jersey Legislature enacted a similar law in 1769, imposing a duty of £15 on every imported slave sold in the Province.—*Atkinson's Laws*, 315.—[W. N.]

in the bill for Support of Government if they accepted Commissions during pleasure; I therefore hope I shall have his Majesty's & Your Lordships approbation for what I have done. I likewise found it absolutely necessary to renew M^r Morris's Commission of Chief Justice, and I cannot help observing that he is certainly a very proper Person for this Post which ought to be held by a Man of Abilities & character especially at this time when M^r Nevill the second and M^r Saltar the third Judge are both advanced in Years & declining in health which may sometimes render them Incapable of executing their Offices in case of an Accident happening to either of these two Gentlemen which is likely to be expected, I should be glad to have Your Lordships directions as tis not in my opinion for the benefit of the Province to keep these employments long vacant however I submit this to Your Lordships wiser determinations & am with great respect

My Lords Your most Obedient

Humble Servant

JOSIAH HARDY

Letter from Governor Hardy to the Earl of Egremont, relating to the Duty on Imported Negroes and Commissions of Government Officers.

(From P. R. O., America and West Indies, Vol. 172, [190.].)

PERTH AMBOY 22^d Jan^y 1762.

R^t Hon^{ble} Earl of Egremont

My Lord.

By the last Packet I received two letters from M^r Pitt dated the 11th and 28th Sept^r with the joyfull news of his Majestys happy marriage, and coronation which I immediately communicated to the General Assembly of this Province who were then sitting. I likewise

had the honor of Your Lordships letter of the 9th October acquainting me that his Majesty had been pleased to appoint you to be secretary of state for the Southern Department I sincerely congratulate Your Lordship on this occasion, and beg leave to recommend the Province of New Jersey to your patronage and protection.

The General Assembly in their last Sessions brought in a bill to lay a small duty on Negro's imported here, which I stop'd their proceeding in by a message acquainting them that the 26th article of his Majestys instructions forbid my giving my assent to such a Bill, whereupon they have desired me to represent to your Lordship the Hardship they think themselves under, as the Provinces on each Side have laid such a duty which which occasions great Numbers of Negro's to be every year landed in this Province and are from hence run into New York and Pennsylvania, besides overstocking this Country with Slaves, of which in the general opinion there are already too many; and prevent in a great measure settling the Colony properly they therefore humbly hope his Majesty will be please to take their case into consideration and grant them relief, by giving me orders to assent to a bill for this purpose.

I must now acquaint Your Lordship with a difficulty I found my Self under on my arrival in this Province. The time limited for all Officers under the Government holding their Commissions being expired, the Judges of the Superior Courts look'd on themselves as not legally qualify'd to act by which means a total Stop was put to the administration of Justice in those Courts, this being represented to me as a very serious matter which might be attended with very bad consequences, and that the minds of the people began to be uneasy, I therefore by the unanimous advice of his Majesty's Council have renew'd the Chief Justice and second and third Judges Commission, in the same

manner and to the same Gentlemen who have discharged these Offices with great reputation and integrity. I would willingly have postponed this affair till I could receive his Majesty's Commands, but, I found the delay must occasion great inconveniences and be attended with consequences that might prove very prejudicial in carrying on his Majesty's Service, and likewise much disturb the publick peace; I therefore hope I shall have the honor to receive his Majesty's approbation of what I have done; and I should be glad to know his Majestys pleasure what I am to do in case a vacancy should happen which may be expected from the age and infirmity of the Second and third Judges.

I am with the greatest respect My Lord

Your most obedient Humble Servant

JOSIAH HARDY

Memorandum of Case referred to the Attorney and Solicitor General as to whether Governor Hardy's appointment of Judges during good behavior are valid.

[From P. R. O. B. T. New Jersey, Vol. 17, p. 131.]

CASE.

Case referred to the Attorney & Solicitor General

By His Majesty's Letters Patent bearing date at Westminster the day of 1761, Josiah Hardy Esq^r was appointed to be Captain General & Governor in Chief of Nova Cæsarea or New Jersey, and was thereby required to do and execute all things in due manner that belong unto his said Command and the trust reposed in him, according to the several

Powers and directions granted or appointed by his said Commission, & the Instructions & Authorities therewith given him, or by such further Powers, Instructions and Authorities as should at any time be granted or appointed him under His Majesty's Signet & sign manual, or by Order of His Majesty in his Privy Council, and according to such reasonable Laws & Statutes as were then in force, or should be made and agreed upon by him with the Advice and Consent of the Council and the Assembly of the said Province under his Government, in such manner and form as was therein expressed.

The said Josiah Hardy was further impowered by the said Letters Patent to erect, constitute and establish such and so many Courts of Judicature and publick Justice within the said Province under his Government as he should think fit and necessary for the hearing and determining of all Causes as well Criminal as Civil according to Law and equity and for awarding of Execution thereupon, with all reasonable and necessary Powers, Authorities, Fees & Privileges belonging thereto; and also to constitute and appoint Judges and in Cases requisite Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in the said Province for the better Administration of Justice, and putting the Laws in Execution.

By His Majesty's general Instructions to the said Josiah Hardy Esq^r under His Majesty's Signet and Sign Manual, bearing date the 30th day of June 1761, which said Instructions are referred to in, and were delivered with the above recited Letters Patent, it is directed, that all Commissions to be granted by him the said Josiah Hardy to any Person or Persons to be Judges, Justices of the Peace or other necessary Officers should be granted during Pleasure only.

Some time after M^r Hardy's Arrival in his Govern-

ment, he thought fit to appoint Robert Hunter Morris Esq^r to be Chief Justice, and two other Gentlemen to be second & third Judges of the supreme Court during their good Behaviour.

Q. Are such Appointments of these Judges to be Judges of the Supreme Court during good Behaviour, contrary to the express Directions of His Majesty's Instructions to the Governor, legal and valid Appointments?¹

Q. If such Appointments are not legal & Valid, by what Authority and in what manner may they be set aside?

[March 1762]

Letter from Mr. Pownall, Secretary of the Lords of Trade, to Sir Matthew Lamb, desiring him to prepare a draft of a Bill for the punishment of murder committed within the Admiralty Jurisdiction in the Plantations.

[From P. R. O. B. T., Plantations General, Vol. 11, Page 179.]

WHITEHALL March 17th 1762

To Sir Mathew Lamb Bar^t

Sir

His Majesty having been pleased by his Order in Council of the 11th instant to direct that the Lords Commissioners for Trade and Plantations do, with the Advice and Assistance of His Majesty's Advocate Attorney & Solicitor General, prepare, in order to be laid before Parliament, a Bill for the Tryal and Punishment of Persons guilty of Murder within the Admir-

¹ See Attorney General's Answer, January 18th, 1763.—Ed.

alty Jurisdiction in the Plantations, and it being His Majesty's Pleasure that this Business should be proceeded upon with all possible Dispatch; I am directed by their Lordships to desire that you will forthwith draw up the Heads of a proper Bill for this Purpose to be immediately laid before their Lordships for their Consideration and that you may be the better enabled to pursue their Lordships Directions herein, I herewith inclose to you a Report of His Majesty's Advocate, Attorney and Solicitor General upon certain Questions stated to them in reference to the Laws as they now stand. I am Sir

Your most obedient humble Servant

JOHN POWNALL.

A Bill for the more speedy and effectual Tryal and Punishment, in His Majesty's Colonies and Plantations in America, of Persons guilty of Murder within the Limits of the Admirals Jurisdiction.

Whereas by An Act of Parliament made in the Twenty Eighth Year of the Reign of King Henry the Eighth, It is Enacted that Treasons, Felonies, Robberies, Murders and Confederacies committed on the Sea shall be enquired of, tryed and determined according to the common Course of the Laws of this Land used for such offences upon the Land within this Realm, Whereupon the Tryal of those offenders before the Admiral or his Lieutenant or his Commissary hath been altogether disused, And Whereas since the passing the said Act, Persons committing Murders on the Seas or in any Haven Creek or Place where the Admiral has Jurisdiction in His Majesty's Colonies and Plantations in America, cannot be brought to condign Punishment without great Trouble Charge and Incon-

venience in sending them to England to be tryed within the Realm as the said Statute directs, therefore for the removing such Inconveniences, and for the more effectual Execution of Justice upon such Persons who having committed Murders upon the Seas, within the Admirals Jurisdiction, shall be apprehended in or brought Prisoners to any of His Majesty's said Colonies or Plantations in America, Be it Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the Authority of the same, that from and after the *first* Day of *July* 1762 all Murders which shall be committed upon the high Seas, or in any River, Haven, Creek or Bay where the Admiral hath Jurisdiction, may be inquired of, tryed, heard, determined, Judged, and Execution awarded and done within any of His Majesty's Islands, Colonies and Plantations in America in such like manner and form as if such Offence had been committed or done upon the Land, And be it further Enacted by the Authority aforesaid, that the Governor, Lieutenant Governor or other Person in Chief Authority and Command for the time being, in any of His Majesty's said Islands Colonies and Plantations in America, within which any Person or Persons charged with having committed Murder upon the Seas or in any Haven, River, Creek or Bay where the Admiral has Jurisdiction shall be apprehended or to which he she or they shall be brought Prisoners, is hereby authorized and required to issue a Commission under the publick Seal of the said Island Colony or Plantation directed to the Judge or Judges of the Admiralty of the said Island, Colony or Plantation for the time being, and to *three or four* such other substantial Persons as the said Governor Lieutenant Governor or other Person in Chief Authority and Command shall name and appoint to hear and determine such Offences

according to the common Course of the Laws of the said Island, Colony or Plantation used for the Tryal and Punishment of Murder committed or done upon the Land, which said Commissioners or such a Quorum of them as shall be appointed by the said Com'ission shall have as full and ample Power to enquire, hear, determine, adjudge, and punish such Offence as aforesaid, as any Commissioners to be appointed by Commission under the great Seal of Great Britain by virtue of the said Statute made in the Twenty Eighth Year of the Reign of King Henry the Eighth might or could have, use, exercise or enjoy in cases of the like Nature within the Realm of England, And be it further Enacted by the Authority aforesaid, that all and every such Offender or Offenders as aforesaid, which shall be apprehended in or brought Prisoners to any of His Majesty's said Islands, Colonies or Plantations in America, shall be liable to such Order Process Judgment and Execution by virtue of the Commission to be grounded upon this Act as might be awarded or given against him her or them, in case he she or they were proceeded against within the Realm of England, by virtue of any Commission grounded upon the said Statute of the Twenty Eighth Year of the Reign of King Henry the Eighth. Provided always and be it Enacted by the Authority aforesaid, that nothing in this Act contained shall be construed to prevent any Person or Persons who shall have committed Murder upon the Seas, or in any Haven, River, Creek or Place where the Admiral has Jurisdiction and shall not have been tryed according to this Act from being tryed for such Offence within the Realm of England according to the said Statute of the 25th Year of the Reign of Henry the Eighth.

And be it further Enacted by the Authority aforesaid, that this Act shall continue and be in force for the Space of seven Years, and from thence to the end of the then next Session of Parliament and no longer.

*Commission of John Brainerd, as Superintendent
and Guardian of the Indians at Brotherton.*

[From Book AAA of Commissions, Secretary of State's Office, Trenton, fol. 369.]

HIS EXCELLENCY JOSIAH HARDY Esquire Captain General and Governor in Chief in and over his Majesty's Province of New Jersey and Territories thereon depending in America Chancellor and Vice Admiral in the same &c. To the Reverend Mr. JOHN BRAINARD,¹

¹ John Brainerd was the son of the Hon. Hezekiah Brainerd, Jr., of (Old) Haddam, Conn., where he was born February 28, 1720, two years later than his famous brother, David. He was graduated from Yale College in 1746. The Rev. David Brainerd, his brother, in this year established a new mission among the Indians of New Jersey at a place he significantly called *Bethel*—about two miles northeast of Cranberry, in Middlesex County. He was compelled by ill health to leave it in the spring of 1747, and his brother John took charge of it for him, arriving at Bethel April 15th, of that year. He was ordained to the ministry in May, 1748, and was then formally commissioned as missionary to the Indians, by the Society in Scotland for Propagating Christian Knowledge, his brother David having died October 9th, 1747. He remained in this charge until the fall of 1755, when he was obliged to relinquish the work, and removed to Newark, where he remained most of the time until the spring of 1759, having charge of the First Presbyterian Church in that town, although he does not appear to have been installed pastor. He spent nine more years among the Indians, at Brotherton, of which more hereafter, and in 1768 took up his residence at Mount Holly, preaching to the whites. In 1775 he returned to Brotherton, but in 1777 removed to Deerfield, Cumberland County, giving the Indians every alternate Sabbath, and preaching the rest of the time to the whites in the southern part of the State. He was a Trustee of Princeton College 1754-81. He died in March, 1781, and his remains repose beneath a white marble slab in the floor of the Deerfield Church. He left one daughter, the wife of Major John Ross, of Revolutionary fame; she died in 1792, leaving three children, only one of whom left descendants.—*Life of John Brainerd*, by the Rev. Thomas Brainerd (1865), Passim; *A Genuine Letter from Mr. John Brainerd, etc.*, London, 1753; *Journal of Rev. John Brainerd (1761-2)*, 1880; *Life of Rev. David Brainerd*, Passim. The name is often written Brainard, but the missionaries wrote it Brainerd themselves.

John Brainerd was laboring with considerable success among the Indians at Bethel, when, in 1749, the title of the native occupants was attacked by Chief-Justice Robert Hunter Morris, which discouraged the Indians, who in the course of time gradually disposed of their lands. In 1753 it was proposed to remove them to Unadilla, Penn., but this was not carried out. In 1751 an effort was made, doubtless through Brainerd, to secure a tract of about 4,000 acres in New Jersey, for the permanent settlement of the Indians, and this was endorsed by the Society for Propagating Christian Knowledge, under whose auspices Brainerd was working. This movement failed also. In 1755 the Correspondents of the Society, at New York, reported that the Indians at Bethel would soon be dispossessed, and they recommended that the Society should either buy land or apply to the Government

Greeting, Whereas by an Act of General Assembly made and Passed in the Thirty Second year of the Reign of his late Majesty King GEORGE the Second, Intituled, *An Act* to Enpower Certain Persons to Purchase the Claims of the Indians to Land in this Colony, It is among other things Enacted and Provided, That the Commissioners therein named (to wit) Andrew Johnston, Richard Saltar, Charles Read, William Foster, and Jacob Spicer Esqr. or any three of them with the Approbation of the Governor or Commander in Chief of the Province for the time being, should Purchase some Convenient Tract or Tracts of Land for the Settlement of such Indian Natives who had Resided or then did Reside in the said Province South of the River. *And Whereas* the said Commissioners by and with the Consent & Approbation of His Excellency FRANCIS BERNARD Esqr. then Governor in Chief of the said Province did Pursuant to the Powers to them

for a grant of unappropriated land for their settlement. In 1756, again, the Correspondents thought they had a prospect of securing such a tract, comprising about 3,000 acres, in New Jersey, admirably adapted for the purpose, in Mr. Brainerd's judgment; the cost was to be about £150, sterling, of which they had £150, and asked the parent Society for the balance. That body voted, in November, 1757, to furnish the requisite £300, but it was never forthcoming, perhaps because of another movement in the same direction.—*Life of John Brainerd*, 154-8, 269-286, 293-6, 455. Under date of April 16th, 1757, a number of Friends in West Jersey organized "The New Jersey Association for Helping the Indians." The first article provided that a tract of about 2,000 acres of land in Monmouth, Burlington or Gloucester should be purchased by the Association and set apart for the use of the native Indians of New Jersey, forever, free of rent. Although about £175 was subscribed for the purpose, it does not appear that the Association ever went into actual operation, but it is quite apparent that this praiseworthy movement, following up the persistent efforts of Brainerd, led the way for the action subsequently taken by the Legislature. At the Conference held at Easton, August 9, 1758, the Indians asked that a tract of land be purchased of Benjamin Springer, in Evesham Township, Burlington County, to be set apart for their use, in exchange for the territorial rights claimed by the Indians south of the Raritan. Just three days later the Legislature authorized the purchase, the lands to be held by Commissioners named in the Act, and their successors, in trust, forever, for the use of the Indians. The same month three tracts were bought, one of Benjamin Springer and two of Richard Smith, amounting in all to nominally 1,983 acres, but actually to 3,044 acres. (This was undoubtedly the tract selected by Brainerd in 1756.) The Commissioners were authorized to erect dwellings, mills, schoolhouses, etc., and to exercise a general supervision over their wards. (They do not appear to have carried out their instructions, however, for in 1761 Mr. Brainerd writes that he appealed to the Legislature for aid to erect a schoolhouse, a grist mill, a blacksmith's shop and a small trading store; but the Quaker influence in the Assembly

given in and by the before Recited Act of Assembly did purchase of and from one Benjamin Springer a Certain Tract of Land in the Town of Evesham and County of Burlington, since called and known by the Name of Brotherton by a Certain Indenture bearing date the Twenty Ninth day of August in the 32nd year of the Reign of our late Sovereign Lord GEORGE the Second made between the said Benjamin Springer of the one part and his said Excellency Francis Bernard Esq. Governor &c. the said Andrew Johnston, Richard Saltar, John Stevens, William Foster, and Jacob Spicer, the said Commissioners of the other part, Recorded in the Secretaries Office at Burlington in Liber O. of Deeds page 394 may more fully and at large Appear. *And Whereas* a Considerable Number of Indians Sensible of the Provident Care of this Gov-

defeated the project.—*Life of Brainerd*, 318. It is probable that the hostility to the measure was on account of the undesirable character of the Indians.) The settlement was called Edge Illock, Indian Mills, or Brotherton. The last name has unfortunately disappeared from the map. It is thought that this was the first Indian Reservation established by law in the country. About 100 of the Leni Lenape resided on this tract for many years, gradually diminishing in thrift and numbers. In 1762 they appealed to the Legislature for aid, but vainly, and in 1796 that body appointed other Commissioners to take charge of them, and to lease out their lands for their benefit. In 1801 the Indians were invited by some of their kindred near Oneida Lake, New York, to settle among them. They accepted the invitation, and at their request the Legislature directed the tract to be divided and sold, for their benefit, which was done, the money going to defray the expenses of the removal of the Indians to New York, and to put something into the treasury of their hosts.—*Fragmentary History of New Jersey Indians*, by Samuel Allinson, Proceedings N. J. Hist. Soc., January, 1875. "The tract was located a little northwest of the centre of the present Shamong Township, Burlington County, covering what is now the village of Indian Mills, on Bread and Cheese Run."—*Hist. Burlington and Mercer Counties*, 1883, p. 415, which also gives a map of the subdivision of the tract made in 1802. Sec. 7, of the Act of 1758, authorizing the purchase of this Indian reservation, provided: "The Lands to be purchased for the *Indians* as aforesaid shall not hereafter be subject to any Tax; any Law, Usage or Custom to the contrary thereof in anywise notwithstanding."—*Allinson's Laws*, 221. The act of 1801 authorizing the sale of the tract was silent as to the exemption from taxation, and in 1803 the local assessor, deeming that the exemption no longer existed, assessed the lands for State and county purposes. The purchasers certioraried, and the Supreme Court in September, 1804, quashed the assessment. In December following, the Legislature passed an act repealing section seven of the act of 1758, and in 1805 the assessor again assessed the lands in question, and the Supreme Court, at the November term, 1807, affirmed the validity of the assessment, holding that the exemption clause was not an irrepealable contract, and that it was merely for the benefit of the Indians during their use and occupancy of the land. (*Pennington*, 301.) This judgment was affirmed by the Court of Errors, but being

ernment have Settled themselves on the said Tract of Land called Brotherton so as aforesaid Purchased for the Uses and Purposes aforesaid, And it being necessary, as well for the Service of the said Indians as for the Quiet of the Inhabitants being near the said Place called Brotherton, that some Person should be Appointed to take care of and Superintend such Indians as are already Settled or hereafter may Settle at Brotherton aforesaid. *Now Know* you, that I Reposing Especial Trust and Confidence in you the said John Brainard, Do by these Presents Constitute and Appoint you the said John Brainard Superintendent and Guardian of the said Indians and every of them, and of the said Tract of Land Called Brotherton, *Subject, Nevertheless* to such Orders and Regulations as shall or may be made Relative to the said Indians by me or the Commander in Chief of this Province for the time being, or by the Commissioner hereinbefore mentioned or such as shall be hereafter Named and Appointed by Act of the Legislature for that purpose. *Given* under my Hand and Seal at Arms at Burlington this Twenty Second day of March Anno Domini, 1762.



JOSIAH HARDY.

By his Excellency's Command,

CHAS. READ. Secry.

carried to the Supreme Court of the United States, was in 1812 reversed, that tribunal deciding that the act of 1804 was unconstitutional, as impairing the validity of a contract. A singular fact is that in 1814, in the face of this decision of the highest court in the land, the property was again assessed, and a still stranger fact is that the taxes were thereafter regularly paid, until 1877, without objection or protest. In 1877 the assessment was again certiorated to the Supreme Court, which at the November term, 1879, affirmed the validity of the assessment, on the ground that in view of all the facts, as above, "the payment of the taxes from 1814 to 1877, without questioning the right to lay them, raised a conclusive presumption that by some convention with the State the right to exemption was surrendered."—12 *From*, 478. Brainerd, although often seeking the recognition and aid of the authorities of the province in his important work, does not mention the above commission in any of his letters or journals which have come to light; nor is it referred to in the very complete and exhaustive biography quoted above. Perhaps as it was unaccompanied by any substantial assistance, which was so much needed by him to prosecute his laborious and self-sacrificing task, he may have thought it unworthy of notice.—[W. N.]

Commissions for Surrogates in the Western and Eastern Divisions of New Jersey.

[From Book AAA of Commissions, Secretary of State's Office, Trenton, fol. 367-8.]

BY HIS EXCELLENCY JOSIAH HARDY Esquire Captain General & Governor in Chief in and over His Majestys Province of *New Jersey* and Territories thereon depending in America Chancellor and Vice Admiral in the same. To Charles Read Esqr., Samuel Allinson, & Gabriel Blond, of the City of Burlington, John Ladd of the County of Gloucester, George Trenchard of the County of Salem, Maskell Ewing of the County of Cumberland, Henry Young of the County of Cape May, Theophilus Severns of the County of Hunterdon, and Aaron Doud of the County of Sussex *Greeting*

I Reposing especial Trust & Confidence in your and each of your Integrity Learning and Ability have thought fit to Constitute & appoint, and I do hereby Constitute and appoint you and each of you the said Charles Read, Samuel Allinson, Gabriel Blond, John Ladd, George Trenchard, Maskell Ewing, Henry Young, Theophilus Severns, & Aaron Doud, Surrogates of the Prerogative Court in the Western Division of the Province of New Jersey aforesaid, Giving and hereby Granting unto you and each of you the said Charles Read, Samuel Allinson, Gabriel Blond, John Ladd, George Trenchard, Maskell Ewing, Henry Young, Theophilus Severns, and Aaron Doud, All Powers and Authorities to the said Office belonging, *To Hold* the same during my Will & *Pleasure*, *In Testimony* wherof I have caused the Prerogative Seal of the said Province of *New Jersey* to be hereunto Affixed at Perth Amboy in the said Province the Twenty Second day of March in the Second Year of his Majestys Reign, and in the year of Lord One Thousand Seven Hundred and Sixty two.

CHAS. READ. REGT.

[Prerogative Seal of New Jersey.]

A COMMISSION was Granted by His Excellency JOSIAH HARDY Esqr. Governor of the Province of New Jersey &c. to Charles Read Esqr. Secretary of the Province of New Jersey John Smyth, Andrew Smyth, and Jonathan Doane, of the City of Perth Amboy, Anthony White, and James Hudd Junr. of the City of New Brunswick, Robert Ogden of Elizabeth Town, Uzal Ogden and Lewis Ogden of Newark, John Sobrisco of the County of Bergen, Jacob Dennis & Samuel Leonard of the County of Monmouth, Appointing them and each of them Surrogates of the Prerogative Court in the Eastern Division of the Province of New Jersey, *To Hold* the same during Will & Pleasure, Dated at Perth Amboy the Twenty Second day of March in the Second year of the Reign Annoq. Dom. 1762 with the Prerogative Seal thereto Affixed.

Signed.

CHAS. READ. Regr.

Secretary Pownall of the the Lords of Trade to Robert Wood, enclosing a representation from that body which had been submitted to the Council, asking for the removal of Governor Hardy.

[From P. R. O., America and West Indies, Vol. 172, (190).]

WHITEHALL, March 27th 1762

Robert Wood Esqr

Sir.

I am directed by the Lords Commissioners for Trade and Plantations to send you the enclosed Repⁿ which their Lordships have this day made to His Majesty in Council, proposing that M^r Hardy Gov^r of New Jersey may be removed from his Gov^t and to desire you will communicate it to Lord Egremont.

I am with great truth & respect Sir

Your most Obed^t and most humble Serv^t

J POWNALL.

Copy of Representation from the B: of Trade to the King in Council, for removing M^r Hardy from the Government of New Jersey, dated March 27th 1762 for his having appointed three Judges of that Province during their good behaviour, in Disobedience to his Majesty's Instructions.

To the Kings most Excellent Majesty,

May it please your Majesty,

Having lately rec^d a letter from Josiah Hardy Esq^r Governor of your Majesty's Province of New Jersey, dated the 20th of Janry last, acquainting Us amongst other things that he had granted a Commission to Robert Hunter Morris Esq^r to be Chief Justice and also Commissions to two other Gentlemen to be second and third Judges of the supreme Court of Justice in that Province, during their good behaviour, it is our duty humbly to lay before your Majesty the annex'd extract of so much of M^r Hardy's letter as relates to this matter.

We have already in Our humble Representation to your Majesty of the 11th of November last so fully set forth Our Opinion of the impropriety of the Judges in the Plantations holding their Offices during good behaviour and the operation, w^{ch} in the present state of those Plantations such a Constitution would have to lessen their just and proper dependance upon your Majesty's Government that it is unnecessary for Us to add any thing further upon that head, and your Majesty's General Instructions to all your Governors and those Instructions in particular which were grounded upon that Representation are so full and so positive that We cannot offer any thing that may in the least degree extenuate so premeditated and unprecedented an Act of disobedience of your Majesty's

Governor of New Jersey, in a matter so essential to your Majesty's interest and Service, not only in that Province but in all other your Majesty's American Dominions.

The appointing M^r Morris to be Chief Justice after the Contempt he had shown of your Majesty's authority, by procuring a person who had been appointed to that Office in consequence of His late Majesty's Warrant, to be superseded by a Judgment of that Court, in which he claimed to preside by a bare authority of the Governor, is alone such an example of misconduct, as does, in our opinion, render the Governor unworthy of the Trust your Majesty has conferred upon him. But aggravated as his Guilt is by the mode of the appointment and by the influence which it will necessary have in the neighbouring Provinces of Pennsylvania and New York, and particularly in the latter, where the utmost zeal and efforts of the Lieut^t Governor has been hardly sufficient to restrain the intemperate zeal and indecent opposition of the Assembly to your Majesty's authority, and Royal Determination upon this point: It becomes, under these Circumstances, our indispensable duty to propose that this Gentleman may be forthwith Recalled from his Government, as a necessary example to deter others in the same situation from like Acts of Disobedience to your Majesty's Orders, and as a measure essentially necessary to support your Majesty's just Rights and authority in the Colonies and to enable Us to do Our duty in the station your Majesty has been graciously pleased to place Us in, and effectually to execute the Trust committed to Us.

Which is most humbly submitted.

| | |
|----------------------|----------------------|
| SANDYS | E ^p ELIOT |
| SOAME JENYNS | GEO: RICE |
| E ^p BACON | JOHN ROBERTS |

JOHN YORKE

Whitehall March 27th 1762

*Letter from Governor Hardy to the Secretary of State
on the declaration of war against Spain.*

[From America and West Indies Vol: 172 (190).]

PERTH AMBOY 29th April 1862.

The R^t hon^{ble} the Earl of Egremont

My Lords,

I have the honor of your Lordships letter of the 7th January by the Enterprize as also a duplicate of the same by the Packet, inclosing me his Majestys Declaration of War against Spain, which I have according to His Majesty's command caused to be proclaimed in both divisions of this Province; and I have taken such steps as I hope will effectually prevent the Enemy receiving any Supplys of provisions, ammunitiion, or Stores from hence.

In my letter of the 2 ins^t I inform'd your Lordship that the Assembly of this Province had voted the full number of Men for the Provincial Regiment which is now compleat and will in a very few days be ready for Service I have now the pleasure to acquaint your Lordship, that on my Second Application to the Assembly they with great cheerfulness and unanimity agreed to grant the necessary encouragement for raising the Quota demanded of them by His Majesty's General for recruiting the Regular Forces, I shall therefore do every thing in my power to raise the Men as soon as possible. I shall only add that altho' Our Assembly did not see this affair in its true light at first yet as they have now comply'd with the whole of His Majesty's Requisition I humbly hope they will not lye under the weight of His Majesty's displeasure.

I am with the greatest respect

My Lord Your Lordships

most Obedient & most Humble Servant

JOSIAH HARDY

Letter from Governor Hardy to Secretary Pownall—the Commissions during good behavior had been relinquished by the Judges—R. H. Morris strongly recommended for Chief Justice—the death of Andrew Johnston of the Council expected.

[From P. R. O. B. T., New Jersey, Vol. 9, K, 26.]

PERTH AMBOY 22^d June 1762.

Sir

This goes by Mr Barons who will send to the Office a Box containing all the Bills passed to this time with the proceedings of the House of Assembly. I was in hopes to have sent likewise the Copy of the Journal of the Council, but I have not yet been able to obtain it from the Secretary

I have the satisfaction to acquaint you that all Commissions during good behaviour are now at an end in this Province, by the Judges having determined to accept their Commissions in such manner as His Majesty shall think proper. Mr Morris who now acts as Chief Justice, will be very proud to continue in the Office if His Majesty approves of him, if not he will immediately resign, but I own for the good of the Province I wish their Lordships would be pleased to recommend to His Majesty, to order his Mandamus appointing Mr Morris to the Office, which would at once settle all future Commissions of this kind

I am hourly expecting to hear of the Death of Mr Andrew Johnston, one of the Council of this Province, I shall endeavour to recommend a proper person to succeed him, but it will be difficult to comply with my instructions in this particular, as I don't know of any Person in the Western Division fit for the Council, there are many in the East Division who will be glad of the honour, but very few that are properly quali-

fy'd I shall therefore hope their Lordships will excuse me if I do not recommend so many, when this vacancy happens, as the instruction directs. You will please to communicate to my Lords Commissioners for Trade and Plantations such part of this letter as you think proper

I am with great truth Sir

Your most Obedient Humble Servant

JOSIAH HARDY

Sir Jeffrey Amherst to the Commanding officer at Elizabethtown (Capt. Elias Dayton)—Gov. Hardy had informed him that upwards of twenty men were ready at Elizabethtown to Embark for Albany—Orders that they do so.

(From N. J. Hist. Soc. MSS.)

To the Officer Commanding a Party of the New Jersey Troops at Elizabethtown.

Governor Hardy having Acquainted me that he Expected Twenty men and Upwards of the New Jersey Troops to be Ready at Elizabeth Town, at this day, I Now send a Boat to Receive you and them, & Desire you will immediately Embark & proceed to the North River, where you will find a Sloop ready to Receive you; And you will, without loss of time, proceed in her to Albany, when upon your Arrival, you will shew these Orders to Colonel Bradstreet, or Captain Winepress & follow & Obey such further Directions as you shall Receive from them.

Given under my Hand at Head Quarters in New York this 5th day of July 1762.

JEFF. AMHERST.

By His Excellency's Command.

ARTHUR MAIR

Letter from Governor Hardy to the Lords of Trade announcing the death of Andrew Johnston, and recommending Stephen Skinner as his successor as Treasurer of East Jersey, and three other gentlemen for the Council, etc.

[From P. R. O. B. T. New Jersey, Vol. 9, K, 27.]

PERTH AMBOY 16th July 1762.

The Right Hon^{ble} The Lords Commissioners for
Trade and Plantations

My Lords

I am sorry to acquaint Your Lordships of the death of M^r Andrew Johnston one of His Majestys Council and Treasurer of the Eastern division of this Province, this Gentlemen is a great loss to the Community both in his publick as well as private capacity, as it would be a very great inconvenience to the Province to keep vacant the post of Treasurer I have appointed M^r Stephen Skinner to that employment during His Majestys pleasure, which I hope your Lordships will approve, he being well qualify'd for the Trust.

As it will be necessary for His Majestys Service that the present vacancy in the Council should be filled up as soon as possible, I beg leave to recommend the following Gentlemen to Your Lordships Viz^t, James Parker John Barbarie and John Smyth Esq^{rs} all residing in this town, they are Men of Abilities and known loyalty to his Majesty. I am sorry it is not at present in my power to comply so far with his Majestys instructions as to send the Names of three Persons from the Western division, but I do not know of any one in that part of the Country properly qualify'd for so important a trust. I must take the liberty to observe that it would be a very great convenience in carrying on the publick Service to have at least three of the Council

residing here, especially at this time when there are frequent occasions for their meeting; Two of them live at New York and the others at such a distance that I cannot get them together under three days notice by sending Expresses different ways, which puts the Province to a considerable expence. I therefore hope that in the future nomination of Councillors Your Lordships will be pleased to have some regard to their residence.

I am further to acquaint Your Lordships that the Judges of the Superior Courts have consented to resign their Commissions, during good behaviour and to act in their several stations till His Majesty's pleasure shall be known. in a former letter I observed that I had revoked several Commissions of this nature granted to the Judges of the Common Pleas, by the late Governor Belchier.

I am endeavouring to put the Militia of this Province on a better footing than it has been hitherto, they should consist of about 12700 Men which with five Troops of Horse and four Companys of Cadets of about 70 Men in a Company is the only defence we have to trust to, we have no Forts mounted with Cannon to protect the harbour which is a very fine one and capable of containing large Ships. The Province is pretty secure on the land side by Pensylvaina and New York at the back of it, but we have no defense against Ships.

I wrote Your Lordships by the Launceston Man of War the 18th of last month and by that opportunity I sent Copys of all the Bills past by the Assembly with Copys of their Proceedings since I came to the Administration, and I will as soon as possible send Copys of the Journals of the Council.

I am with the greatest respect My Lords

Your Lordships most Obedient

and most Humble Servant

JOSIAH HARDY

*Letter of the Earl of Egremont to the Lords of Trade,
announcing his Majesty's appointment of William
Franklin, to be Governor of New Jersey.*

[From P. R. O., B. T., New Jersey, Vol. 9, K. 23.]

WHITEHALL 20th August 1762

Lords Commissioners for Trade

My Lords

His Majesty having been pleased to appoint William Franklin, Esq^r to be Governor of Nova Cæsarea, or New Jersey, in America, in the room of Josiah Hardy, Esq^r I am to signify his Majesty's Pleasure, that You should prepare Draughts of a Commission & Instructions for him, in order to be laid before His Majesty for His Approbation.¹

I am My Lords,

Your Lordships Most obedient humble Servant

EGREMONT

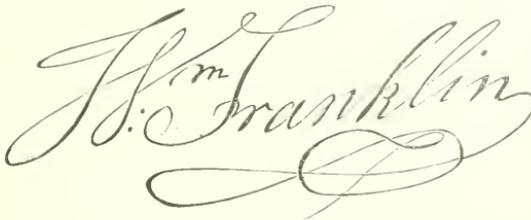
*Commission of William Franklin, as Governor of
New Jersey.*

[From Book AAA, of Commissions, in the Secretary of State's Office,
Trenton, fol. 379.]

GEORGE the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. To our Trusty and well Beloved WILLIAM FRANK-

¹ The draft of the Commission in usual form was submitted to the King August 25th.—ED.

LIN' Esquire Greeting: *Whereas* We did by our Letters Patent under our Great Seal of Great Britain bearing date at Westminster the Fourth day of May in the First year [of our] Reign Constitute and Appoint JOSIAH HARDY Esquire Captain General and Governor in Chief in and over our Province of Nova Ceesarea or New Jersey in America for and during our Will and Pleasure as by the said Recited Letters Patent Relation being thereunto had may more fully & at large Appear. *Now Know You*, that We have Revoked and Determined and by these Presents do Revoke and Determine the said Recited Letters Patent and every Clause Article and thing therein Contained, *And* further Know you that We Reposing Especial Trust and Confidence in the Prudence Courage and Loyalty of you



son of Dr. Benjamin Franklin, and the last Royal Governor of New Jersey, was born in Pennsylvania in the year 1731. He did not find a home under the paternal roof until he was about a year old,

from which time he was tenderly and carefully nurtured by his illustrious father and newly acquired mother. Manifesting a fondness for books, he was furnished with every facility for acquiring a good education, and as he grew up, took great delight in giving a helping hand in those philosophical experiments which rendered his father's name immortal. At an early age he was appointed Clerk of the House of Assembly of Pennsylvania and post-master at Philadelphia. In the French war he was a Captain, and served with great credit at Ticonderoga. In 1756 he accompanied his father to England, and upon his arrival in that country entering upon the study of law, was in due time called to be a barrister. Soon thereafter the University of Oxford conferred upon him the honorary degree of Master of Arts, and, at the same time, upon his father that of Doctor of Laws. His pleasing manners and numerous accomplishments won for him many influential friends, among whom was the distinguished Earl of Bute, who took a lively interest in his welfare. This nobleman recommended him to Lord Fairfax, who, without the solicitation of himself or his father, gave him the appointment of Governor of New Jersey. This appointment is said to have been greatly deprecated by the good people of the province, but the reception of the new Governor was not attended by any exhibitions of disrespect or dissatisfaction. On the contrary, he and his accomplished and most estimable wife, whose maiden name was Elizabeth Downs, and whose birth place was in the West Indies, after landing in Philadelphia, and thence pro-

the said William Franklin, of our Especial Grace certain Knowledge and meer Motion, have thought fit to Constitute & Appoint and by these Presents do Constitute & Appoint you the said William Franklin to be our Captain General and Governor in Chief in and over our Province of Nova Ceesarea or New Jersey to wit, the Divisions of East and West New Jersey in America, which we have thought fit to Reunite into one Province and Settle under one Government. *And* We do hereby Require and Command you to do and execute all things in due manner that shall belong unto your said Command, and the Trust We have Reposed in you according to the several Powers and directions Granted or Appointed you by this Present Commission and the Instructions & Authorities herewith Given you, or by such further Powers Instructions and Authorities as shall at any time hereafter be Granted or Appointed you under our Signet and Sign Manual or by our Order in our Privy Council and according to such Reasonable Laws and Statutes as

ceeding to New Brunswick, were "escorted to the seat of government (Perth Amboy) by numbers of the gentry, in sleighs and by the Middlesex troop of horse; and there received by Governor Hardy and the members of his Council."—*Whitehead's Early History of Perth Amboy*, p. 188. His first place of residence was at Burlington, where he remained until October, 1774, when he removed to Perth Amboy.

The increasing prosperity of the Colonies was attended by a constantly increasing desire on the part of the Mother Country to make them a source of profit to herself, and the measures which she took to accomplish this could not fail to engender a spirit of discontent and even opposition among the colonists. This resulted, of course, in continual controversies between the Governor and the Assembly, but it is due to the Governor to say that while he was true in his allegiance to the king, his evident desire to promote the welfare of his people reconciled them very considerably to his firmness in carrying out his instructions. Without doubt, he deeply deplored the disputes between the mother country and the Colonies, and his speeches to the Assembly indicate a sincere desire to prevent open hostilities. "It is not for me to decide," said he to the Assembly in January, 1775, "on the particular merits of the dispute, nor do I mean to censure those who feel themselves aggrieved for aiming at a redress of their grievances;" but to obtain this redress, he adds there are "two roads, one evidently leading to peace, and a restoration of the public tranquility, the other inevitably conducting you to anarchy, misery and all the horrors of civil war." Up to this time the intercourse between

now are in force or hereafter shall be made and agreed upon by you with the Advice and Consent of our Council and the Assembly of our said province under your Government in such manner and form as is hereafter expressed.

[It is deemed unnecessary to insert the remainder of this Commission, which is in all respects similar to that given to Governor Boone. It closes as follows:] And we do hereby declare Ordain & Appoint that you the said William Franklin shall and may hold Execute and Enjoy the Office and place of our Captain General and Governor in Chief in and over our province of Nova Ceesarea or New Jersey together with all and Singular the Powers and Authorities hereby Granted unto you for and during our *Will* and *Pleasure*. *In Witness* whereof We have Caused these our

the Governor and the Assembly had not been unfriendly, and there was even yet a lingering attachment to the mother country. But when in April following, the news of the bloody battle at Lexington was received, a feeling of indignation took possession of nearly every one. Lord Stirling, one of the members of the Council, accepted a military commission under the Provincial Congress in September following, and was promptly suspended by the Governor. All harmony between the Governor and the Council soon came to an end. The Assembly which had been prorogued on the 20th of May preceding, was called upon by his proclamation to convene on the 20th of June. This being regarded as a contempt of the Continental Congress, he was deprived of his salary, declared to be an enemy to his country, arrested and finally sent as a prisoner of war to Connecticut. Here he suffered imprisonment for two years and five months, when, having been released, he repaired to New York, where he became President of the Board of Associated Royalists. After a residence of four years in that city, he sailed for England in August, 1782. The personal estate which he was obliged to sacrifice was valued at only £1,800. This was restored to him, and an allowance of £300 per annum in addition to £500 yearly pension previously granted to him as being half the value of his salary and fees in America. He died November 17, 1813, at the age of 82 years. After his imprisonment Governor Franklin was never permitted to visit his wife, who died July 28, 1778, in the 49th year of her age. Between his father and himself there was no intercourse from the beginning to the end of the war. That their disagreement was genuine was beyond a doubt. Nevertheless rumors having been spread in England that it was collusive, and more politic than sincere, the Governor was compelled to give evidence of his loyalty before his compensation for damages and his pension were allowed. A partial reconciliation took place between himself and his father in 1784. His son, William Temple Franklin, remained with his grandfather, Doctor Benjamin Franklin, and became his biographer.

Letters to be made Patent *Witness* Ourselves at Westminster the Ninth day of September in the Second year of our Reign.

By Writ of Privy Seal.



YORKE & YORKE.

This Commission was published at Perth Amboy on the 25th of February 1763, and at Burlington a few days afterwards.

Commission of William Franklin as Vice-Admiral, etc., of New Jersey.

From Book AAA of Commissions, in Secretary of State's Office, at Trenton, fol. 375.]

GEORGE the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith, To our Beloved WILLIAM FRANKLIN Esquire our Captain General & Governor in Chief of our Province of NOVA CEESAREA or NEW JERSEY, in AMERICA, *Greeting* We Confiding very much in your Fidelity Care and Circumspection in this behalf do by these Presents, which are to Continue during our Pleasure only, do Ordain Constitute and depute to you the said WILLIAM FRANKLIN our Captain General and Governor in Chief aforesaid our Vice Admiral Commissary and Deputy in the Office of Vice Admiral in our Province of NOVA CEESAREA or NEW JERSEY aforesaid and Territories thereon depending and in the Maritime parts of the same and thereto adjoining whatsoever, with Power of taking and Receiving all and every the Fees Profits Advantages Emoluments Commodities and Appurtenances

whatsoever, due and belonging to the said Office of Vice Admiral Commissary and Deputy in our said Province of NOVA CÆSAREA or NEW JERSEY aforesaid and Territories dependant thereon and Maritime parts of the same, & adjoining to them whatsoever according to the Ordinances & Statutes of our High Court of Admiralty of England And We do hereby Commit and Grant unto you the aforesaid WILLIAM FRANKLIN Esqr. our Power and Authority in and throughout our *Province of New Jersey* aforesaid and Territories thereof and Maritime parts whatsoever adjacent thereto, And also throughout all and every the Sea Shores, Public Streams, Ports, Fresh Waters, Rivers, Creeks, and Arms as well of the Sea as of the Rivers and Coasts whatsoever of our said *Province of Nova Cæsarea or New Jersey* and Territories dependant thereon, and Maritime parts whatsoever of the same and thereto adjacent as well within Liberties and Franchises as without, to take Cognizance of and proceed in all Causes Civil and Maritime and in Complaints Contracts Offences or Suspected Offences, Crimes, Pleas, Debts, Exchanges, Accounts, Charter Parties, Agreements, Suits, Trespasses, Injuries, Extortions, and Demands and Businesses, Civil and Maritime whatsoever Commenced or to be Commenced between Merchant or between Owners and Proprietors of Ships and other Vessells, or others whomsoever with such Owners and proprietors of Ships and all other Vessells and Merchants Whatsoever Employed or used within the Maritime Jurisdiction of our Vice Admiralty of our said *Province of Nova Cæsarea or New Jersey* and Territories depending on the same or between any other Powers whomsoever had made began or Contracted for any matter thing cause or Business whatsoever done or to be done within our Maritime Jurisdiction aforesaid together with all & Singular their Incidents, Emergencies, Dependencies, Annexed

& Connexed Causes whatsoever wheresoever or howsoever and such Causes Contracts Complaints and other the Premises abovesaid or any of them which may happen to and be contracted had or done to hear and determine according to the Rights Statutes Laws Ordinances and Customs Antiently Observed.

[The remainder of this Commission is similar to that given to Governor Boone which may be found on page 195. It concludes as follows]

Given at London in the High Court of our Admiralty of England aforesaid under the Great Seal thereof the Third day of September in the year of our Lord One Thousand Seven Hundred & Sixty Two, and of our Reign the Second.



GODF. LEE FARRANT. Registrar

READ.

*Letter from the Earl of Egremont to Governor Hardy
—informing him of his removal from the Govern-
orship of New Jersey.*

[From P. R. O. America and West Indies, Vol. 77.]

WHITEHALL Sept: 11th 1762

Gov.^r Hardy.

Sir,

His Majesty having in consequence of the strong Representation of the Board of Trade to the King in Council, judged it expedient to put an End to your Commission of Governor of New Jersey; I am to acquaint you that His Majesty has been pleased to ap-

point William Franklin Esq^r to succeed you in that office; and that M^r Franklin will repair to New Jersey, as soon as His Commission and Instructions can be expedited.

I am &c^a

EGREMONT

Representation from the Lords of Trade to the King inclosing a Draft of Instructions for the Governors of the several Colonies and Plantations in America for an Alteration in the Prayers for the Royal Family.

[From P. R. O. B. T., Plantations General, Vol. 41, page 198.]

WHITEHALL Sep^r 27th 1762

To the Kings most Excell^t Majesty

May it please your Majesty

In obedience to your Majesty's order in Council of the 17th instant, directing Us to prepare Draughts of Instructions proper to be sent to the Governors of your Majesty's Plantations in America for an Alteration in the Prayers for the Royal Family. We herewith humbly lay before your Majesty Draughts of such Instructions as We conceive proper on this occasion for your Majesty's Royal Signature.

Which is most humbly submitted

SANDYS

Instructions to Our Trusty and Wellbeloved Arthur Dobbs Esquire Our Captain General and Governor in Chief in and over Our Province of North Carolina in America.¹ Given at Our Court at S^t James the first Day of October 1762 in the second Year of Our Reign.

Whereas We have been pleased by our Order in Council dated the 17th Day of Sept^r last to declare our Pleasure that in the Morning & Evening Prayers in the Litany & in all other Parts of the publick Service as well in the Book of common Prayer where the Royal Family is appointed to be particularly pray'd for, the following Form of Words should be used viz^t: Our Gracious Queen Charlotte, their Royal Highnesses George Prince of Wales, the Princess Dowager of Wales and all the Royal Family; our Will and Pleasure therefore is that in all the Prayers, Litanies and Collects where the Royal Family is pray'd for, and which are used within Our Province of North Carolina under your Government the same Form and Order of Words be used as follows viz^t: Our Gracious Queen Charlotte, their Royal Highnesses George Prince of Wales, the Princess Dowager of Wales & all the Royal Family; And for the better Notice hereof in our said Province, it is Our further Will and Pleasure that you cause the same to be forthwith published in the several Parish Churches and other places of divine Worship within Our said Province, and that you take Care that due Obedience be paid thereto accordingly.

¹ Similar Instructions to all the other Governors.—Ed.

Letter from Josiah Hardy, Governor of New Jersey, to Mr. Pownall, informing the Lords of Trade of the appointment of Mr. White to be Judge of the Admiralty, in the room of Mr. Lewis Morris, deceased, etc.

[From P. R. O., B. T., New Jersey, Vol. 9, K. 38.]

PERTH AMBOY 9th Oct^r 1762

Mr Pownall

Sir

I received the favor of your letter of the 11th June, inclosing me by order of the Lords Commissioners for Trade and Plantations the printed Copy of an Act for making perpetual an Act, for the better Regulation and Government of Seamen in the Merchants Service; and for extending the provision thereof to His Majestys Colonys in America.

I should have acknowledged the receipt of your letter before but I had not timely notice of the sailing of the Packet; I am now just return'd from meeting the General Assembly at Burlington; they have made a provision for a Company of Sixty Six Men Officers included, demanded by Sir Jeffrey Amherst for Winter Duty on the Frontiers, they likewise passed several Bills which I will send Copies of as soon as I can get them transcribed.

By this Man of War I send a Packet containing Copies of the journals of the Council, which ought to have gone before with the Bills by the Launceston but were not finish'd time enough I therefore hope my Lords Commissioners will not impute this to any neglect in me.

By the Death of Lewis Morris' Esq at New York, the Post of Judge of the Admiralty in this Province is become Vacant, and altho' the business of the Admiralty Court of New Jersey is but small, inconvenience might arise from this Post not being filled up, I have therefore appointed Anthony White Esq^r to act as Judge of the Admiralty during pleasure; I hope my Lords Commissioners for Trade and Plantations will not disapprove of this appointment, as I can make it appear that it would be much to the benefit of both Provinces that this Post should not be united in one Person—

I am with great Regard Sir

Your most Obedient Humble Servant

JOSIAH HARDY.

¹ LEWIS MORRIS was the eldest son of Governor Lewis Morris, of New Jersey, and was born at his father's country residence, Tinton, Monmouth Country, New Jersey, September 23, 1698.—*Morris Family Bible, quoted in N. Y. Gen. and Biog. Record*, January, 1876, pp. 16, 17. In 1722, at the early age of twenty-four, he was appointed a member of the Council of New York, which dignity he held until 1729, when he was suspended for words dropped in a dispute relating to the Governor's drafts upon the revenue.—*Hist. New York City*, by Mrs. Martha J. Lamb, New York, 1877, I., 536; *Journal Leg. Council N. Y.*, 479-585. In 1732 he was elected to the Assembly, where he remained until 1746, a continual thorn in the side of the Royal Governors. In 1737, he was chosen Speaker of the Assembly, which in that year introduced the novel rule of recording the yeas and nays on measures of legislation.—*Journals*, 616, 689, 1746. "He was exceedingly unlike his father, the Governor of New Jersey; had less forensic ability, rarely indulged in offensive sarcasm, and possessed great suavity of manner, with genuine humor. As a politician he was wary, self-reliant, equal to any emergency, and his pluck almost reached audacity. What he once maintained he would never abandon or lay aside for an instant. He avoided speech-making, but when driven to it through any extraordinary excitement he never lacked expression, though some of his rhetorical flights were regarded as pedantic. He had great gifts in repartee, and was singularly entertaining in society. He was a handsome man."—*Mrs. Lamb's Hist. N. Y.* I., 575-6. His portrait is prefixed to the Papers of Governor Morris, having been mistakenly supposed to be that of his father. "Instead of a hat he used to wear upon his head a loon's skin, a large American fowl, with all its feathers."—*Hist. of N. Y.*, by Thomas Jones, I., 140. He was commissioned as Judge or Commissary of the Court of Admiralty, January 16, 1738, with jurisdiction in all maritime affairs in New Jersey, New York and Connecticut. After his death the jurisdiction was divided as suggested by Governor Hardy in the above dispatch.—*Smith's New York*, Albany Ed., 1814, p. 383; *Jones*, I., 140; *N. Y. Col. Docs.*, VIII., 455. Judge Morris died July 3, 1762, at Morrisania, New York, having inherited that princely estate from his father, and there he was interred.—*Hist. Westchester County*, by Thomas Bolton, Jr., New York, 1848, II., 284, 311; *Papers of Lewis Morris*, 326-9; *N. Y. Gen. and Biog. Rec.*, January, 1876, p. 18. He was the father of Lewis Morris, a signer of the

*Letter from Governor Hardy to the Earl of Egremont
acknowledging the letter of his removal from Office.*

[From P. R. O., America and West Indies, Vol. 172 (190).]

PERTH AMBOY 3^d Dec^r 1762

Rt hon^{ble} the Earl of Egremont

My Lord

I have received your Lordships letter of the 11th Sept^r acquainting me that in consequence of a strong representation from the Board of Trade to the King in Council, His Majesty has been pleased to put an end to my Commission as Governor of New Jersey and to appoint William Franklin Esq^r in my room what the

Declaration of Independence and General in the American army during the Revolution; of Staats Long Morris, who joined the British, and rose to the rank of General in that service; of Gouverneur Morris, the American Minister to France in 1789, and of other children.—*Ib.*

Anthony White, who was appointed to succeed Judge Morris in New Jersey, was the brother-in-law of his predecessor, having married Elizabeth, daughter of Governor Morris. He was the descendant of a long line of successful officeholders, and was the father of Anthony Walton White, a New Jersey Colonel in the Revolution. A sketch of the family, by Miss Anna M. W. Woodhull, will be found in the Proceedings of the New Jersey Historical Society, for May, 1882.

A word as to the Courts of Admiralty. "The proceedings of this court were in English, and according to the course of the civil law."—*Smith's New York*, 383: 3 *Blackstone*, Cap. V., vii. "In these courts one judge presides alone. No juries have any concern there. The law and the fact are both to be decided by the same simple Judge, whose commission is only during pleasure, and with whom, we are told, the most mischievous of all customs has become established, that of taking commissions on all condemnations; so that he is under a pecuniary temptation always against the subject."—*Works of John Adams*, III., 466. By an Act of 4 George II., Cap. XV., Sec. 41, it was enacted that the jurisdiction of the Admiralty Courts in the American Colonies and plantations should extend to all forfeitures or penalties relating to trade or revenue.—*Ib.*, 508. This deprived the people of their rights under the common law in many cases where they had hitherto enjoyed those rights, including the privilege of trial by jury. James Otis says sarcastically: "The Judges of the Admiralty, those mirrors of justice, to be trusted when none of the common law courts are, have all their commissions from home. These, besides other fees, have so much per cent. on all they condemn, be it right or wrong, and this by act of Parliament. Yet so great is their integrity, that it never was suspected that fifty per cent., if allowed, would have any influence on their decrees."—*The Rights of the British Colonies Asserted and Proved.*, by James Otis, Esq., Boston, 1764, p. 53.—[W. N.]

objections to my conduct are I cannot comprehend, as I never had the honour to see the Boards representation so could have no opportunity of offering any thing in my own justification; however I humbly submit to His Majesty's Commands, but I can with the greatest truth affirm that every step I have taken in the administration of this Government my Sole view has been to promote His Majestys Service and the welfare of the people committed to my care.

I am with the greatest respect My Lord

Your Lordships most Obedient

and most humble Servant

JOSIAH HARDY.

Answer of Attorney-General to the Queries propounded as to the validity of Governor Hardy's appointments.

[From P. R. O. B. T. New Jersey, Vol. 9, K. 29.]

[For the Queries propounded to the Attorney-General see page 351 of this Volume under date of March, 1762.]

* * * * *

To 1. Qu. I am of opinion, that the appointment of Judges of the Supreme Court, during *good behaviour*, instead of during *pleasure*, contrary to the King's Instructions, in Governments subsisting solely by his Majesty's authority, is illegal and invalid. The letters Patent empower the Governor to constitute Judges, without prescribing any thing as to the Form or mode of constituting them; but the Instructions, which are referred to by the Letters Patent, and consequently must be incorporated into them, regulate the mode of their Constitution. I think however that altho' such

appointments (as have been made in New Jersey) are illegal, yet that the Judgments given and Acts done by such Judges, will be good, for the sake of the public and of third persons, in like manner, as the Acts of Mayors and other Corporate officers *de facto*, until they are ousted or removed by a proper legal authority.

To the 2^d Qu. I am of opinion, that these appointments may be questioned on Actions for the Fees of office, or for recovering the Salary, to be brought by new Judges duly appointed; but as the present Judges; before whom Such question must be tried, appear manifestly interested in Supporting their several appointments, I think, that the Successor to M^r Governor Hardy (in case he is or shall be removed for breach of his instructions), or the Attorney General of the Province ought to prefer a Petition to the King in Council, stating the Facts, and that, in this case, Justice cannot be expected in the Province, the Judges themselves being the very parties interested against the Rights, Authority, and Instructions of of the King to his Governour, and therefore *praying*, that they may be removed from their offices by Order in Council. After such removal, others may be immediately nominated, whose Comissions may be framed, pursuant to the constant Tenour of his Majesty's instructions in the Royal Governments in America.

Jan. 18. 1763.

C. YORKE.

Letter from John Pownall, Secretary of the Lords of Trade, to Attorney-General Yorke—relative to the holding of lands in America by Aliens.

[From P. R. O. B. T. Plantations General, Vol. 41, p. 208.]

April 27th 1763.

To the Hon^{ble} Charles Yorke His Majesty's Attorney General.

Sir

I am directed by the Lords Commissioners for Trade and Plantations to desire the favor [of] Your Opinion, as soon as conveniently may be, whether as the Laws now stand, Aliens not entitled to the Privileges and Benefits of natural born Subjects of Great Britain under the Act of the 13th of His late Majesty Cap. 7. for naturalizing such foreign Protestants and Others therein mentioned, as are settled or shall settle in any of His Majesty's Colonies in America, are capable of acquiring Property in Lands in America, either by Purchase or Grant from the Crown. I am Sir

Your most Obed^t hble Serv^t

JOHN POWNALL

Letter from Governor Hardy to the Lords of Trade—inclosing acts and public papers, with observations thereon.

[From P. R. O. B. T. New Jersey, Vol. 9, K. 30.]

PERTH AMBOY 2^d May 1763

Right Hon^{ble} The Lords Commissioners for Trade and Plantations

My Lords

By the Intrepide Man of War I send the Bills passed at the last Sessions of the General Assembly of this Province in September. there is among them one

entituled an Act for laying a duty on Negroes and Mulatto Slaves Imported into this Province, which I would not give my assent to without a suspending Clause not to take effect untill His Majesty's Pleasure shall be known, it may be proper likewise to inform Your Lordships that the reason for laying a higher duty in the Western division than in the Eastern, is that in the Province of Pennsylvania the duty is Ten Pounds proclamation on all Slaves imported, and in New York only Two Pounds currency; this consideration induced the Assembly to make such a difference in the two divisions.

I likewise send Your Lordships a transcript of the proceedings of the Council to the time that my administration ended as also of the votes of the lower house of Assembly

I have the honour to be My Lords

Your Lordships most Obedient Humble Servant

JOSIAH HARDY

Letter from Governor Franklin to the Lords of Trade, acquainting them with his arrival in New Jersey, acknowledging their letter of the 9th of March, respecting the correspondence to be carried on with the Board, and notifying them of three vacancies in the Council of that province.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 31.]

BURLINGTON, NEW JERSEY, May 10th 1763

My Lords,

I am honoured with your Lordships Letter of the 9th of March, inclosing Copies of sundry Papers directing the manner in which I am to correspond with your Board, relative to the Affairs of this Province,

the Contents whereof I shall not fail strictly to observe.

During the short time of my Residence here, nothing of a publick Nature has occur'd worth communicating to your Lordships.—The reception I met with on my Arrival from all Ranks of People in the Province, was equal to my utmost Wishes.—I have not yet had a Meeting with the Assembly, but they are summon'd to sit at Amboy on the 25th Instant, when I have some Reason to think I shall be able to prevail on them to increase the Salaries of all the Officers of Government. There is certainly great Cause for such an Augmentation, as all the Necessaries of Life in this Country are encreas'd in Price near Three fold to what they were Seven Years ago. I scarcely think it possible to prevail on them, agreeable to my Instructions, to make these Salaries permanent. It seems to be a principal riveted in the Minds of all the Assemblies on this Continent, that none of the publick Officers ought to have any settled Salaries, but depend upon such Allowances as may from time to time be agreed upon by the Legislature. Their own Wages, however, being in the same precarious Situation, and not to be obtain'd but by a Law, gives a Governor an Opportunity of procuring the Salaries of Officers at the same time. This Matter may perhaps be one among others which will be thought necessary to be rectify'd when the Affairs of the Colonies come under the Consideration of the King's Ministers, which probably will not be long first as a Peace is now settled. At present I cannot see any one good Purpose it can answer to press this Point upon them, as there is no Chance of its succeeding, and as it may possibly tend to sour their Tempers & create such Dissensions as may prevent the obtaining Points of them of much more Consequence to His Majesty's Service. I shall not be wanting, however in making use of every favourable Circumstance as it arises, which may give the least Prospect of Success.

There is one thing in which a Governor finds himself much distress'd on his arrival here, & that is the Want of a House for his Residence. There is no one belonging to the Province for that Purpose, and he is generally oblig'd to remain some Months in Lodgings before he can obtain a House any ways suitable; & when he has with Difficulty procur'd one he is still liable to be turn'd out of it at the Will of the Landlord.—The Council of Proprietors in East Jersey have lately began to erect a Building at Amboy which they propose when finish'd to let to the Governor for the time being. But as the Province in general seem averse to their Governors living in a House of the Proprietors, of whom they have some Jealousy, they may be easily brought I believe to purchase and furnish this House of the Proprietors, & to build & furnish another at Burlington for the like Purpose, together with proper Rooms for the Uses of the Council & Assembly. And, indeed, as the Governor is instructed to meet the Assembly alternately at Amboy & Burlington, and the Province will never agree to one central Place for transacting the Publick Business, there seems to be a Necessity of his being provided with a suitable House at each Place, and then he may make either his chief Residence, or divide his time between both, as he thinks proper. Those of the Members who are for this Scheme, are of Opinion that they should be able to carry it in the House, provided they might be allowed to strike the Sum necessary (which they compute at 10, or 12,000£ Currency) in Paper Bills of Credit, to be sunk by a Tax the first Year after the Expiration of the Paper Money, now current, which has been struck during this War for His Majesty's Service, & which is annually calling in & sinking in large Sums by Taxes for that Purpose. As they propose that whatever Sum they grant for erecting the said Buildings shall be entirely appropriated to that Use, and as no Deprecia-

tion can thereby happen to the present Currency, there being considerably more than the Sum propos'd annually sunk by Law; and as a Paper Currency will be long wanted here as a Medium of Commerce, the Gold and Silver brought into the Country being constantly remitted to England to answer the Ballance due from America; I say from these Reasons, and as there is an absolute Necessity that His Majesty's Governors in this Province, should, in order to preserve the Respect due to their Stations, be somewhat more decently lodg'd & accommodated than they are at present, I am inclined to think your Lordships may not be averse to recommend such a Law, should it be pass'd, to His Majesty for his Royal Allowance.—I should be glad however, to be favour'd with your Lordships Sentiments on this Head as soon as suits your Conveniency.

The many Advantages secur'd to the Nation by the Definitive Treaty, & the great Prospect there is of a permanent Peace, have diffus'd a general Joy among the British Inhabitants on this Side the Atlantic. And such is the Spirit of Migration now in America, that should the Descendant of D^r Cox (who is a Gentleman of Character & Fortune in this Province) succeed in his Application for a Grant of Lands on the Missisipi, there will be little Occasion for any Inhabitants from the Mother Country, as there might by proper Management be at least 20,000 Persons procur'd to settle there from the Northern Colonies in less than five Years.—The Places of these would be soon supply'd again by the great natural Encrease of the Inhabitants of this Country, & by the Accession of Foreigners.

There are now three Vacancies in His Majesty's Council of this Province, occasion'd by the Deaths of M^r Salter, M^r Johnston, & M^r Hude. It is with great Difficulty that Gentlemen of Character & Fortune sufficient for that Station can be prevail'd upon to accept it. They say that the Expences they must be put to

in England in obtaining a Mandamus, & the Expence & Trouble they must be put to in attending the Meetings of the Assembly at such a Distance from their own Homes, is more than adequate to the Honour. The Gentⁿ of the Council have represented to me that it would be a considerable Conveniency to them if there were three of the Council living in or near Amboy, & three in or near Burlington; as then on such Occasions when there was no business of Importance, but only mere Matter of Form, which requir'd a Meeting of Council, I should always have a sufficient number at hand, without bringing those from their Homes who liv'd at a Distance.—I am instructed to have an equal Number of Councillors for each Division, but at present there are only two for the West Jerseys, viz M^r John Smith & M^r Read; and I can find but two more in that Division who are suitable to the Office & willing to undertake it. These are Samuel Smith Esq^r of Burlington, & John Ladd, Esq^r, of Gloucester County. The first has been long in publick Offices within this Province, & a leading Member of the Assembly where he has always exerted himself in promoting His Majesty's Measures. He has I think been before recommended by Governor Barnard & Gov^r Hardy. He is now in the Assembly, but proposes quitting it soon, and I think from his Abilities & extensive Influence in the Province he will make a very useful Member of the Council, & I do therefore recommend him to Your Lordships for that Purpose. M^r Ladd is a Gentⁿ of Fortune & unblemished Character, was formerly in the Assembly where he was always on the Side of the Administration, & is now one of the principal Magistrates of Gloucester County, which Office he has long executed with Ability, & Credit to himself. He I think has likewise been recommended to your Board by a former Governor.—As to the other Vacancy I believe there will be a Necessity

of having it filled by some Gentleman of East Jersey, but whom to recommend to your Lordships I know not at present; 'tis probable, however when I am at Amboy I may find some suitable Person, of which I shall give your Lordships the earliest Intimation. I have the Honour to be, with the greatest Respect My Lords,
Your Lordships most obedient humble Servant

W^m FRANKLIN

Letter from Governor Franklin inclosing minutes of Council and six acts passed in that province.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 32.]

PERTH AMBOY, June 27th 1763

The Right Hon^{ble} Lords Commissioners for
Trade and Plantations.

My Lords,

I had the Honour of writing to your Lordships on the 10th of last Month, acquainting you with my Arrival here, & acknowledging the Receipt of your Letter of the 9th of March with the Papers inclos'd. I also desired your Lordship's Sentiments with respect to the passing an Act for striking a Sum in Paper Currency for erecting suitable Buildings for the Residence of the Governor, & the Meetings of the Council & Assembly; and likewise recommended Sam^l Smith & John Ladd, Esq^{rs} of West Jersey to be of His Majesty's Council for this Province. Since which I have had a Meeting with the General Assembly. A Copy of the Minutes of Council containing the Proceedings of that Session, and Copies of Six Acts to which I gave my Assent, are transmitted herewith.

1. The first is for Support of Government, and is in

every respect according to the usual Form, except that I have prevail'd on them to increase the Salaries of the Governor, the Chief Justice & Judges, & some other Officers. The Augmentation its true is small, & no ways adequate to the increas'd Expence of Living in America: But it was all I could at that time obtain & considering how often this Matter has been fruitlessly attempted by other Governors, it was more than I had Reason to expect. I am now however, not without hopes that at some future Session I may prevail on them to make a still further Addition.—The making the Salaries permanent, agreeable to the Royal Instructions, I strongly recommended to them by my Speech at the Opening of the Session, but without Effect. The Method they are in of granting the Salaries from Year to Year only has been always customary here, & is I believe the same in most if not all the other Provinces on this Continent. It must be a work of Time, & the Seizing of proper Opportunities, before this Matter can be effected. In the meanwhile there is a Necessity for the passing of the Support Bills in the old Form, as otherwise many of the Officers who have little else but their Salaries would be deprived of their Subsistence.

2. The second Act which provides for the Payment of the New Jersey Regiment for the Month of November 1762, your Lordships will I imagine think just & necessary, as they were detain'd in the Service during that Month, and the Provision which had been made for them before was only to the Beginning of the Month. This Act is also conformable to all the Acts of that Nature pass'd during the War.

3. The 3^d Act, which is for submitting the Property of Lands that are claimed in this Colony, & are affected by the Controversy about the Boundary with New York, to such a method of Decision as His Majesty by Commission or otherwise shall appoint, is conformable

to the repeated Recommendations of your Board to former Governors, & what they frequently in vain attempted to obtain of their Assemblies. As New York has also passed an Act of a similar Nature, there remains nothing further to be done for completing this desirable Work, on which the Peace & Welfare of both Colonies so much depends, but for His Majesty to appoint Commissioners for adjusting the Matters in Dispute, as was before done in the Case of Rhode Island & Massachusetts. The Managers of the Controversy on both Sides have mutually agreed upon a Number of Gentlemen whom they have desired Governor Monckton and myself to recommend to your Lordships in order to be nominated to His Majesty as Commissioners for this Purpose. They are all Gentlemen of Character & Fortune, who hold Offices under the Crown, and chosen out of some of the Colonies the most distant from the Place in Dispute.

Thomas Hutchinson, Esq^r Lieut Governor of Massachusetts Bay.

Peyton Randolph, Esq^r Attorney Gen^l & one of the Council of Virginia.

Peter Randolph Esq^r Surveyor Gen^l & one of the Council of Virginia.

Richard Corbin Esq^r one of the Council of Virginia.

Chambers Russell, Esq^r Judge of the Admiralty in Massachusetts Bay.

Andrew Oliver, Esq^r Secretary of the Province of Massachusetts Bay

Mark Wentworth, Esq^r one of the Council of New Hampshire

Since the above Names were given in to me it has been represented by the Gentlemen concerned, that they would be glad your Lordships would have two more Commissioners appointed, as they think it may thro' various Accidents, very probably happen that out of so small a Number as Seven a Meeting of Five

cannot be obtained, and this salutary Work be thereby delay'd.

4. The fourth Act is for indemnifying the Province from what ever Expence the[y] may be put to in having the Boundary Lines settled, and is entirely agreeable to the Proposal of the General Proprietors of the Eastern Division.

5. The fifth is an Act for raising a Fund for defraying the Damages done by Dogs, which, as it is by a Tax on those Animals, I believe will be a means of lessening their Numbers, an Effect much to be desired in this Country.

6. The Sixth & last Act is for naturalizing sundry Foreign Protestants, & has nothing in it different from the usual Form of Acts for that Purpose.

I am, with the greatest Respect, My Lords,
 Your Lordships most obedient, &
 most humble Servant
 WM. FRANKLIN

Letter from Governør Franklin to the Lords of Trade informing them that he will appoint a Day of Thanksgiving, that the Indians had re-commenced hostilities in the back country, and measures for protection against them had been taken.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 33.]

PERTH AMBOY July 19, 1763

Right Hon^{ble} Lords of Trade & Plantations.

My Lords,

I had this Day the Honour of receiving your Lordships two Letters of the 29th of April, directing the Mode of corresponding with your Board, and signify-

ing His Majesty's Pleasure to have a Day of publick Thanksgiving to Almighty God observed throughout this Government on the happy Conclusion of a Peace, the Contents whereof I shall duely perform.

I wrote to your Lordships the 27th of last Month inclosing the Minutes of Council, & Copies of Six Acts pass'd at the last Sessions held at Amboy. And I herewith transmit a printed Copy of said Acts, and the Votes of the General Assembly.

Your Lordships must have heard before this reaches you, of the Indians having again commenc'd Hostilities in the back Country near the Lakes & the River Ohio. They have not yet made their Appearance in this Province, but as the Inhabitants on the Northern Frontier are apprehensive of a Visit from them, I am taking such Measures as I am enabled to do for their safety. It seems to me, however, very probable that the steps General Amherst is taking, will, together with the Indians finding that they cannot be assisted by the French, soon put a stop to their further Incursions. If this by any Accident should not happen to be the Case, it will nevertheless be a very easy Matter for the Colonies to fall upon a Method of quelling them before the Winter.

As I am fearful that this will scarcely reach New York in Time for the Pacquet, I can only add, that I am, with the utmost Respect,

My Lords, Your Lordships most obedient
& most humble Servant

W^m FRANKLIN

Letter from Governor Franklin to the Earl of Egremont—He will appoint the Day of Thanksgiving—Fresh hostilities commenced by the Indians—is taking measures for the defence of the inhabitants on the Northern frontier.

[From America and West Indies, Vol. 172 (190).]

PERTH AMBOY July 19. 1763

My Lord,

I this Morning had the Honour of receiving your your Lordships Letter of the 26th of March, inclosing the King's Proclamation of the Peace, which I shall, agreeable to what your Lordship has signified to me, cause to be published in all the proper Places within this Government.

The fresh Hostilities committed by the Indians have not yet extended to this Province; but as many of the Inhabitants of the Northern Frontier are alarm'd and apprehensive of Danger, I am taking measures for putting them into a proper Posture of Defence. I am, however, in hopes that General Amherst will be enabled to put a Stop to the further Incursions of the Enemy, especially when they find that by the late Definitive Treaty the French will be remov'd to far to afford them any Support.

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

W^m FRANKLIN.

Order in Council approving of Samuel Smith and John Ladd, Esqs., to be of the Council in New Jersey.

[From P. R. O., America and West Indies, Vol. 105.]



AT THE COURT AT S^T JAMES'S THE 31ST
DAY OF AUGUST 1763.

PRESENT

The Kings most Excellent Majesty in Council.

Upon Reading this day at the Board, a Representation from the Lords Commissioners for Trade and Plantations, dated the 4th of this Instant, Setting forth, That James Hude and Andrew Johnston Esq^{rs}, two of His Majestys Council the Province of New Jersey, are dead, and that Samuel Smith¹ and John Ladds Esq^{rs} have been recommended to them as Persons every way Qualified to serve His Majesty in that Station; They therefore propose that they may be appointed of the said Council in the room of the said James Hude and

¹ SAMUEL SMITH was the eldest son of Richard, son of Samuel, of Bramham, Yorkshire, England, who came to Burlington, New Jersey, in 1694. Richard was a member of the Assembly for many years. In 1747 he was appointed a member of the Council, and died while attending one of the sessions of that body, at Perth Amboy, in November, 1751. The subject of this note was born "12th Mo., 13, 1720" (March 13, 1721, N. S.). Like his ancestors for several generations he was a member of the Society of Friends.—*The Burlington Smiths, a Family History*, by R. Morris Smith, Philadelphia, 1877, 10, 100-3, 209; *N. J. Archives*, VII., 6. He was Treasurer of the Western Division of New Jersey, as early as 1751, and perhaps before that, resigning in 1775.—*Minutes Provincial Congress*, 1775, pp. 137-8. He and his father had always taken the side of the people against the aggressions of the Proprietaries, so that when Governor Belcher, who had been repeatedly a partaker of the generous hospitalities of Samuel and John Smith, recommended the former for a seat in the Council, in 1751, to succeed his father, he was severely reprimanded by the Lords of Trade; nevertheless, he struggled for nearly two years against admitting Lewis Morris Ashfield, who had been named for the place instead of Mr. Smith.—*N. J. Archives*, VII., 586, 608; VIII., Part I, 126-7. Mr. Smith accumulated a great deal of material for a history of New Jersey, Pennsylvania and of the Society of Friends in both those Provinces, but finally selected and published

Andrew Johnston Esq^{rs} deceased His Majesty in Council approving thereof, is pleased to Order, as it is hereby Ordered, that the said Samuel Smith and John Ladd Esq^{rs} be constituted and appointed Members of His Majestys said Council in the Province of New Jersey, in the room of the said James Hude and Andrew Johnston Esq^{rs} deceased; And that the Right Honourable the Earl of Halifax, His Majestys Principal Secretary of State, do cause the usual Warrants to be prepared for His Majestys Royal Signature.

W. SHARPE

only that covering the early history of New Jersey, which was printed in 1765, at Burlington, whither James Parker accommodatingly removed his printing press from Woodbridge for the purpose, returning when the task was completed.—*Hist. Pennsylvania*, by Robert Proud, Philadelphia, 1797, Vol. I., 4; *Proc. N. J. Hist. Soc.*, September, 1849, 102; *History of Printing*, by Isaiah Thomas, Worcester, Mass., 1810, Vol. II., 121. The original manuscripts he prepared are now in the possession of the New Jersey Historical Society. He married, in 11th mo., 1741, Jane, daughter of Joseph Kirkbride, who bore him Joseph, Abigail, Sarah, Richard. The last-named was the father of Samuel J. Smith, the "Bard of Hickory Grove."—*Smiths of Burlington*, 209-10; *Miscellaneous Writings of the late Samuel J. Smith*, Philadelphia and Boston, 1836, 9-10. Samuel Smith, the historian, died at Burlington, July 13, 1776, after a short illness. The *Pennsylvania Gazette*, in announcing the death, remarked that Mr. Smith was "a worthy and useful member of the community. In his several public stations he acquitted himself with ability, integrity and unblemished reputation; nor was his character less respectable, when considered as a member of the religious society of the people called Quakers." See also Biographical Sketch by John Jay Smith, prefixed to the reprint of Smith's History.

"Of John Ladd, the father, and John Ladd, the son, much appears in the various records and traditions of their times, which proves them to have been conspicuous persons. They were prominent in the political and religious matters that surrounded them, and the subjects of much hard talk, for which some of their defamers appear in no very enviable position."—*First Settlers of Newton Township, Old Gloucester County*, by the Hon. John Clement, Camden, 1877, 112. The father was a practical surveyor, and assisted in laying out the city of Philadelphia for William Penn, but in compensation preferred £30 cash to a square of land in the embryo city, which moved Penn to say, "Friend John, thou art a Ladd by name, and a Ladd in comprehension. Dost thou not know this will become a great city."—*Ib.*, 113-5.—[W. N.]

Letter from the Lords of Trade to Governor Franklin, informing him that no objections will be made to a bill for issuing certain sums of paper money for providing a house for the Governor.

[From P. R. O. B. T. New Jersey, Vol. 17, p. 180.]

WHITEHALL Oct. 21, 1763

William Franklin Esq^r Governor of New Jersey

Sir

We have considered the proposal contain'd in your Letter to this Board of the 10th of May last of issuing a Sum of Money in Paper Bills of Credit upon loan for defraying the charge of making provision for a House for the Governor, and other necessary publick buildings; and as the service appears to us reasonable and expedient, We shall have no Objection to acquiescing, as far as depends upon us, in any proper Act that may be formed for issuing such Bills, provided they are issued upon the Terms and under the regulations prescribed in the Act of Parliament for restraining such paper Bills in the four New England Colonys, which We think a proper example for, and wish was extended to all His Majesty's Colonies.

M^r Smith and M^r Ladd, recommended for the vacant Seats in in the Council, have been appointed by his Majesty, and the Warrants for such Appointments are delivered to the Agent.

We are, Sir, Your most Obed^t humble Servants,

HILLSBOROUGH
SOAME JENYNS
E^p BACON.

Letter from Mr. Secretary Powuall to Sir Fletcher Norton, Solicitor General, desiring his opinion whether aliens not naturalized can acquire property or lands in America, either by purchase, grant or leave of the Crown.

[From P. R. O., B. T., Plantations General, Vol. 41, p. 309.]

Nov. 8. 1763

To Sir Fletcher Norton, His Majesty's Sollicitor
General

Sir,

I am directed by the Lords Commissioners for Trade and Plantations to desire the favour of your opinion whether, as the Laws now stand, aliens not intituled to the privileges and benefits of natural born subjects of Great Britain, under the Act of the 13th of his late Majesty Cap: 7, for naturalizing such foreign protestants and others therein mentioned as are settled or shall settle in any of His Majesty's Colonies in America, are capable of acquiring Property in lands in America either by purchase or Grant or lease from the Crown, and as it is for their Lordships Information in a matter now under their Consideration and which must be decided upon on Thursday morning that I now propose this Question to you, their Lordships hope to be favoured with your answer before that time, or that you will be pleased to signify, that you cannot make the return so soon as desired.

I am with great respect Sir &c

JOHN POWNALL.

Letter from William Franklin, Esq., Governor of New Jersey, to the Lords of Trade, containing an account of his proceedings with the Assembly with respect to the means of repelling the hostilities of the Indians.

[From P. R. O. B. T. New Jersey, Vol. 9, K. 34.]

BURLINGTON, Dec^r 5. 1763

My Lords,

I have this moment the Honour of receiving your Lordships several Letters of the 28th of Sept^r & the 7th 10th & 11th of October, all by the Pitt Packet. As she is to sail again in a few days from New York, and the Post which is to pass by here in less than Half an Hour will be the only one that can reach her, I have little more in my Power at present than just to assure your Lordships of my strict Compliance with the Directions these Letters contain.

The Assembly of this Province are now sitting, being summon'd on a Requisition from Sir Jeff. Amherst to furnish 600 Men, to join such Forces as shall be raised in New York, for marching early in the Spring into the Indian Country, in order to chastise the Senecas and other Savages to the Northward who are committing Hostilities against the English. I am exerting all my Endeavours to prevail on them to grant what is required: But I am apprehensive that the Example of the Assembly of New York (who have post-pon'd complying with the Demand made on them till 'tis known what the New England Colonies will do on the Occasion) may influence this Assembly to the like Delay. However, I believe I shall get them to raise in the mean Time 200 Men to be stationed as a Guard on the Frontier; and I make no doubt, from some Assurances they have given me, but that at a future Sessions they will comply with their Share of the Requisition. And, indeed, unless the Colonies do

come into some such *offensive* Measures as are proposed, it will be impossible to put an End to the Indian War. The Savages have carried their Barbarities to a greater Length than ever they did before, and appear to aim at a total Extirpation of the English. What has been their Motive for acting in this outrageous Manner I cannot learn. Those who pretend to know most of the matter differ so widely that no Dependance can be plac'd on their Opinions. As the Indians made no formal Complaints before they commenced Hostilities, which is their general Custom; I am inclin'd to think they have been tempted by the great Quantities of Goods which were carried into their Country. They had, during the late War, tasted the Sweets of Plunder, and had reason to think that the English rather than suffer so much as they necessarily must from an Indian War, would be glad to make Peace with them whenever they thought proper. Some Jealousies which were instilled into their minds by the French Priests and other Emissaries may likewise have contributed in some Degree to occasion their Defection: But whatever may have been the real Cause, this is most certain, that it is in the Nature of Indians to have a thorough Contempt for the nation who would make a Peace with them without having first made them feel severely in the War: And, of consequence, they may be expected to renew their Hostilities upon every convenient Opportunity.

What Sir Jeffrey Amherst's Reasons were for not calling on the New England Colonies I know not. I wish, however, that he had thought proper to do it, as it might have prevented this Province & New York delaying their Share of the Requisition. General Gage, who succeeds in the Command, intends, I am informed to apply to them. If they comply on their Parts, I am in hopes we shall be able to get together a considerable Body of Forces for an Early Spring Campaign.

Enclosed is a printed Copy of my Speech, by which your Lordships will see what Steps I have taken for the Defence of our Frontiers, &c.

By the next Opportunity I shall send your Lordships an Account of all the Transactions of this Session of Assembly, as I did that of the last by the Vessel in which Gen^l Monckton went Passenger. I have the Honour to be, with the greatest Respect,

My Lords, Your Lordships
most obedient & most humble Servant

W^m FRANKLIN

P. S. I have wrote since my Arrival here, four letters to your Lord^{ps} of the following Dates, viz. May 10, June 27, July 19, & Augst 6, which, tho³ the receipt of them has not been acknowledged, I suppose must have got safe to hand, as I have answers to all the private letters I wrote by the same Opportunities.

The Countess of Leicester Pacquet, which sail'd before the Pitt, is cast away, & the Mail said to be lost. Perhaps your Lordships may have sent some Despatches by her.

Letter from Governor Franklin to the Lords of Trade relative to an act for raising levies for the defence of the province, and to other acts lately passed there.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 36.]

BURLINGTON Jan^{ry} 20, 1764

To the Lords of Trade

My Lords

I did myself the Honour of writing to your Lordships the 5th of last Month, when the Assembly of this Province were sitting here. Notwithstanding all my Endeavours I could not prevail on them to grant the

General's Requisition of 600 Men at that Time, because the New York Assembly had before postpon'd complying with the Requisition made on them, until they should be acquainted with what Part the New England Colonies would act on the Occasion. The Assembly however gave me Assurance that as soon as the Royal Pleasure should be signified with regard to the Indian War, and the Determination of the other Colonies were known, they would grant all that could be reasonably expected of them. I have since received His Majesty's Orders, in a Letter from the Right Honourable the Earl of Halifax, and shall in pursuance thereof summon the Assembly, and once more press upon them the complying with the Requisition of His Majesty's General. All that could be obtained of them at the last Session, was, to grant 10,000^l Currency for the Support of the Militia I had march'd for the Protection of the Frontiers, and to raise 200 Provincials to serve there until August next if necessary. The Act which was pass'd for this Purpose is exactly conformable to all the Acts of the same Nature pass'd during the War. There is a Provision in it for striking a Sum to exchange the torn and defaced Bills of former Emissions, but this makes no Addition whatever to the Currency. The Objection I made to this Act, and the Necessity I was under of passing it, your Lordships may see in the Privy Council Minutes of the 6th of December sent herewith. I had, moreover, Letters from Sir Jeffery Amherst and General Gage, urging from some Intelligence they had received, &c. the Necessity there was of something being immediately done for the Protection of our Frontiers, which were now become very extensive by reason of the back Inhabitants of New York & Pensylvania having abandon'd their Settlements.

There were 19 other Acts passed at the last Sessions, all which I shall transmit to your Lordships by the

first convenient Opportunity. None of them are of a new or an extraordinary Nature, unless it be the "*Act to set aside the Partition of Lands in the County of Hunterdon, lately made by Virtue of a Writ of Partition, between the sons of George Leslie deceased,*" &c. This, however, being a Private Act, I did not give my Consent to it, till they had added a Clause suspending the Effect thereof till His Majesty's Pleasure should be known. There is likewise an Insolvent Act, & an Act for continuing the old Militia Law. The others are chiefly for draining Meadows, making Roads, Bridges, &c. and were passed with the Consent of all the Parties any ways interested therein, after due Notice given.

I am, with the utmost Respect, My Lords, Your
 Lordships most obedient, & most
 humble Servant.

W^m FRANKLIN

Letter from Governor Franklin, to the Lords of Trade, in answer to their Lordships' letters, relative to the transmission of public papers—the revenue—and issuing a sum of money in paper bills on loan, for defraying the charge of erecting public buildings.

[From P. R. O., B. T., New Jersey, Vol. 9, K. 39.]

BURLINGTON, Feb^{ry} 8, 1764

To the Lords of Trade

My Lords

Your Lordships mention, in your Letter of the 7th of October, that there has been a Neglect of transmitting the Papers and Accounts required by His Majesty's Instructions to his Governors in America. As to my-

self, I have regularly sent over the Acts which were passed, and the Minutes of Council and Assembly of each Session, together with the Publick Accounts, as soon as they could be got ready. The Custom House Accounts, indeed, have not been sent, owing to my not being able to get any Person to act Naval Officer in the Western Division, there being scarce any Trade there; and as the Naval Officer in the Eastern Division don't make above Five Pounds a Year of his Office, he thinks it scarce worth his while to be at the Trouble of making out the Accounts: He has, however, promised me to do it, so that I may have them to send by the next Ship to England. If any particular Papers or Accounts should be wanting, which ought to have been sent, either in my Time or in that of my Predecessors, I shall readily transmit them, upon receiving your Lordships Directions.

As this Province has scarce any foreign Trade, the Inhabitants being chiefly Husbandmen, who sell their Produce at New York and Philadelphia, and there provide themselves with all the European and West Indian Commodities they have occasion for, the Revenue arising from the Duties of Customs (mentioned in your Lordship's Letter of Oct' 11,) must consequently be very inconsiderable. Indeed I don't see that much Revenue could be expected from any of the Colonies from that source, as the Duties laid on Foreign Rum, Sugar, & Molasses, (which are the Principal Duties) must have been intended to amount to a Prohibition; and they certainly soon would have had that Effect, if they had been exacted: But the Custom House Officers (upon finding that the North American Colonies could not do without that Trade, as our own West India Islands did not afford a sufficient Supply) entered, as I am told into a Composition with the Merchants, and took a Dollar a Hogshead, or some such small matter, in Lieu of the Duties imposed by Act of Parliament.

Whether they afterwards remitted this Composition Money to England, or render'd any Account of it, is without my Knowledge. It seems, however, to be Agreed on all Hands, that if the Duties were lowered, they would be regularly paid, and a considerable Revenue arise from thence to the Crown. At present there are great Murmurings among the Merchants, and others, in North America, on account of the Stop put to that Trade; and I suppose your Lordships will shortly have an Application made to you for Redress.

Your Lordships Letter of the 21st of October, relative to the Issuing a Sum of Money in Paper Bills on Loan, for defraying the Charge of erecting Public Buildings, I have not yet communicated to the Assembly, as I know they will not think of going into the Measure while the Indian War continues. Upon conversing, however with some of the Members, I find that they are apprehensive it will not answer, as it is restricted to the Regulations prescribed by the Act of Parliament for the Four New England Colonies, which limits the Currency of the Bills to Five Years, and this is thought too short a Term to induce a sufficient Number to become Borrowers. I have the Honour to be, with the greatest Respect,

My Lords, Your Lordships, most obedient,
and most humble Servant

W^m FRANKLIN

Representation to His Majesty concerning the revival of the bounties upon hemp, the paper currency in American Colonies, and the duties upon beaver skins; also upon the application of the New England merchants relative to the duty upon whale fins.

[From P. R. O. B. T., Plantations General, Vol. 41, Page 343.]

WHITEHALL, Feby 9th 1764

To the King's most Excell^t Majesty.

May it please your Majesty,

Several Memorials have been presented to us by Merchants and others interested in the commerce carried on between this Kingdom and Your Majesty's American Colonies, and concerned in those Manufactures which have been and may be more improved and extended by the increase of raw materials from the Plantations, complaining of the obstructions which that commerce meets with from the ill regulated state and condition of the publick credit in some of the Colonies, and setting forth the Advantages which may be derived to this Kingdom, from a proper attention to many circumstances arising from a variety of climate, fertility of soil, & richness of produce of this vast and extensive part of your Majesty's Dominions.

These Memorials relate to,

First, The legal tender which is still annexed to the paper Bills of Credit of those Colonies which are not included in the Act of the 24th of His late Majesty for restraining such paper Bills of Credit, and preventing the same from being legal Tender within the New England Governments.

Secondly, The expediency of encouraging the importation of Hemp from America into this Kingdom,

in order to induce the Colonies to enter more largely into the Culture of that valuable Commodity;

Thirdly, The State of the duties paid upon the importation, and the drawbacks allowed upon the Exportation of Beaver Skins;

Fourthly, The duties now payable upon the importation of whale Fins, the produce of the American Seas.

As these several points appear to us to be of very great importance to the Commerce and Manufactures of Your Majesty's Dominions, and to the reciprocal interests of Your Majesty's Colonies & this Kingdom; We thought it our duty to take them into our serious consideration; and having been attended by, and heard what the Memorialists had to offer in support of their several Allegations, and consulted many other persons, who are interested therein, or who, by their experience or Knowledge in the Affairs of Your Majesty's Colonies, might be able to furnish us with the fullest lights and information; We humbly beg leave to lay before Your Majesty our Sentiments upon the whole, and to submit to Your Majesty such propositions as appear to us necessary to be offered to the consideration of Parliament thereupon.

The bad effect and pernicious operation of the legal Tender annexed to paper Bills of Credit are universally admitted, and have been severely felt in most of Your Majesty's American Colonies, and to shew the sense of the Merchants of the principal Cities of Great Britain upon this subject, we beg leave to subjoin their Memorials No. 1. 2. 3. 4. complaining of the losses they have sustained, and the confusion that has arisen from the introduction of this impolitick, as well as fraudulent System into the Colonies of Virginia and North Carolina.

We are not sufficiently inform'd to say with Certainty, in what manner, and from what causes this

absurd and destructive notion of converting paper Bills of Credit into legal Currency first took it's rise, not being in possession of the antient Records of the Colony of the Massachusetts Bay, where we apprehend it first begun ; but we conceive, that between the years One thousand six hundred and Eighty Nine and One thousand six hundred Ninety two that Colony, growing necessitous from the expences incurred chiefly on account of Sir Will^m Phipp's Expedition against Canada, borrowed money, in a method of *which we are not particularly apprized, upon such security and under such terms and conditions*, that the notes or Bills given for the same carried with them such a degree of credit, that they passed in dealings and transactions with as little difficulty as Bank Bills do now in this kingdom.

The first obvious effect of these Notes thus from their credit passing in payment, was the exportation of almost all the Gold and Silver in the Province ; and the Necessities of the Government at the same time increasing without a possibility of finding Funds to give sufficient Securities for the principal and interest of money to be borrowed, soon made it necessary for the Assembly to turn their thoughts to some new method of answering the publick Exigencies ; and the beforementioned notes being in part paid off, after having occasioned the exportation of most of the Gold and Silver, the apparent want of a medium of Trade and Commerce furnished a further pretence for a new scheme of paper Credit ; and that this is no uncertain conclusion, will evidently appear from the first Act of the general Court of the Massachusetts Bay that we are in possession of ; which act, reciting the extreme scarcity of money, and want of other medium of commerce, gives an additional advantage to a new emission of paper Bills of Credit, by directing that they should pass and be received in all publick Payments at

the advance and after the rate of five per Cent which additional advantages the General Court was probably induced to give from an apprehension that without such advantages these new Bills would not carry sufficient Credit to make them pass, so as to answer the general purposes of trade and government.

This expedient we presume had it's effect for some years ; for we do not find any depreciation of these bills of credit from their original nominal value of one hundred and thirty six pounds for one hundred pounds sterling till the year 1705 ; when one hundred pounds sterling became worth one hundred and forty pounds Currency ; from which time they continued at every new emission gradually to depreciate, until the year 1711 ; when one hundred pounds Sterling became worth one hundred and fifty pounds Currency ; Disputes then arising between Debtors and Creditors upon taking these bills in payment for Debts contracted before the depreciation, the General Court thought fit to enact, that these paper Bills should be a legal Tender in all payments till the year 1715 ; and we find afterwards, that the same regulation was continued to the year 1730.

The palpable fraud of this regulation in 1711 is so glaring, that it is impossible to suppose, that the General Court was not sensible of it ; for by this law every Creditor, who had lent his money before the depreciation, was defrauded of the whole difference ; and as every new emission was constantly followed by depreciation, the fraud was increased to such a degree, that many fair Creditors and other persons not in debt lost half or three fourths of what was due to them, and of their personal Estate.

The Grievance at length became so enormous in this and in the other Colonies upon the Continent of America, almost all of which had followed the example of the province of the Massachusetts Bay in issuing

paper Bills of Credit, and making them legal tender, tho' upon different principles and under different regulations; and this practice had so pernicious an operation, not only within the Colonies themselves, but also upon their commerce and dealings with this Kingdom, that the House of Commons thought proper in the years 1739 & 1740 to take up the consideration of the dangerous state of publick credit in the Colonies, and to interpose in order to stop those abuses, which the Crown had in vain endeavoured to check by its own authority; and on the 14th of April 1740, upon full consideration thereof, They unanimously resolved, That the creating paper Bills of Credit and declaring them to be legal Tender in all payments had been a great discouragement to the commerce of this Kingdom, by occasioning a confusion in dealings, and a lessening of credit in those parts; And that the instructions given by the Crown to the several Governors not to assent to any Acts for making such bills of Credit without Clauses suspending their Execution untill the Crown's pleasure could be Known, ought to be enforced and duly observed.

These Resolutions however, in which the sense of one branch of the Legislature was so clearly & fully expressed, had not the effect to restrain this destructive practice, and the quantity of this paper Currency having been greatly increased on account of the real or pretended exigency of the service during the war with France and Spain, the Mischiefs of it were severely felt, as well by the Merchants of Great Britain, as by the Colonies themselves; and occasioned another parliamentary enquiry, which produced the Act passed in the 24th of His late Majesty for restraining such paper Bills of Credit in the New England Governments; But we beg leave to observe to Your Majesty, that the Limitation of this Act to those Governments did not arise from any opinion which our Predecessors in

office, who supported this Bill, had entertained, that the reasonings and principle upon which it was founded were not equally applicable to the other Colonies, but from an unwillingness in parliament to involve those Colonies, whose conduct had not been complained of, in a measure, that, at the same time that it restrained was intended as a just censure of the Conduct of those to which it was applied; For that Board of Trade, which upon many other occasions, as well as in this instance, has very eminently distinguished itself, appears to have had the clearest conviction, that this measure of declaring paper bills of Credit to be a legal Tender, was false in it's principles, unjust in it's foundation, and manifestly fraudulent in its operation.

What we shall humbly propose to Your Majesty is founded upon the same principles, which appear to have been the rule of the conduct of that Board; and our intention is not to convey censure upon any particular Colonys, but to suggest a general regulation, upon full conviction that it is necessary, as well for the security and interest of the Colonies themselves, as of the trade and commerce of this Kingdom.

It is not necessary for us to enter into many Arguments to evince, that the practice of making paper bills of Credit a legal tender is absurd, unjust and impolitic, being supported in this opinion, By the experience of it's effect in every Colony where it has been practiced to any great degree; By the sufferings and Losses of the Merchants trading to America, By the opinion of our ablest Predecessors at this Board;—By the Resolutions of the House of Commons, and the Orders of the Crown thereupon;—By the sense of the whole Legislature expressed in the Act of the 24th of the late King;—And by the beneficial effect of that Act in the Colonies to which it was applied, more particularly in the province of Massachusetts Bay; where, tho' by the extensive operation of the War in North

America they were obliged to make greater efforts in every respect, than was ever required in any former War; yet such was the state of publick Credit under the effect of this law, that larger supplies were raised and with more satisfaction and facility than was ever Known before.

It would otherwise not be very difficult to shew, that a Medium of Trade must in its nature not only be a measure of the value, but the equivalent; and that in a Country which has any foreign Trade, the equivalent must be of a material which is universal & of intrinsic value, which paper Bills of Credit, created in any particular Country, never can be;—That different Countries must agree upon the material for this measure and equivalent, which they have tacitly done in favour of Gold or Silver; but never will or did, or can do so with regard to Paper;—That Gold or Silver are the materials fittest for this measure and equivalent, for several reasons too long to enumerate; and that Paper is perhaps as unfit as anything can possibly be; all which would be enough to evince the absurdity of this measure.

If we were to enter into a discussion of the Fraud & Injustice of it, we should find it only necessary to refer to effects of the depreciations in the several Colonies, where debtors have been enabled to pay their debts with three or four Shillings in the pound, merely by Majorities of Men under that Description in the Assemblies making new and large emissions of paper Bills.—For these Bills have but one property in common with real money, which is that the larger the quantity, the less the value with regard to other Commodities; and this perhaps may arise from the quantity effecting the credit, as in the other case the quantity overstocks the market—thus it would easily be made to appear that Fraud and Injustice are and must be the attendants upon this practice.

And as nothing can be consonant with true policy that is absurd and unjust, that consideration would be sufficient to shew, that this strange and deceitfull system is impolitic; but when added to this, we consider, that such a paper Currency in a commercial country banishes the real medium of Trade, Gold or Silver, and that such a country is paid in paper, and pays and must pay either in Gold or Silver, or its other valuable Commodities, we humbly presume the art of man cannot contrive any measure more ruinous & destructive to the unhappy country, where it is allowed to take place.

It will we trust appear to Your Majesty from what has been said, that the practice, which at present prevails in those Colonies, not included in the Act of the 24th of His late Majesty, of issuing paper Bills of Credit upon pretence either of discharging publick debts, defraying publick Services, or establishing a Medium of Commerce, which Bills bear no Interest, are in some cases redeemable at very distant periods, and in other cases have no fund at all for their Redemption, and the compelling persons by law to receive these Bills at an arbitrary, artificial and nominal value, is of the most pernicious nature, destructive of publick Credit, ruinous to the Colonies themselves, and highly injurious to the Commerce of this Country; and that the Complaints lately made by the Merchants of the principal trading Cities in Great Britain of the prejudice which they have sustained from this practice do call for that redress from Parliament, which, as We have before observed, the Crown has in vain endeavoured to obtain for them by its own Authority.

It has been urged upon this occasion, that the Complaints of this practice are merely confined to Virginia and Carolina; and that in the middle Colonies the publick faith has been preserved, and no inconvenience has been found to attend this practice; but on the con-

trary, that it has produced very beneficial Consequences: This however will, we humbly conceive, appear upon examination not to be founded upon fact; for tho' the Credit of the Bills in these provinces has been better supported than the Credit of those of other Colonies; yet they have never Kept to their nominal value in circulation, and have constantly depreciated to a certain degree, whenever the quantity has been increased; But if the Fact could be admitted, as it is stated; yet it would be no argument in favour of a practice in its nature founded in fraud and injustice, which are stamped upon the Bills themselves, by compelling all persons to receive that as lawfull money which has no real intrinsic value in itself.

It is this circumstance of declaring those Bills to be a legal tender, which we humbly conceive constitutes all the fraud and abuse attendant upon this practice; and that, if this was not allowed, the Colonies, whenever they should find it necessary to make use of their publick Credit, would be constrained to do it in a just and equitable manner; and therefore we humbly submit to Your Majesty, whether it may not be advisable to move in parliament for a Bill to enact, That all Acts, Orders, Votes or Resolutions, which shall be hereafter passed or made in any of the American Colonies, by the provision, effect or operation of which, any paper Bills or Notes, commonly called Bills of Credit, which may be created or issued in the said Colonies, shall be declared to be or any ways enforced as a legal Tender, shall be null and void to all intents and purposes; as also all Acts, Votes or Resolutions, by which the periods fix'd or Funds established for the redemption and discharge of such paper Bills of Credit, as are now existing and passing Current in the said Colonies in virtue of any Acts, Orders, Votes or Resolutions heretofore made or passed, shall be postponed, or anyways altered or changed; or by which

the said Bills of Credit, or any part thereof shall be re-emittd, or obtain any new or further Currency.

That any Governor, Lieutenant Governor or Commander in Chief in any of the said Colonies, who shall give his Assent to any Act, Order, Vote or Resolution, contrary to the abovementioned Regulations and Limitations, shall forfeit one thousand pounds, and be rendered incapable of serving Your Majesty in any Employment, Civil or Military.

That no Bills of Credit, now existing in the Colonies and passing Current in payment there, shall be a legal tender after the expiration of the periods fixed for their Redemption, by the several Acts, Orders Votes or Resolutions by which they were created and issued, and that, in cases where Bills of Credit do exist and pass current in payments without any periods fixed, or Funds established for their redemption, such Bills shall cease to be a legal Tender from and after a certain time to be limited in the said Bill.

The second consideration, which we beg leave to lay before Your Majesty, respects the expediency of giving encouragement to the importation of Hemp from the American Colonies; and we humbly represent to Your Majesty, that, among the many Laws which have been passed from time to time for securing to this Kingdom the commercial Advantages of the Colonies, those for encouraging the importation of Naval Stores, do, both from the wisdom of their provisions, and the benefit of their operation, deserve particular attention; The Articles, to which these Laws at present apply their encouragements, are Masts, Yards, and Bowsprits, Pitch, Tar, & Turpentine, upon the importation of which certain premiums are paid; and of late years particular encouragement has also been given with great success to the importation of American Iron, by admitting it to be imported in Bars free of duty under stated regulations.

When the Premiums upon the aforementioned Articles of Naval Stores were first established, that of Hemp was with great propriety included among the rest, and so continued until the year 1740; but the bounty not having in the course of many years experiment produced any effect, it was, either from want of attention, or from despair of it's success, suffered to expire in that year.

The inefficacy of this Bounty is, we conceive, chiefly to be attributed to the following Causes; viz^t

First, That those Parts of America, which are most advantageously situated, and by nature best adapted to the Culture of this Commodity, as Nova Scotia and the Eastern parts of New England, remained during the continuance of the bounty without any considerable Settlement or Inhabitancy.

Secondly, That in the other settled Colonies, where this Commodity might have been raised, the Planters had engaged in other Articles of Culture, from which they derived a very great and more certain profit.

Thirdly, That there was no encouragement to the importation of Iron from America, which is a necessary article to alleviate the expence of the Freight of so bulky a Commodity as Hemp in so long a Voyage.

These obstructions however do now, not only, no longer remain, but new prospects of advantage in this beneficial Culture are opened; for as on the one hand Nova Scotia and the contiguous parts of New England are now in great measure settled, and Your Majesty's Dominions extended by the invaluable Acquisition of Canada; so on the other hand the established Articles of produce in other Colonies, which engaged the first attention of the Planters, more especially Rice and Tobacco, have been push'd to their utmost extent; and those Planters scarce find a Market for what they raise; and therefore have begun to turn their thoughts and labour to the production of other Articles, more

especially of Hemp, considerable quantities of which are now actually raised in Pensylvania, Virginia and the Carolinas.

From these considerations the Merchants trading to the Colonies have, in Conjunction with the respective Agents, requested by a Memorial, a Copy of which is hereunto annexed No. 5 Bundle R 18. that the bounty allowed by the former laws upon the importation of Hemp from America may be revived and enlarged for a certain time.

We shall not upon this occasion enter into a discussion of every advantage, that will accompany the obtaining Hemp from the British Colonies; it will be sufficient to say, that it is for the Interest of this Kingdom in every light, both political and commercial, to secure a supply of so important an Article, which is not only a very valuable material of manufacture, but is also essential to the Commerce, the Strength, and the Security of this Kingdom, and for which we have hitherto remained in a dangerous state of dependance upon foreign Nations.

The only consideration therefore is, whether Hemp can be supplied from America of such quality, and at such price, as, all things considered, may make it adviseable to encourage its growth there, and the introduction of it from thence into this Country.

As to the quality of the American Hemp, it no longer, we presume, remains a doubt, that it is as good as that imported from Russia; and as a proof of this, we humbly beg leave to subjoin a Copy of a report (No. 6,) Bundle R. 35, made to us by the Commissioners of Your Majesty's Navy, of the effect of several trials made in Your Majesty's Yards; by which it appeared, that the American Hemp was in its nature of equal strength and goodness to the best Russian Hemp, tho' inferior in some circumstances from a want of skill and attention in the preparation of it.

The main obstacle to the Importation from America of this and many other materials of Manufacture, for which we now chiefly depend upon other Countries, is the disproportion in the price, arising from the excessive dearness of labour in the Colonies, and from the difference in the charge of Freight.

From the best Information we have been able to procure, we find that, before the late war, the medium price of a Ton of Russia Hemp at the lowest computation (Freight included, which is about forty shillings ꝑ Ton) was from Twenty one pounds to Twenty two pounds ꝑ Ton; and that a Ton of American Hemp could not be afforded here for less than Twenty nine pounds ꝑ Ton, including the Freight, which is stated at four pounds ꝑ Ton at the least.

The difference however in the charge of the Freight arose in some degree from the difference of shipping and method of package, it being stated, that the ships used in the Trade to the Baltick and East Country are less expensive and more roomy, than those used in the American Trade, insomuch that, tho' a Baltick Ship, which measures two hundred Tons, will take in one hundred & seventy Ton of Hemp; yet an American Ship, of the like admeasurement, will not receive more than from one hundred & ten to one hundred and twenty Ton; and it is further stated, that they have a method in the Baltick Ships of skewing down the Hemp in the Ships hold, by which means they stow the greater quantity.

Another circumstances, which has operated in some degree to alleviate the charge of the Freight of Hemp from Russia, has been the bringing with it a Cargo of Iron, which, at the same time that it is an Article of great intrinsic value in itself, and produces great profit to the Importer, is in it's nature, as we observed before, the best adapted to assort with a cargo of so light and bulky a commodity as Hemp.

All these Circumstances however, which do now operate in favour of the Russia Hemp, to the disadvantage of America, are evils which will, under proper encouragement, work out their own cure; for there can be little doubt but that such encouragements will introduce the same sort of shipping and the same method of package, now used in the Russia Trade; and as most, if not all the Colonies, where this Commodity either is or may be produced, do likewise produce Iron, equal in goodness to what we now receive from the Northern parts of Europe, the same advantage, in point of Freight, and every other that is stated to arise from this favorable circumstance to the Hemp of Europe, will in a few years equally attend that from America.

The difference in the prime cost of this material arising from the difference in the price of labour will undoubtedly for some time have an effect to the disadvantage of the American Hemp; and to remedy this Evil is one of the principal objects of the application for this bounty; But we have good reason to hope, that the necessity of a large bounty on this account will not be of long continuance, as the price of labour in general will diminish in proportion as the number of Inhabitants increases; and as there is an immediate prospect of the culture of Hemp succeeding in Canada, where from the number of Inhabitants labour is cheaper than in other Colonies, where the nature of the Soil in many parts of it is peculiarly adapted to the raising of this Commodity, and where the best Iron in the world is produced.

There is another circumstance arising from a consideration of this matter, which we humbly conceive to be of the greatest importance, and which appears to us greatly to favour a reasonable encouragement to the importation of this material, which is, that it is already manufactured in the Colonies, not only into

Cordage, but also into Linnen of various species ; and there is great reason to fear, that, unless some Channel of beneficial exportation of it, as a raw material, is soon opened, these Manufactures will be greatly increased and extended, contrary to that policy, upon which the mutal Interests and Commerce of this kingdom and the Colonies do so essentially depend.

In order therefore effectually to open this Channel of exportation, to encourage the introduction of a proper species of shipping, and to reduce the price of the American Hemp to nearly the same level with the Hemp from Russia, We are humbly of opinion, that Hemp imported from Your Majesty's Colonies, under proper regulations in respect to the quality of it, should be intituled to the following Bounties, payable for a Term of twenty one Years, divided into three equal periods, viz':

For the first seven years eight pounds 7^d Ton.

For the second seven years six pounds 7^d Ton.

For the third seven years four pounds 7^d Ton.

The third proposition, upon which we shall humbly beg leave to submit our sentiments to Your Majesty, arises from a consideration of the present state of the duties & drawbacks upon Beaver Skins imported and exported ; and we humbly crave Your Majesty's permission to lay before you the annexed Copy (No. 7) of a Memorial presented to Us by the makers and venders of Hats in Your Majesty's Cities of London and Westminster, stating the disadvantage they lye under from the manner in which these duties are at present regulated.

By the regulations of the duties upon Beaver Skins, as they stand at present, each Skin pays upon importation Seven pence $\frac{3}{20}$ $\frac{5}{8}$; and there is a drawback of four pence $\frac{5}{20}$ $\frac{13}{16}$ of the said duty upon exportation.

The makers and venders of Hats allege, that these Regulations operate by Means of the Drawback upon

Exportation to supply the French and other Foreigners with this Material of Manufacture, at a cheaper or at least at as cheap a Rate as it can be procur'd here, loaded with the present Duty upon Importation ; so that by this Means, and by Means of other Advantages which the French have from the Cheapness of Labour, they have been enabled to supply the Foreign Markets, more particularly those of Portugal, with Hats, which were heretofore supplied from this Kingdom ; and therefore they desire, that this Drawback upon Exportation may be taken off, and a Duty substituted in its Place, both upon Beaver Skins & Beaver Wool.

As the Memorialists, in order to support their Allegations, as to the Decrease in the Exportation of Hats, referred themselves to the Custom House Books, we have thought proper to procure from that office an Account of the Exportation of Hats to foreign parts, in three different periods ; viz^t

First period, from Christmas 1735 to Xmas 1738 ;

Second period, from Christmas 1750 to Xmas 1753 ;

Third period, from Christmas 1759 to Xmas 1762.

From these Accounts, Copies of which are hereunto annexed (No. 8. 9. 10.) it will appear to your Majesty that there is a very great Diminution in the Exportation of Hats to Portugal in the last period, more particularly in the last Year of it, when the Quantity of Beaver Hats exported to that Country, which at a Medium of the two first periods, amounted to upwards of 13,000 Dozen annually, does not amount to more than 2,397 Dozen.

This Decrease in the Exportation of Hats to Portugal must not, however, be charged intirely to the Account of any Advantage, which the Exportation of Beaver Skins from this Country derives from the Drawback of a part of the Duty ; it is a Circumstance of Disadvantage to the English Manufacturers, much

too inconsiderable to produce, of itself, such an Effect; which is rather to be attributed to the great Increase in the Price of Labour in this Country, more particularly in the Metropolis, and to the Discredit which, we are sorry to say, many of our Manufacturers have fallen into in foreign Markets, from a Deceit and Unfairness in their Fabrick; It is nevertheless apparent, that the Drawback upon the Exportation of Beaver Skins, of which this Kingdom has now, by the Acquisitions of the late definitive Treaty, almost a Monopoly, does give an Advantage to the foreign Manufacturers, that ought in Justice and policy to be thrown into the other Scale, if it can be done without prejudice to the Trade in general; But it is alleged by the Hudsons Bay Company and other Importers and Exporters of Beaver Skins, by whom we have been attended upon this Occasion, that as not much more than one half of the Beaver Skins imported are worked up in our own Manufactures, the taking off the Drawback, and imposing a Duty in lieu thereof upon Exportation, as proposed by the makers and Venders of Hats, will, in its Consequences, affect their Trade in this Commodity, by not only encouraging and encreasing the illicit Exportation of it from the Colonies directly to foreign Markets, but will also encourage the Manufacture of Hats in the Colonies, which is now carried on to a great Extent, particularly in the province of New York, contrary to that policy, which we have before mentioned in the Case of Hemp, and which is so essential to the mutual Interests of this Kingdom and the Plantations.

From a Consideration of these Facts and Arguments it appears to us, that the best Method of giving that Relief to the Manufacturers of Hats, which their Case appears to require, without incurring the Risque of Smuggling, or a Deviation in the Colonies from their true Interest, will be to take off the Duty now paid

upon the Importation of Beaver Skins, which we humbly conceive to be a Heavy Burthen upon Trade, and inconsistent with those general principles, which appear of late Years to have been wisely adopted by the Legislature of this Kingdom, in taking off those Duties which the Error of former times had imposed upon the raw Materials of Manufacture ; And that, in lieu of such Dutys now paid upon Importation, the following Duties should be imposed upon Exportation of Beaver Skins, viz^t upon every Beaver Skin £0. 0. 7 and upon every pound of Beaver Wool £0. 1. 6. Which Duty upon Beaver Wool is proposed to be lower in proportion than that upon the Skins, as the cutting the Wool from the pelt is in some Degree a Manufacture in itself, and leaves the pelt here an useful Material in another Manufacture, producing an increase in the Revenue of Excise.

We would however humbly recommend, that one penny p^t Skin should continue to be paid upon all Beaver Skins imported, in order to insure certain and regular Entries of the Quantity, and thereby enable your Majesty to judge of the true State of the Trade.

We find, upon Enquiry, that some Beaver is imported and exported, cut into small pieces, and passes under the denomination of Cut-Beaver; in Order, therefore, to prevent any Evasion of the payment of the duty upon Exportation, by exporting Beaver in this Shape, we would humbly recommend, that the Exportation of Cut-Beaver should be entirely prohibited.

These Alterations in the duties upon Beaver, considered in a Commercial View, are unanimously approved by all parties, by whom we have been attended upon this Occasion, excepting only with some hesitation on the part of the Hudsons Bay Company, who, having an exclusive possession of a very great part of the Beaver Trade, have private Interests, separate from, and, there is too much reason to fear, adverse to

those of the public, the promoting of which has been the great Foundation of those Measures your Majesty has thought it advisable to pursue in the Regulations laid down for encouraging a free and open Trade to all your Subjects in America.

We humbly hope therefore that what we have proposed will have your Majesty's Approbation; and that it will appear to your Majesty to be not only just in its general principles, but conducive to the Relief and Advantage of the Manufactures of this Kingdom, as far as can be reasonably expected or desired, without prejudice to the Importers & Exporters of Beaver Skins, or the hazard of increasing Smuggling.

How far it may be proper or expedient, from a Consideration of the Effect it will have upon the Revenue, is a Question not before us; but we humbly apprehend, that the Loss, if any, to the Revenue as it now stands, by such an Alteration, will be found too inconsiderable to be put in Opposition to a Measure, so expedient in its general principle, and so necessary to the Relief of the Manufactures of this Kingdom.

As to the proposition of taking off the duty upon the Importation of Whale Fins, the produce of the American Seas, which is the last point proposed at present to be submitted to your Majesty's Consideration, We humbly presume it will appear highly reasonable and expedient, in a Commercial View, not only as it is a Material of Manufacture, for a supply of which we do now in great Measure depend upon other Nations; but as it will be no inconsiderable Encouragement to the Whale Fishery in general in the American Seas.

This Whale Fishery, which was intirely neglected by the french, has been prosecuted with great Spirit and Vigour, since Canada has been in your Majesty's possession; in so much that great Quantities of Oil have last year been exported from this Kingdom to

France, which never happened before; and therefore we humbly submit to your Majesty, whether a Trade, of so much Advantage to these Kingdoms, is not deserving of the Relief, which the Legislature has in its wisdom thought proper to give to the Whale Fishery of your Majesty's Subjects in the Greenland Seas; and therefore whether it may not be advisable, that the duties now paid upon the Fin of Whales, caught in American Seas, imported into this Kingdom, should be intirely taken off.

All which is most humbly submitted.

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| HILLSBOROUGH | ED. BACON |
| SOAME JENYNS | GEO: RICE |
| ED. ELIOT | ORWELL |
| BAMBER GASCOYNE. | |

Commission of Charles Read as Chief Justice of New Jersey.

[From Book AAA of Commissions, Secretary of State's Office, Trenton, fol. 389.]

GEORGE the third by the Grace of God of Britain France & Ireland King Defender of the Faith &c. To our Trusty & well beloved CHARLES READ Esq. *Greeting* we reposing especial Trust & Confidence in your Integrity impartiality, prudence and Ability *have* assigned, Constituted & appointed and we do by these *Presents* assign Constitute and appoint you the said Charles Read to be our Chief Justice of and in our Province of *Nova Ceesarea* or *New Jersey* in America. *Giving* and by these *Presents Granting* unto you the said Charles Read full Power and Authority in our Supreme Court of Our said Province to hear, try and

determine all *Pleas* whatsoever, civil Criminal and mixed according to the Laws, Statutes & Legal Usages of our said Province that are not Repugnant to the Laws and Statutes of that part of our Kingdom of Great Britain Called England and according to such Laws and Statutes of our said Kingdom as now do or hereafter shall be made to extend to our Plantations in America, and executions of all Judgments given in our said Court to Award, and from time to time to make such Rules and Orders in our said Supreme Court in our said Province for the Benefit of the Inhabitants of Our said Province as you shall Judge to be Convenient and Usefull for the more easy speedy and impartial Administration of Justice, and the preventing Unreasonable & unnecessary delays and as near as may be *Agreeable* to the Rules and Orders made in the like Cases in our Courts of Kings Bench, Common Pleas, and Exchequer in Our Kingdom of *Great Britain, To Have and to Hold* and enjoy the said Office and Place of Chief Justice of and in our said Province of *Nova Ceesarea* or *New Jersey* in *America* with all and singular the Rights, Priveledges, Advantages, Emoluments, Salarys, profits, fees, and perquisites to the said Office & place of Chief Justice belonging or in anywise appertaining or that of right ought to belong or Appertain to the said Office, as fully and amply as any other our Chief Justices of our said Province have or of right ought to have held & enjoyed the same, to you the said Charles Read for and during Our *Will* and *Pleasure, In Testimony* whereof we have caused these Our Letters to be made Patent and the Seal of our said Province to be hereunto Affixed *Witness* Our trusty and well beloved William Franklin Esq. our Captain General and Governor in Chief in and over Our Province of *Nova Ceesarea* or *New Jersey* and territories thereon depending in *America* *Chancellor* and *Vice Admiral* in the same &c. at our City of Perth

Amboy in our *Province* aforesaid the twentieth day of February in the Fourth year of our Reign and in the year of our *Lord* One thousand seven hundred & Sixty Four.



WM. FRANKLIN.

Endorsed :

Memorandum that on the 21st day of February 1764 the within named Charles Read Esq. took the Oaths and made and Subscribed the Declaration appointed by Law and an Oath of the due performance of the Office of Chief Justice of this Province of New Jersey in Council.

The within Commission (with the above Memorandum) is Recorded at Perth Amboy in Book C. No. 2 of Commissions page 267.

Letter from Governor Franklin to the Lords of Trade informing them of the death of Chief Justice Robert Hunter Morris, and of the appointment of Charles Read, Esq., to succeed him; also recommending Richard Stockton, Esq., to supply the vacancy in the Council.

[From P. R. O., B. T., New Jersey, Vol. 9, K. 40.]

BURLINGTON, New Jersey Feb^y 28, 1764

Right Honourable Lords of Trade & Plantations

My Lords

Robert Hunter Morris, Esq^y who acted as Chief Justice of this Province, having departed this Life on

the 27th of last Month,¹ I did, with the unanimous Advice of the Council, appoint Charles Read Esq^r to that Office, during His Majesty's Pleasure. This Gentleman is one of the Council, and has for a considerable Time acted as one of the Judges of the Supream Court, with great Credit to himself. M^r Nevill the other Judge of that Court, has been long rendered incapable of Business by a Stroke of the Palsy, so that M^r Read has been obliged to perform his Duty for him, in going the Circuits, &c. As there was an absolute Necessity, in order to prevent any Interruption to the usual Proceedings of the Courts of Law, that some Person should be immediately appointed Chief Justice and as M^r Read was so well entitled thereto by his Services, I hope his Appointment will meet with your Lordships Approbation. He has, I understand, been formerly recommended to your Board by Governor Barnard, for the obtaining his Majesty's mandamus appointing him Chief Justice, and I now recommend him to your Lordships as a Person well qualified by his Character, Abilities, and Experience for that Office.

In August last I recommended to your Lordships, the Appointment of James Parker, Esq^r of Perth Amboy to be one of His Majesty's Council for this Province. And as the Death of M^r Morris has occasioned another Vacancy in the Council, I would like-

¹ William Smith, the provincial historian of New York, in a letter to Horatio Gates, describes the circumstances attending the death of Chief Justice Morris. It occurred at Shrewsbury, N. J., where he had a cousin residing, the wife of the clergyman of the parish. On the evening of the 27th of January, 1764, there was a dance in the village, at which all the respectable families of the neighborhood were present. The Chief Justice led out the clergyman's wife, danced down six couples, and then, without a word, or a groan, or a sigh, fell dead upon the floor. "Unhappy New Jersey has lost her best ornament," continues Mr. Smith; "Franklin has put Charles Read in his place upon the bench, and filled up Read's with one John Berrian, a babbling County Surveyor, not fit to be a deputy to any sheriff in England." In 1778 William Smith, who had for a long time wavered, espoused the royal cause, and in 1783 left the city of New York with the British troops. For his fidelity to the crown he was subsequently rewarded with a high judiciary office at Quebec.

wise recommend to your Lordships, Richard Stockton, Esq^r to succeed him in that Station. He is a Gentleman of the Law, eminent in his Profession, of unblemished Character, and possessed of a good Estate in the Province. His Place of Residence being midway between the two Seats of Government, makes it convenient for his Attendance at either.

I am, with the utmost Respect, My Lords,

Your Lordships most obedient, &

most humble Servant

W^m FRANKLIN.

Letter from Governor Franklin to the Lords of Trade relative to raising levies; also to some acts passed by the Assembly, and to Mr. Ashfield's claim to precedence in the Council, his mandamus being of a prior date to that of Mr. Ogden.

[From P. R. O. B. T., New Jersey, Vol. 9, K 41.]

BURLINGTON March 6, 1764

Right Honourable the Lords of Trade & Plantations.

My Lords

Agreeable to what I wrote to your Lordships on the 20th of January, I have had another Meeting with the Assembly, on the Subject of the Requisition of His Majesty's General. The New England Colonies not having come to any Determinations with regard to the Measures proposed, though they had been summon'd for that Purpose, the Assembly here, in the Bill they pass'd for raising Men, restricted the Act from being put into Execution, till a Majority of the Eastern Colonies should comply with what was required of

them. As this was leaving Matters in great Uncertainty, and the Season for Action approaching fast, I rejected their Bill, and urged them strongly to pass a new one, limiting their Grant to what had been, or might be done during the Year, by New York alone. After some Struggle they came into my Proposal, and the Act was passed accordingly. So that as New York has already raised 800 Men, which is half of the Demand made of them, we shall immediately raise 300, which is the same Proportion of what was required of this Province. And if New York raises more Men, as it is thought they will, we shall likewise increase our Number.

As some Men are to be reserved on the Frontiers of each Province for their Protection, I proposed to General Gage the employing the Frontier Guards of this and the neighbouring Provinces in making an Irruption into the Enemy's Country, so as to create a Diversion in favour of the Operations of the Army. In answer to which I received a Letter from the General, approving of the Proposal, a Copy whereof is enclosed.

The Want of Union among the Colonies must ever occasion Delay in their military Operations. The first that happens to be call'd upon postpones coming to any Determination till 'tis known what the other Colonies will do; and each of those others think they have an equal Right to act in the same manner. This procrastinating Conduct, owing to the Jealousies and Apprehensions each Colony has lest it should happen to contribute somewhat more than its Share, is the Reason why the American levies are sometimes delay'd till the Season for Action is nearly elapsed. And it is so far from saving them any Expence in the End, that for Want of being timely in their Grants the first Year, they are frequently oblig'd to be at the same Charge the Year following.

Being informed that your Lordships had objected to

the Act for settling the Boundary between this Province and New York, on Account of one of the Agents being therein styled Earl of Sterling, we have since passed another Act for the Purpose not liable to that Objection. We knew not here but that his Right to that Title was settled and allowed.

The other Acts passed at the last Sessions were the Support Act, an Act for naturalizing some Germans, and an Act for draining Meadows. All these are according to former Acts of the same kind, and will be transmitted to your Lordships as soon as possible.

Lewis Morris Ashfield, Esq^r one of the Council of this Province, has desired me to inform your Lordships that by Mistake in the King's Instructions to me, he is named after David Ogden, Esq^r though his Mandamus is of a prior Date. M^r Ogden, however, says that the Date in his Mandamus has evident Marks of being altered after it was granted: That M^r Chief Justice Morris (who took out both Mandamuses) got this Alteration made at the Secretary's Office after it was sent there from the Board of Trade, in order to give a Preference to his Nephew M^r Ashfield: But as the Alteration was made unknown to the Plantation Office, and as M^r Ogden has been first named in all the Governor's Instructions who have been since appointed, he hopes he shall not lose the Rank he has hitherto had in the Council. I mention this matter at the Request of those Gentlemen, and submit it to your Lordships Consideration.

I have the Honour to be, with the greatest Respect,
My Lords, Your Lordships most obedient,

and most humble Servant

WM. FRANKLIN

*Letter from Governor Franklin to the Earl of Halifax
—relative to raising troops, and enclosing a copy
of General Gage's Letter of March 2, 1764.*

[From P. R. O., America and West Indies, Vol. 172 (190).]

BURLINGTON, March 6, 1764

Right Hon^{ble} the Earl of Halifax.

My Lord,

I did myself the Honour of writing to your Lordship on the 12th of January, acknowledging the receipt of your Lordship's Letter of the 19th of October. Since which I have had a Meeting with the Assembly, and prevailed on them to raise a Number of Troops to be put under the Command of His Majesty's General, in Proportion to what has been, or may be raised by the Province of New York during the current Year. That Government having already raised 800 Men, which is half the Requisition made of them, we shall immediately raise a Battallion of 300, being half the Number required by this Colony. If New York makes an Addition to their Forces, which 'tis thought they will, ours are to be increased in the same proportion. I endeavoured all in my Power to prevail on the Assembly to grant the whole of the Requisition at first, without regard to what might be done by the other Colonies: But the utmost that I could obtain of them, was, to drop an Act they had passed, restraining their Grant till a Majority of the Eastern Colonies should come into the Measure, and pass another referring to what might be done by New York alone. It seems to be the Aim of most of the Colonies on these Occasions (lest they might happen to contribute somewhat more than they think is their Quota) to postpone coming to any Determination, till they can be acquainted with

the Resolutions of the others. This conduct must necessarily cause considerable Delays in Military Operations, so far as they depend on American Levies.

By the Care that has been taken in posting Guards at proper Stations, and keeping them constantly employed in ranging, none of the Inhabitants of this Province have abandoned their Settlements, tho' our Frontier is become very expensive and exposed, Since the back Settlers of New York & Pennsylvania have quitted their Habitations.

I send enclosed, for your Lordships Perusal, a Copy of a Letter I have just received from General Gage in answer to a Proposal of Mine for employing the Frontier Guards in making a Diversion, which while the Army is marching into the Enemy's Country; As the General approves the Plan, I hope to have it soon carried into Execution.

I have the Honour to be, with the utmost Respect,
 My Lord, Your Lordship's most obedient,
 and most humble Servant
 WM. FRANKLIN

Letter from General Gage to Gov. Franklin,
 relative to military operations, in answer
 to Gov. Franklin's letter of March 6, 1764.

NEW YORK, March 2^d 1764

His Excellency Gov^r. Franklin

Sir

By your Favour of 24th Ulnio. I perceive the Assembly of New Jersey have come to a Resolution of raising a Body of Troops, in Proportion to what has, or shall be raised in the Province of New York. Governor Colden will have sent you the Certificate required by the Act, of the Numbers raised by this Province ;

which will come more properly from Him than from me ; so that I shall not trouble you with a Duplicate.

There is the greatest Reason to believe that the Settlements are more infested by the Tribes of Savages who are seated at no great Distance from the Frontiers, than by the more powerful Nations who live at a greater Distance : And the Junction you propose of the Troops reserved for the Defence of the Frontiers of the Provinces, to make an Irruption into the Enemy's Country, will be of greater Service, than the Separating them along an Extensive Frontier, too weak in every Part, either to attack or defend.

I am quite sensible of the Trouble you have taken, and the Zeal you have shewn, throughout this disagreeable Business, for the Good of His Majesty's Service, I have only now to return you my thanks for it, and to desire the Companys may be raised & cloathed Time enough to proceed to Albany, when the Navigation becomes practicable.

I am, with great Regard, Sir,

Your most obedient humble Servant

THO: GAGE

Letter from Governor Franklin to the Lords of Trade, transmitting public papers and informing them of a report that the Six Nations of Indians are likely to render aid that will end the Indian war for this summer.

[From P. R. O. B. T., New Jersey, Vol. 9, K 44.]

BURLINGTON, April 28, 1764

To the Lords of Trade

My Lords.

I had the Honour of writing to your Lordships the 6th of last Month, acquainting you with the Transac-

tions of the Legislature here, at the Sessions in February. I now send you the Minutes of Council, the printed Journals of the Assembly, & Copies of the Laws then passed. By the Privy Council Minutes, your Lordships will see the Necessity there was for passing the Supply Act in the accustomed Form. In pursuance of the said Act I have already sent the General four Companies of chosen Men well equipped for the Service. There is one Company besides now stationed on our Frontier, but liable to the Orders of the General.

If we may depend on the Reports we have from New York, the Six Nations are likely to give such Assistance as will be sufficient to put an End to the Indian War this Summer. On the 12th of last Month, I sent your Lordships the Journals and Laws of the December Sessions

I have the Honour to be, with the greatest Respect,
 My Lords, Your Lordships most
 obedient & most humble Servant
 W^M FRANKLIN

P. S. I now likewise send Copies of the Custom House Accounts for the Port of Amboy from the Time of my Arrival to the 5th of April 1764

*Ordinance for Holding the Supreme Court for the Province of New Jersey.*¹

[From Book AAA of Commissions, Secretary of State's Office, Trenton, fol. 392.]

GEORGE THE THIRD by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. To all our Loving Subjects Inhabiting and Being

¹ Compare this with the Ordinances of Lord Cornbury and Gov. Robert Hunter, given in Judge Field's "Provincial Courts of New Jersey," pp. 266-82. Also the Ordinance of 1724, *ib.*, 275-9; and the Ordinance of 1725, *ib.*, 287-91.—[W. N.]

within our Province of New Jersey, and to all others whom it doth or may Concern, *Greeting*, WHEREAS it has been Represented unto Our Trusty and well beloved William Franklin Esq. our Captain General and Governor in Chief in and over Our Province of Nova Ceesarea or New Jersey and Territories thereon depending in America Chancellor and Vice Admiral in the same &c. that the times appointed by Ordinance for holding our Supreme Court have by Experience been found to be attended with divers Inconveniences to the Inhabitants of our said Province, *And Whereas* Application hath been made to our said Governor and Commander in Chief for Remedy therein and we being Desirous that the said Inconveniences should for the future be Remedied *have* thought fit to Ordain, and We do hereby Ordain and direct that our Supreme Court for our said Province of New Jersey shall begin sit and be held at our City of Perth Amboy at the Several times following (to wit) on the second Tuesday in April and the third Tuesday in September in Every Year; And also that our said Supreme Court for Our said Province of New Jersey shall begin sit and be held at our City of Burlington on the first Tuesday in November and the second Tuesday in May in Every Year; which said Court shall sit and continue to be held on and from Each of the said days on which it is to begin, daily and Every day untill the Saturday next Immediately following the Tuesday on which it is to begin; when and on which said Saturday Our Justices of our said Court for the time being or any of them may adjourn Our said Supreme Court until the Next Term, unless they our said Justices or any of them upon Account of the Multiplicity of Business then Depending think it necessary and Expedient to Prolong the said Term, in all which Cases we do hereby further Ordain and Direct that our said Supreme Court shall continue to sit and be holden from the

Tuesday (the commencement of the said Term) to the Tuesday in the Week thereafter both days inclusive, in which Court there shall be two Return Days in each of the said Terms or Sittings, to wit on the first Tuesday and Thursday following, or on such other day or days as the Justices of the said Court for the Time being or any of them in their Discretion shall think proper and Expedient to appoint. And we do hereby fully Authorize and Impower the said Supreme Court to have Cognizance of and to hear try and determine all Pleas Civil Criminal & Mixed, and all other Actions and Suits whatsoever as fully and amply to all Intents and Purposes whatsoever as all or any of our Courts of Kings Bench, Common Pleas, or Exchequer in that part of Our Kingdom of Great Britain Called England have or of Right ought to have; and any Person & Persons may Commence and Prosecute any Action or Suit in our said Supreme Court, and may by Habeas Corpus, Certiorari or any other Legal Writ, Remove any Action Suit or Plaint out of any of the Respective County Courts, Sessions of the Peace, or any other the Inferior Courts depending or to be depending, and any Judgment thereupon Given or to be given in any of the said Courts *Provided* always that the Commencing & prosecuting any Action Suit or plaint in the said Supreme Court, and the Removal of any Information or Indictment or any Cause matter or thing to be Removed from any of the County Courts, Sessions of the Peace and any other of the said Inferior Courts into the said Supreme Court be so Commenced Prosecuted and Removed According to and as near as may be Agreeable to the Laws in Force in that part of our Kingdom of Great Britain Called England and the Laws of our Province of New Jersey not Repugnant thereto, And We do hereby further Ordain and Direct that the Office of the Clerk of the said Supreme Court of Judicature shall be kept by the Secre-

tary Appointed by his Majesty under the Great Seal of Great Britain, or his Sufficient Deputy at Perth Amboy in the Eastern Division, and Burlington in the Western Division, and that all Writs & Process of the Supreme Court of our Province of New Jersey shall Issue out of Either of the said places Indifferently and that the Courts of Perth Amboy and Burlington shall take Cognizance of such Writs & Process accordingly, *Nevertheless* so that all Actions and Causes of Action arising in Either the Eastern or Western Division of this Province are to be tried in and a Verdict given by Jurors of that Division Only in which the Cause of Action shall Arise, as near and Agreeable to the laws Customs and Usages of our Kingdom of Great Britain as may be, and in whichsoever Division the venue is laid, there, that is to say in the Secretary's Office in Each Division shall the Declaration Pleas, and all other pleadings in that Cause be filed. *And* we do further Ordain and direct, that our Justices of our Supreme Court for the time being or any of them, shall annually and Every Year go into Every County in our said Province and there hold a Court for the trial of such Causes arising in the Several & Respective Countys as are brought to Issue in the said Supreme Court, which Causes our said Justices or any of them is hereby empowered to hear and try by Jurors of the said Countys, and on any Verdict in any of the said Countys within our said Province Judgment to give at the Supreme Court of Judicature to be holden at our City of Perth Amboy for the Eastern Division or City of Burlington for the Western Division which Courts for the trial of Causes shall be held in Our Several Countys (except Cape May) for and during a Term not Exceeding five days. *And* We do hereby further Ordain and direct that the times & places for holding the Yearly Circuit Courts in the several Countys of our said Province for the trial of such Causes aforesaid

shall be such as are hereafter Mentioned that is to say, That the said Circuit Courts for our Countys of Bergen, Essex, Monmouth, Somerset, Morris, & Sussex, shall be held at such times in the Months of September and October Yearly, and at Such Places in each of the said Respective Countys as our Justices of our said Supreme Courts for the time being or any of them shall yearly in the next Preceding Term or any other time Appoint for that Purpose and that the said Circuit Courts for our Countys of Hunterdon, Gloucester, Salem, Cumberland & Cape May, shall be held at such times in the Months of April May or June Yearly, and at such places in Each of the said Respective Countys as our Justices of our said Supreme Court for the time being or any of them shall Yearly in the Next Preceding Term or any other time Appoint for that purpose. *Provided always*, and it is hereby further Ordained and directed that the Causes Arising in the County of Cape May shall be tried in the County of Cumberland. *And* we do hereby Require and Command our High Sheriffs, Justices of the Peace, the mayor and Aldermen of any Corporation within our Respective Countys of our said Province, and all Officers Magisterial and Ministerial within our said Respective Countys to be Attending upon our said Justices of our said Supreme Court or any of them (going the Circuit) as well at the times of their or his Coming into and leaving the said Respective Countys as during all their Stay upon their Circuit within any of the said Countys on pain of our highest Displeasure And of being proceeded against According to Law, for their or any of their Neglect or Contempt of our Royal Authority & Command hereby signified. *In Testimony* Whereof we have caused the Great Seal of our said Province of New Jersey to be hereunto Affixed. *Witness* our said trusty and Well beloved William Franklin Esqr. our Captain General & Governor in Chief in and over our said Province of

Nova Ceesarea or New Jersey and Territories thereon Depending in America Chancellor and Vice Admiral in the same &c. at our City of Burlington the Eleventh day of May in the fourth Year of our Reign Annoq. Domini One thousand Seven hundred and Sixty four.



READ.

Letter from Secretary Halifax to Governor Franklin, expressing the King's satisfaction with his zeal in protecting the frontier settlements of New Jersey.

[From P. R. O., America and West Indies, Vol. 190.]

ST. JAMES'S 12th May 1764

William Franklin Esq^r Governor of New Jersey.

Sir,

I have received, and laid before The King, Your Letters of the 12th of January, and 6th of March last: And although there is nothing in the Subject Matter of them which requires His Majesty's particular Directions, I take this Opportunity of giving you the Satisfaction to know that His Majesty is well pleased with the Zeal and Diligence which you have exerted in protecting the Frontier Settlements of Your Government, and in prevailing on the Assembly to raise a Part, at least, of the Number of Troops required of them for the publick Service.

I am &c^a

DUNK HALIFAX.

Report from the Lords of Trade to the Lords of the Committee of Council, with draft of an instruction to the Governor of the American Plantations in regard to fees taken in the several offices of Government there.

[From P. R. O. B. T. Plantations General, Vol. 41, Page 403.]

WHITE HALL May 28, 1764

To the Right Hon^{ble} the Lords of His Majesty's
most Hon^{ble} Privy Council for Plantation
Affairs;

My Lords,

In pursuance of your Lordships Order of the 21st Instant, we have prepared, and herewith beg Leave to lay before your Lordships, the draught of an additional Instructoin to each of the Governors of His Majesty's Colonies and plantations, conformable to what is proposed in our humble Representation to His Majesty, relative to Fees legally established in each Government; to which we have added a Clause, agréeable to your Lordships directions, requiring the said Governors to transmit to us exact Copies or Tables of all such Fees.

We are, My Lords, your Lordships
most obedient & most humble Servants,

HILLSBOROUGH

ED: BACON

ED: ELIOT

GEO: RICE

BAMBER GASCOYNE.

Additional Instruction to ———

Whereas frequent Complaints have been heretofore made, that exorbitant Fees have been demanded and taken in the public offices in several of our Colonies

and plantations in America for Business transacted in such offices; And whereas it hath been represented unto us, that there is great Reason to apprehend, that such unwarrantable demands and Exactions are still continued in some of our Colonies, particularly on the Survey and passing patents for Lands; And whereas such shameful and illegal Practices do not only dishonor our Service, but do also operate to the prejudice of the public Interests, by obstructing the speedy Settlement of our Colonies; It is therefore Our Will and Pleasure, and you are hereby strictly enjoined and required forthwith, upon receiving these our Instructions to you, to cause fair Tables of all Fees legally established within the ^{Province} _{Islands} under your Government, to be affixed up in every public office within your said Government, and also to publish a proclamation in our Name, under the Seal of our said ^{Province} _{Islands}, setting forth the Complaints and Representations which have been made to us in respect to the exorbitant Fees demanded and taken in the public Offices of several of our Colonies, expressing our just Indignation at such unwarrantable and dishonorable practices, and strictly enjoining and requiring all public Officers whatever, in their respective Stations, not to demand or receive any other Fees for public Business transacted in their offices, than what have been establish'd by proper Authority, upon pain of being removed from their said Offices, and prosecuted with the utmost Severity of the Law. And it is our further Will and Pleasure, that you do also forthwith transmit to our Commissioners for Trade and plantations, in order to be laid before us, an exact and authentic List or Table of all Fees allowed to, or taken by each officer respectively within the ^{Province} _{Islands} under your Government, specifying by what Authority the Fees allowed to, or taken by each officer are established, and distinguishing such, if any, as are taken without any such Authority.

Representation of the Lords of Trade to His Majesty, proposing Frederick Smyth and James Parker, Esqs., Councillors in the room of Robert Hunter Morris and Richard Saltar, Esqs., deceased.

[From P. R. O. B. T. New Jersey, Vol 17, p. 182.]

WHITEHALL July 3^d 1764

To the King's most Excell^t Majesty.

May it please Your Majesty,

Robert Hunter Morris and Richard Saltar Esquires, two of Your Majesty's Council in the Province of New Jersey, being deceased, and Frederick Smyth and James Parker Esq^{rs} having been recommended to us as persons every way qualified to serve Your Majesty in that Station, we beg leave humbly to propose to Your Majesty, that they may be appointed of Your Majesty's Council in the said Province in the Room of the said Robert Hunter Morris, and Richard Salter Esq^{rs} deceased.

Which is most humbly submitted.

HILLSBOROUGH. E^p BACON.

GEO: RICE. BAMBER GASCOYNE.

T. DYSON.

Representation of the Lords of Trade to His Majesty, proposing the repeal of an act, passed in September, 1762, for rendering void the lottery lately made by Peter Gordon, etc.

[From P. R. O. B. T. New Jersey, Vol. 17, p. 183.]

WHITE HALL July 5. 1764

To the King's most Excellent Majesty.

May it please Your Majesty,

We have had under our Consideration an Act passed in Your Majesty's Province in New Jersey in September 1762, intituled,

“An Act for rendering void the Lottery lately made
“by Peter Gordon for the sale of certain lands lying
“in the County of Middlesex, and to relieve and to
“secure the Trustees and Managers of the said Lottery
“against any Action that is or may be brought
“against them concerning the same.”

We have also consulted Sir Matthew Lamb, one of Your Majesty's Counsel at Law, who has reported to us, that it appears to relate to a private Transaction, in which the Legislature of this Province has no Concern, nor ought in that Capacity to have interfered by any Act of Assembly in relation to it;—That if Peter Gordon and the Managers appointed by him to conduct the Lottery, have either by Fraud or Mistake done anything to the prejudice and loss of the Adventurers, they must justify themselves, or be made accountable for the same in a legal Course, and the Adventurers ought to be left at Liberty to make use of such Remedies for their Redress as they are legally intituled to, without being debarred in their proceedings by any legislative Act in Favor of the Managers:—And that

he is of opinion for these reasons, that this Act should not be confirmed. And as we concur in Opinion with Sir Matthew Lamb, we beg leave humbly to propose to Your Majesty, that the said Law should receive Your Majesty's Royal Disallowance.

Which is most humbly submitted.

HILLSBOROUGH. ED. BACON.
BAMBER GASCOYNE. J. DYSON.

Letter from the Lords of Trade to Governor Franklin, approving his conduct, recommending James Parker and Frederick Smyth to be of the Council of New Jersey, and the latter Chief-Justice—no objection to imposing a duty upon the importation of Negroes—Mr. Ogden and Mr. Ashfield.

[From P. R. O. B. T., New Jersey, Vol. 17, p. 185.]

WHITE HALL, July 13, 1764.

To William Franklin Esq^r Governor of New Jersey.

Sir,

As most of the Letters which we have lately receiv'd from You, and which contain anything material, do relate either to your proceedings with the Assembly upon the requisition made by the Commander in Chief of His Majesty's Forces for further aid for repelling the Incursions of the Indians, or to the orders which have been given for the due execution of the Law that lays a duty upon the Importation of foreign Rum, Sugar and Melasses, the Directions which we have to give you by this Packet lye within a narrow Compass.

We observe with Satisfaction the endeavours you us'd to check the Assembly in their unconstitutional Method of providing those Services, which the Exigen-

cy of the times demanded; but as they have not thought fit to alter that method, and to make their proceedings correspond with the principles of the British Constitution, it must remain for His Majesty to take such measures, as shall appear to be necessary in a matter of so much importance to the due dependence of the Colonies upon the just Authority of the Crown.

It is not only in the Laws for providing for temporary Services, that they appear to deviate from the principles and practice established in this Kingdom; the annual Act for the Support of Government is equally exceptionable in many parts, for we observe, that the Salaries are payable to the Officers by name, and not for the time being, which has a direct Tendency to establish in the Assembly a Negative in the nomination of those Officers, and that the said Act does of itself create appointments of Officers, that ought to be appointed by Commission from the Governor.

We further observe, that, in the Clause appointing an Agent, he is styl'd Agent for the Province at the Court of Great Britain,¹ which appears to us to be a

¹ The Proprietaries had generally maintained an agent at London, to look after their interests before the Lords of Trade and the Parliament, in the selection of Governors and the regulations concerning revenue, etc. Ferdinand John Paris acted as such for thirty years or more, prior to 1759.—*N. J. Archives*, VI., 424-5, note. In 1731 the Assembly concluded to appoint an agent to attend to the interests of the people. Mr. Paris was a candidate, but Richard Partridge, a Quaker, of fair business habits but little force of character, was selected, and held the position for thirty years. Governor Morris was suspicious that he was more on the alert for the concerns of the Assembly and the people than for the interests of the Governor and Council—*Papers of Lewis Morris*, 36, 220; *N. J. Archives*, V., 293, 303. As Mr. Partridge was a brother-in-law of Governor Belcher (the latter having married his sister, Mary, daughter of Lieut.-Governor William Partridge, of Massachusetts), it was natural to suppose that he would now favor the royal prerogatives, especially as he was assumed to have had much to do with the appointment of the Governor.—*Hatfield's Elizabeth-Town*, 377; *Morris Papers*, 36, note. On his death, in 1761, Joseph Sherwood was appointed agent.—*Ib.* In 1763 the Province was represented in London by Andrew Drummond & Co., Henry Drummond being the active manager—*Penn. Col. Records*, IX., 47, 50. As the interests of the Colonies and of the mother country were now becoming so diverse, the British Ministry disliked to have any interference in London with their administration of American affairs. In Massachusetts, the Governor refused to pay the agents appointed by the Assembly to represent the people at the court of Great Britain, assuming that the popular branch had no right to be thus represented by its own agent.—*Works of John Adams*, IV., 70.—[W. N.]

ridiculous Affectation in the Assembly to cloath an Officer, who is merely an Attorney to transact their Affairs, independent of the general Interests of the Colony, with a Character that belongs only to the Minister of a Foreign Prince.

We have considered the State of the Council, and observing that there are two vacancies, we have recommended James Parker Esq^r¹ and Frederick Smyth Esq^r, —whom His Majesty has appointed to be Chief Justice of the Province, to supply these Vacancies.

In Considering the Laws of New Jersey passed in 1762 & 1763, we have been under the necessity of proposing the repeal an Act * * * for rendering void the Lottery lately made by Peter Gordon for the sale of certain Lands lying in the County of Middlesex; which leads us to take notice of the Practice, which has too much prevail'd in the Colony of New Jersey, of passing Laws to empower persons to set up private Lotteries.

The establishing Lotteries for raising money for public Services is of very doubtfull policy, and is a measure seldom adopted except in Cases of public

¹ JAMES PARKER, son of John Parker, of Perth Amboy, was born 1725. He was Captain of one of the six companies that went from that town to Canada in the campaign of 1746. He subsequently traded to the West Indies for some years. In 1771 he was Mayor of Perth Amboy.—*Whitehead's Perth Amboy*, 133-4. That town chose him one of its Committee of Correspondence in 1775, and also elected him to the Provincial Congress. He did not attend, and for the sake of peace removed to Hunterdon County. Refusing upon summons of the Committee of Safety to take the oath of abjuration and allegiance, he was, August 20, 1777, ordered to be confined as "a person disaffected to the State," but the next day was released on giving security to "remain at or within a mile of the Court House at Morristown." In November, 1777, he was ordered to be committed to the common jail at Morristown as a hostage for the better treatment of John Fell, member of Congress from New Jersey, who was then a prisoner in New York, treated with great severity. Owing to Mr. Parker's ill health he was not actually confined in jail, but in "a private room nearest the Court House," and on the last day of the year was permitted to go home, on parole.—*Minutes of Provincial Congress*, etc., 1775-6, 56, 57, 58, 103, 323; *Minutes of Council of Safety*, 1777, 98, 116, 117, 121, 122, 140, 161-2-3-4, 173, 182. Notwithstanding his neutrality during the war, he stood so well with his neighbors that he was warmly urged to be a candidate for Congress in 1789. He died October 4, 1797, aged 72, and lies buried in St. Peter's church yard, at Perth Amboy. He was the father of James Parker, the second President of the New Jersey Historical Society, 1865-8, and who filled a large place in the history of his State for three-quarters of a century.—*Whitehead's Perth Amboy*, 134-6.—[W. N.]

Exigency; but it does in no degree warrant the encouraging private Lotteries, which we conceive may be open to the greatest Fraud and Abuse.

As we have no particular Objection to the Policy of imposing a reasonable duty upon the importation of Negroes, we should have been glad to have laid the Law passed for that purpose before His Majesty for his approbation; but as the Duty is laid payable by the Importer, and a part of it is reserved in Case of re-exportation, it appears to us to be contrary in both these respects to the 26th Article of Your Instructions.

The first Article of His Majesty's Instructions to You appears to us to be to all Intents & Purposes a new appointment of the Council; and as M^r Ogden is in that article named before M^r Ashfield it decides the precedence in his favour.

So we bid You heartily farewell, and are &c^a

HILLSBOROUGH GEO: PRICE.
BAMBER GASCOYNE. T. DYSON.

List of Commissioners named by Mr. Wilmot on the part of New Jersey, for running the boundaries between the provinces of New Jersey and New York in America.

[From P. R. O., B. T., New Jersey, Vol. 9, K. 47.]

July 20. 1764

1. Governor Franklin, or the Commander in Chief for the Time being.
 2. Andrew Oliver, Secretary of Massachuset's Bay.
 3. Peter Randolph, Surveyor General of the Customs of the Southern District.
 4. Payton Randolph, Attorney General of Virginia and one of the Council
 5. Richard Corbin, One of the Council of Virginia
- HENJ WILMOT

Circular letter from the Earl of Halifax to the Governors in North America, informing them that the House of Commons had resolved to charge certain stamp duties in the colonies and plantations.

[From New York Colonial Documents, Vol. VII, p. 616.]

ST JAMES'S 11, August. 1764

Sir

The house of Commons having in the last Session of Parliament, come to a resolution by which it is declared that, towards defraying the necessary expences of defending, protecting and Securing the British Colonies & Plantations in America, it may be proper to charge certain Stamp duties; it is His Majesty's Pleasure, that you should transmit to me, without delay, a list of all instruments made use of in public transactions, law proceedings, Grants, Conveyances, Securities of Land or money within your Govern^t with proper and Sufficient descriptions of the Same, in order, that if Parliament should think proper to pursue the intention of the aforesaid resolution, they may thereby be enabled to carry it into execution, in the most effectual and least burthensome manner.

If you should be unable of yourself to prepare a list of this kind with sufficient accuracy you will in such case require the assistance of His Majesty's Attorney General, or the principal Law Officer of the Crown within your Govern^t, who are the proper persons to be consulted, towards procuring the said information in the manner required.

I am etc

DUNK HALIFAX

Letter from Robert Ogden to Courtlandt Skinner, enclosing a copy of resolutions received from the Committee of Correspondence of Massachusetts Assembly, and advising that all the Colonies should unite and exert themselves to keep off the threatened blow of imposing taxes, duties, etc.

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. 1, No. 57.]

ELIZ. TOWN 24 August 1764

C. Skinner, Esq.¹

Sir

The enclosed is a copy of what I Rec^d from the Gen^l appointed as a Committee by the House of Representatives of the Colony of the Massachusetts Bay, which I now send for your Perusal & advice; the affair is Serious & Greatly Concerns all the Colonies to unite & Exert themselves to the utmost to Keep of the

was the oldest son of the Rev. William Skinner, originally a MacGregor, the first rector of St. Peter's Church in Perth Amboy. He was educated for the bar, studying the profession in the office of David Ogden, an old and distinguished practitioner at Newark, where Mr. Skinner also was established for some time after his admission to practice. In 1752 he married Elizabeth, daughter of Philip Kearny, of Perth Amboy, and shortly after took up his residence permanently at that place. He became eminent in his profession, his natural abilities being good and his oratorical powers considerably above mediocrity. He held the position of Attorney-General until the Revolution put an end to the authority whence it was derived. In 1761 he was elected to the Provincial Assembly as a representative from his native city, and continued to be a prominent member of that body while it existed, being elected Speaker in 1765. During the early days of the struggle for independence, Mr. Skinner, like many others who in the end connected themselves with the royal cause, was strongly opposed to the encroachments of the British Ministry, and he was elected Speaker in place of Robert Ogden, whose course had been displeasing to his constituents from that cause. All

Threatening blow, of Imposing Taxes Duties &c. so Destructive to the Libertys the Colonies hitherto enjoyed. As Similar Letters have been sent from Boston to all the Colonies, and in Consequence of which the Lieut. Gov^r of New York has Call^d His Assembly together to Give them an Opportunity to send Home their Representatives, therefore If you think it of Importance Beg you would Loose no Time in Consulting M^r Nevill & Mr. Johnston on the Subject and write to His Excellency & Desire him to Give us a Meeting as Early in September as Possible & perhaps at same time we shall agree to pass a Bill for Striking as much money as the Loan will be Sufficient to Erect Public Buildings for the Government, which Law

his influence, which was very considerable, was exerted to bring about a restoration of the harmonious relations which had previously existed. Such continued to be his position until the first blood was shed at Lexington. That event, of course, caused a change in Mr. Skinner's sentiments. But the only instance discovered of his incurring the displeasure of the numerous committees of observation by which he was surrounded, consisted in his being found guilty by the Committee of Morris County, on September 28th, 1775, of having "spoken disrespectfully of the Continental Congress, reproaching the minute men, and charging them and the county with protecting a supposed criminal from justice." Although to this charge he made such explanations as were deemed satisfactory by the Committee, he was obliged soon after to regard his personal safety, by taking refuge beneath the English flag. He was received as an efficient and active auxiliary, and he was soon after appointed a Brigadier-General by General Howe, with authority to raise five battalions from among the disaffected in New Jersey. His headquarters were on Staten Island, and although unable to induce many to join his standard, yet he had friends among the Provincials, who, when his personal safety was concerned, were ready to give him intelligence of the movements of the Colonial forces. After some time the General took a house at Jamaica, Long Island, and gathered his family again within it, giving them as much of his time as his official duties would permit. After the Revolution, General Skinner went to England with his family, and received from the Government compensation for his forfeited estate and the half-pay of a Brigadier-General during his life. He died March 15th, 1799, aged 71 years, and a tablet to his memory may be seen at St. Augustine's Church, Bristol. His wife survived him, after a union of forty-seven years, and continued to reside among her children in England and Ireland until her death. General Skinner had thirteen children, most of whom survived him. One of his daughters (Maria) married in 1797 Captain (afterward General) Sir George Nugent, G. C. B., D. C. L., and accompanied her husband both to the East and West Indies, whither he was sent by his government to discharge important trusts; and two diaries kept by her, one for each country, have been printed for private distribution since her death. They each consist of two volumes octavo, and are very interesting. Lady Nugent died in 1834. She left two sons and two daughters.—*Original Letters in the Possession of the Editor; Contributions to the Early History of Perth Amboy.*—Ed.

must if Ever be passed before the 29 of Sep^r, as that is the Limitation in the Gov^{rs} Instructions, So that no Time is to be lost. Excuse Haste & believe me to be

D S^r Yours Sincerely

DAVID OGDEN.¹

Letter from Joseph Sackett, Jr., to Cortlandt Skinner in relation to the title to the common lands belonging to the Island of Sekakus, in Bergen County, in the possession of Edward Earle.

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. I, No. 59.]

NEW YORK 13 Sep^r 1764

Cortlandt Skinner, Esq.

Sir

Please to be prepared for the Commissioners, tis the last time of Asking with us, and now is the time to be in Readiness. Mr. Bayard has given in to the Commissioners what his Attornies had to say in favour of his Claim. And the matter they Chiefly insist upon is, that the words in the Articles of Agreement, with such further rights and Interest &c., mean no more than the Meadows, Creeks, Swamps &c, and not the Common Lands, as the last Grant to Earle has no Such

¹ Mr. Ogden was delegate from New Jersey to the Congress which met in New York, October 7, 1765, and shared with Mr. Ruggles, of Massachusetts, the unenviable distinction of having dissented from the action of Congress, and withdrew from its deliberations. Being Speaker of the New Jersey Assembly, a meeting of that body was called at his request, on the 27th of November; and the next day he resigned that position, and his seat as a member from Essex County, and an indirect censure was passed upon him by resolutions thanking his associates in the Congress for the "faithful and judicious discharge of the trust reposed in them."—*Anal. Index to Col. Docs. of N. J.*

terms, but (as they say) limits it to Sekakus' itself by referring to Carterets Grant in 1667. But Earle took possession by Virtue of the Articles of Agreement, and the last Grant (in my Opinion) seems to have been given merely as an acknowledgment of having received the particulars (Consideration) mentioned in the Articles of Agreement. The last Grant is by no means so full as the first. I think referring to Carterets Grant 1667 cannot make against us in the least, for tis Common in Grants to refer to others as a proof of the Title. In the first Article of Sale to Earle please to Observe these words, Containing in Length & Breadth According to the patents from Governour Stuyvesant and Governr Phillip Carteret, which I think Convey all that they were in Possession of by Virtue of those recited Grants so that the words with such further Rights and Interest, as the Same Island hath been possessed by the said Executors and the aforesaid Bayard, Immediately following must aim at Something which they had a right to by Virtue of Some other Grant, but if Such Expressive Language had not been in this Conveyance, the Commons undoubtedly must pass, where no reservation is mentioned: the Intention of the parties should be regarded, and we have proved to the Commission that the present Mr. Bayard's forefathers were so far from Claiming, that frequent Endeavours were made to purchase (of Mr. Pinhorn) a right in the Commons belonging to Sekakus. The Commons of Bergen were Granted as a lasting General Benefit to the Inhabitants; tis one of the Several Privileges, and (in my opinion) whosoever is entitled to the others, must be with Equal propriety

¹ For a history of the Patent of Secaucus, see "History of the Land Titles in Hudson County, N. J.," by Charles H. Winfield, New York, 1872, 130-1, 300, 304. The Secaucus Commons were divided by Commissioners appointed by the Legislature for the purpose, by act of August 26, 1764. Their field-book is given by Mr. Winfield in the work quoted, 291-309. See also the entries, *post*, under dates of October 2, 10, 13, 1764.—[W. N.]

to this. The Plantation on Sekakus now in the possession of Mr. Earle does not belong to Mr. Bayard, Consequently the Commons (for there has been no reserve thereof) cannot be the property of Mr. Bayard, for it is Expressly Ordered by Charter, that when the Major Part of the freeholders shou^d agree to a division that it shou^d be to Every one according to his allotment and Estate. I must again Beg you will (soon as possible without hurry) prepare (as your opinion) what you can offer for us. Indeed I believe we shou^d get the Commons without Offering any thing to the Commissioners, but we will leave nothing undone, least we may have Reason hereafter to accuse ourselves of neglect.

I am Sir your Most Obed^t
 JOS. SACKETT, JUN.

Letter from Governor Franklin to the Earl of Halifax expressing his thanks for the honor of his Lordship's letter, and his earnest desire to merit the continuance of the King's approbation:

[From America and West Indies Vol: 172 (190).]

BURLINGTON Sept^r 21, 1764

The Right Honourable Earl of Halifax

My Lord

I cannot enough thank your Lordship for the Honour you did me, by your Letter of the 12th of May, in signifying His Majesty's gracious Approbation of my Conduct at a Time when no particular Business required your Lordship's writing. As nothing could be more obligingly condescending in your Lordship, so nothing could afford me more Satisfaction. It is my

highest Ambition, & shall be my constant Endeavour, to merit a Continuance of the Approbation of His Majesty & his Ministers.

I shall not fail making all possible Enquiry concerning the Pirates mentioned in your Lordships Letter of the 14th of July, which I have this Day had the Honour of receiving.

Nothing has lately occurred in this Province of sufficient Consequence to mention to your Lordship.

I have the Honour to be, with the utmost Respect.

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

W^m: FRANKLIN

Opinion of Wm. Samuel Johnson as to the ownership of the common lands set off to the island Sekakus, in Bergen County, then in the possession of Edward Earle.

[From Skinner Papers among the manuscripts of W. A. Whitehead, Volume I, No. 60.]

4 Geo. 3^d By act of the Gov^{nr}, Council and General Assembly of the province of New Jersey Commiss^{rs} are appointed to make partition of the Common Lands of the Township of Bergen, agreeable to the Rule given in s^d Charter, or as the said Magistrates shou^{ld} have done.

Quest^s. Did the Right of Common belonging to Sikakus pass to Earle by the Grant in 1673 from Bayard and the Execu^{rs} of Verlet, or not? Shall the Instrument afterwards by the same grantors executed in 1676 from its reference to Carteret's of 30th of Oct^r 1667 be understood as limiting or explanatory of the former Grant? or ought the first grant to be construed by it at all? And to whom ought the Common Lands be-

longing to Sikakus to be aparted, to the heirs of Bayard & Verlet, the original Patentees, or to their assignees, the s^d Earl his heirs or Assignees?

Ans^r! The freeholders of Bergen being incorporated by Gov^r Carteret's Charter in 1668, which also grants the s^d Common Lands I conceive, they took the s^d Common Lands in their Corporate Capacity, and that the Estate Vested not in the Individuals but in the Corporation to be by them held for the Common use of the Inhabitants of the Town possessing the patented Lands, but with this Limitation that the same when divided shou'd be appointed to and among the freeholders according to their allotments & Estates to be by them then held in severalty proportioned to their several located Lands, the Commission^rs I apprehend therefore in order to the making partition pursuant to the s^d Act have no occasion to Examine the mean Conveyances of the s^d patented Lands any further than to determine in whom the Lands located at the Date of s^d Charter are now Vested Viz at the time of making Partition it not having been I apprehend necessary to use any words in such Conveyances expressive of the Sale or Transfer of the Right of Common, but whoever the Commissioners find the patented Lands belong to by whatever Terms or Description Conveyed to them the Commons ought to be divided. the Estate or Right in the Commons being in the Corporation, cou'd not be transferr'd by the Individuals had the Freeholders in their Conveyances made use of the most expressive Terms for that purpose, and they are to be divided by the Tenants in possession of the particular Farms not as having been by them purchased of their Several Granters, but by force only of Limitation or Restriction Contained in the Charter whenever the Commons shou'd be aparted they shou'd be divided to the freeholders according to their Allotments & Estates whoever therefore now owns a freehold in Bergen tho

he is not strictly speaking seized of the Commons Yet since they are now to be divided he has by the Charter a Right to have a portion of those Lands Divided to him according to his freehold allotment and Estate, the present Proprietor of Sikakus, I conceive therefore is intitled to the proportion of Commons which must be apated to that Freehold, and it ought to be sett out to him.

But admitting the S^d Corporation did not take the S^d Common Lands as a Body but that the Same were in Some Sort Vested in the Individuals Proprietors of the Located Lands as an appendage or appurtenant thereto, I am further of opinion (on that Supposition) that the S^d Right in Commons did pass by the Conveyances from Bayard and Verlet's Execu^{rs} to Earle, and well Vested in him, the Grant in 1673 having given a Compleat Discription of Sikakus Transfers the same with such further Right and Interest as the S^d Island hath been Possessed by the S^d Executors and the afores^d Bayard, which words are Sufficiently Comprehensive to include such Right in Commons and must be construed most beneficially for the Grantee, and indeed seem to have been inserted as particularly expressive of the Intent of the Parties to Transfer that Right whatever it was. Nor ought the S^d words I conceive to be Understood as meaning only the Meadows Creeks &c (as some may perhaps at first View imagine) because the Meadow thereunto belonging and all the appurtenances o^f Sikakus in their full extent according to the Patents from Gov^r Stuyvesant and Gov^r Carteret are mentioned before in the Same Grant, the antecedent particular description of Sikakus therefore including the Meadows Creeks &c. The S^d latter general Words, transferring a farther Right & Interest may not be Construed to relate thereto but can be answered only by the Rights Privileges and

Immunities granted by the Charter of Bergen, among which expressly were the Commons.

The Right in Common being so fully convey'd by the Grant of 1673 Earle thereby became Seized, and the Estate so vested cou^d not by any means I conceive be divested by his accepting the Second Grant in 1676 (referring to Carteret's Patent) which seems to be only a Confirmation of the former Grant or an acknowledgment of having recev^d the Consideration Money by the former Instrument agreed to be paid and to refer to Gov^r Carteret's Patent only for a more particular description of Sikakus the principal Estate convey^d, but cannot be considered as limiting or restraining the former Grant (which cannot be the effect of a confirmation but rather as ratifying all that had been before Granted. Farther the Right in Common being by the Charter in Some Sort annexed to and belonging as appendant, or appurtenant to the located Freeholds, the same may with propriety be conceived as in Effect, parcel of them ; and as such wou^d pass even by the Grant (in 1676) of Sikakus with its appurtenances without express words relating to the Commons as being incident to it, and from the Nature of the Estate, invariably to go with, and belong to it. In either View of the matter I am of Opinion that the Proportion of Common Lands Sett out to Sikakus ought to be Divided to Earle, who I am advised is now in Possession of that Plantation.

W^m. SAM^l JOHNSON

STRATFORD October 2^d 1764.

Letter from Governor Franklin to the Lords of Trade, in answer to their Lordship's Letter of the 13th of July last, relative to the Assembly, the agent, and two acts passed in that Province.

[From P. R. O. B. T. New Jersey. Vol. 9, K. 55.]

BURLINGTON, New Jersey, Oct^r 4, 1764.

Right Honourable the Lords of Trade and
Plantations

My Lords

It gives me the greatest Pleasure to observe by your Lordship's Letter of the 13th of July, with which I am just honoured, that my Endeavours to check the Assembly in their unconstitutional Method of providing for the publick Services, have met with your Approbation. Your Lordships may rely that I shall omit no Opportunity of bringing them to make their Proceedings correspond as nearly to the Principles of the British Constitution as the Circumstances of a Colony will admit.

I observe what your Lordships mention with regard to the Title given to the Agent, and shall try and have that Matter altered in the next Support Act.

The Act concerning Peter Gordon's Lottery, which your Lordships have proposed to be repealed, was passed before my Administration; nor have I passed any Law relative to Lotteries, my Sentiments in that respect being entirely conformable to those of your Lordships.

The Law for imposing a Duty on the Importation of Negroes, which your Lordships have thought proper

to disapprove, as being contrary to the 26th Article of my Instructions, was not passed by me, but by Gov^r Hardy, as was the Lottery Act before mentioned.

I have the Honour to be, with the greatest Respect,
My Lords, Your Lordships most
obedient humble Servant

W^m FRANKLIN

P. S. I lately sent to your Lordships The *State of the Paper Currency* of this Province The *List of Fees* taken by all the Officers in the Government *Remarks* on the *Plan* for regulating the Indian Trade—And the *Custom House* Accounts.

Letter from Governor Franklin to the Lords of Trade, relating to a complaint made by Captain Kennedy against an act making partition of the common lands of Bergen and enclosures.

[From P. R. O. B. T. New Jersey, Vol. 9, K. 56.]

BURLINGTON Oct^r 10, 1764.

Right Honourable the Lords for Trade and
Plantations.

My Lords

Being well assured that Capt Archibald Kennedy of New York, has exhibited a Complaint to the Right Honourable the Earl of Halifax, and others of His Majesty's Ministers, against an Act passed by the Legislature of this Province, for making a Partition of the Common Lands of Bergen, I think it my Duty to transmit to your Lordships a Copy of the Letters I have wrote to my Lord Halifax on the Occasion, together with Copies of sundry Papers referr'd to therein, that your Lordships may be the better enabled to

judge on the Merits of Capt. Kennedy's Complaint.¹ I some time since transmitted to your Lordships the said Act: & as Capt. Kennedy (though he was at first solicitous to obtain the Act, & acquiesc'd under it) does now, I am told, contend that it ought to have been considered as a *private Act*, & pass'd with a *suspending* Clause, I should be glad to be favoured with your Lordships Opinion on that Point. Your Lordships will see upon perusing the 5th Article of the *State of Facts relative to Capt. Kennedy's Complaint against the Bergen Act*, sent herewith, that such Acts have never been considered in that Light in America, & that many ill Consequences might ensue should the Practice be otherwise. But, however, should your Lordships be of Opinion that such Acts ought really to be deem'd *private Acts*, & the King's Instructions respecting such Acts be literally comply'd with, I shall

¹ ARCHIBALD KENNEDY was the son of a prominent citizen of New York—Archibald Kennedy, a lawyer, Receiver-General of the Province, 1723-54; member of the Council, 1739; President of that body in 1757; Collector of New York in 1758, etc.—*N. Y. Hist. MSS.*, II., 475, 539, 616, 678, etc. In 1724 he acquired three hundred and eighty-three acres of land at Bergen, being part of what was formerly called the West India Company's farm. Dying June 14, 1763, he left two-thirds of the farm to his son, Archibald, and one-third to his daughter, Catharine, who, in 1765, sold her interest to her brother. The property was in litigation until 1804, when a compromise was effected.—*Winfield's Land Titles of Hudson County*, 134; *Winfield's Hist. Hudson County*, 303-14. The younger Archibald Kennedy married Catharine, only daughter of Col. Peter Schuyler, of Petersburg, opposite Newark, on the banks of the Passaic, and lived there for some years. By her he acquired large estates in New Jersey and New York. In 1769 he married Anne, daughter of John Watts, of New York, who was also very wealthy. He became a Captain in the royal navy in 1757, and won much distinction in the service by his gallantry. In 1765 he refused to take on board his frigate, then at New York, a quantity of stamped paper, as the mob threatened to destroy his many houses in the city. For this he was superceded.—*N. Y. Col. Docs.*, VII., 792, 821. Being suspected of sympathy with the British cause he was arrested on the order of the Council of Safety in 1778, and ordered to remove to Sussex, but was subsequently permitted to resume his residence at Petersburg. In 1792 he succeeded his great-grandfather as eleventh Earl of Cassillis, Scotland, and his oldest son became twelfth earl, and Marquis of Ailsa. He died December 29, 1794. His New York residence, No. 1 Broadway, was one of the most noted in that city for its historic associations.—*Winfield's Hudson County*, 312-13; *Mrs. Lamb's Hist. N. Y.*, 655, 671; *Old New York*, by Dr. J. W. Francis, 1858, 15; *N. Y. Col. Docs.*, VII., 822. The Bergen common lands was divided by commissioners appointed by the Legislature in 1765. Their field-book forms the basis of Mr. Winfield's admirable "Land Titles of Hudson county."—[W. N.]

not fail doing it for the future. The *Act for setting aside a Partition of Lands made between the sons of George Leslie deceased*, I looked upon as truly a *private Act* & therefore insisted upon having a *Suspending Clause* added to it, & should have done the same by the *Bergen Act*, if it had not been represented to me as totally different. I have the Honour to be, with great Respect,

My Lords Your Lordships

most obedient & most humble Servant

W^M FRANKLIN

Letter to the Right Hon^{ble} the Earl of Halifax,
from Governor Franklin—relative to Capt.
Kennedy's Complaint against the Bergen
Act.

BURLINGTON Octob^r 10, 1764

My Lord,

As Captain Archibald Kennedy of New York has lately transmitted to your Lordship, a Complaint against an Act of this Province, intituled "*An Act for appointing Commissioners for finally settling and determining the several Rights, Titles & Claims to the Common Lands of the Township of Bergen; and for making a partition thereof in just and equitable Proportions, among those who shall be adjudged by the said Commissioners to be intitled to the same,*" it is become necessary that I should in Vindication of myself and the other Branches of the Legislature of this Province, as well as of the Commissioners who have acted under the said Act, acquaint your Lordship with the true Circumstances of that matter.

I am not inform'd of all the Particulars of that Gentleman's Complaint against the said Act, but only know in general that he says it is *unjust, unprecedented, and Contrary to one of my Instructions*. The enclosed Letters and Papers, as well as the very Act itself, will I imagine convince your Lordships to the

contrary. But should he have alleg'd anything that your Lordships should not find sufficiently obviated by the Papers enclosed, I hope your Lordships will be so condescending as to let me be acquainted with the Particulars; when I make no doubt I shall be able fully to prove to your Lordship that Cap^t Kennedy's Attempt to set aside the Act, merely because the Commissioners have not decided in his Favour, is not only unjustifiable, but must, should he succeed, be attended with very pernicious Consequences to a Considerable Body of his Majesty's Subjects, and hurtfull to the Publick.

Having long had an Acquaintance with, and Esteem for Cap^t Kennedy, I could not at first believe that he would, without having given me some intimation of his purpose, have represented anything to his Majesty's Ministers that might ultimately affect my Character or Interest. Though I had heard he had threaten'd so to do, when he found the Bergen Commissioners had not admitted his Claim to a share of the Common, yet I attributed it to the mere Effect of a sudden passion on his Disappointment, and for his sake, would not acquaint your Lordship with the true State of the Affair till I knew positively that he had carried his Threats into Execution.

It is however, no small Satisfaction to me, that when my Conduct in the publick Station I am honoured with is in any respect called into question that I have for my Judge a Nobleman of your Lordships Character.

I have the Honour to be, with the utmost Respect

My Lord, Your Lordships

most obedient & most humble Servant

W^m FRANKLIN

P. S. The Papers sent herewith to your Lordship are as follow, viz

N^o 1. A State of Facts relative to Cap^t Kennedy's Complaint against the Bergen Act.

N^o 2. A Letter from W^m Bayard, Esq^r: a considerable Merchant of New York, and one of the principal Proprietors of Bergen Township.

N^o 3. A Letter from John Berrien Esq^r: Third Judge of the Supream Court of New Jersey, and one of the Commissioners for the Division of Bergen

N^o 4. Another Letter from W^m Bayard, Esq^r:

N^o 5. The Deposition of W^m Bayard, Esq^r: before the Mayor of New York, proving that Cap^t Kennedy approved of the Bergen Act, and was instrumental in obtaining it, &c.

N^o 6. A short Sketch of the Reasons why Cap^t Kennedy's Claim to a share of the Bergen Common was not admitted. Drawn up by W^m Donaldson, Esq^r: one of the Commissioners. Note, that, if thought necessary, a more perfect State of the Affair will be prepared by the Commissioners at a general Meeting.

State of Facts relative to Capt. Kennedy's Complaint against the Bergen Act in the Gov^{rs} Letter of 10 Oct^r 1764

State of Facts relative to Cap^t Kennedy's Complaint against the "Act for appointing Commissioners for finally settling and determining the several Rights, Titles and Claims to the Common Lands of Bergen; and for making a Partition thereof, in just and equitable Proportions among those who shall be adjudged by the said Commissioners to be entitled to the same."

1st That a large Number of the Owners and Claimers of the Commons of Bergen petitioned the Assembly to pass the above mentioned Act, in *May* 1763.

2. That the House made the following Order viz:
 "That the Petitioners have leave to bring in a Bill
 "agreeable to the Prayer of their petition at the *next*
 "Sitting of Assembly, *provided* Publick Notice of the
 "Application, & this Order, be *published* in one of the
 "*New York Gazettes* at least *Six Weeks* before the

“said sitting of Assembly, and no *reasonable Objections* then appear against the same.”

3. That at the next Sessions of Assembly (which was not till the *November* following) the Petitioners made it Appear, *that they had given the Notice required*, and had moreover caused *publick Notification* to be made of their Intention to apply for such an Act in the *several Places of worship* where the premises in question lie.

4. That *no Objection* being made by any Person whatever, leave was given to the Petitioners to bring in their Bill, which they accordingly did on the 21st of *November*, and it passed the Assembly the 29th of that Month. On the 7th of *December* it passed the Council, & had the Governor’s Concurrence, a Clause being first added, *Saving to His Majesty, his Heirs & Successors, & to the General Proprietors* of the Eastern Division, all their Rights and Claims whatsoever.

5. That before the Governor Assented [to] the Act, he asked the Opinion of some of the Gentlemen of the Council, & others. whether the said Act ought to be considered as a *private Act*, & have a Clause added to it *suspending* the Execution thereof till his Majesty’s Pleasure should be known? To which they answered “That Acts of a *similar Nature* had been Constantly “passed, not only by the Governors of this, but of all “the other Provinces on the Continent, without a *suspending Clause*: That all that had been thought “necessary in such Cases, was, the complying *with the* “*Spirit* of the Kings Instructions relative to *Private* “*Acts*, namely, causing due Notice to be given, & “saving the Rights of the Crown &c all which had “been done in the present Case; that all this Act “meant, was to give Powers to Commissioners to ad- “just and settle certain Claims at the Request of the “Claimers themselves, & to make such Settlement “binding: That as the Petitioners had made it appear

“That by reason of the present undivided State of the
 “Commons, great and unnecessary Waste is daily
 “committed by destroying the Timber growing on the
 “same, by which means if not prevented by a speedy
 “Partition of the said Commons, they will be rendered
 “of little Value and the Township of Bergen be re-
 “duced to great Distress, for want of Timber and
 “Fuel, it would be extremely hard indeed if the Legis-
 “lature were not permitted to afford them immediate
 “Relief: That if the Owners of the Common should
 “be obliged to wait till the Act was sent over to Eng-
 “land, and go thro’ the several Offices there, their
 “Estate must be damag’d to the Amount of many
 “Thousands, as a considerable Number of People,
 “knowing that such an Act was in agitation, were
 “now, under Pretence of having a Right to the Com-
 “mons, exerting themselves to their utmost in cutting
 “down the Timber, in hopes of being able to carry it
 “off and dispose of it before the Act shall take place:”
 And lastly, “That if such Acts should be deem’d *pri-*
 “*vate Acts*, and therefore have a *suspending Clause*
 “tack’d to them, the People in America might almost
 “as well be without a Legislature.

6. That this Act is so far from being *Unprecedented*, that there is scarce a Session but what Acts of the like kind are passed. Such for Instance, are the Acts for draining & improving Meadows, laying out Roads &c wherein Commissioners are appointed with similar Powers to those of the Bergen Commissioners.

7. That the Commissioners are Gentlemen of Ability & unblemished Reputation; some of whom reside at a distant part of the Province from the place in question, and others in New York Government. They are all entirely *disinterested*, and are *upon Oath* for the due Execution of their Trust.

8. That neither Governor, Council or Assembly were any way interested in the affair. or had any other mo-

tive for passing the Act, than the securing to the Owners of the Commons their Property, and establishing Peace and Harmony among the People there, who were Continually disputing about their Rights.

9. That it was provided in the Act, that the Commissioners *previous* to any Partition of the said Common Lands, should give at least *four Weeks* public Notice in the New York News Papers; and after they had made a General Partition, they were obliged to give *Twelve Weeks* Notice in said Papers before they proceeded to make a particular division.

10. That notwithstanding so long a time elaps'd from the first Application for the said Act to its passing, and from its passing to its being carried into Execution, not a single Complaint was ever made to any part of the Legislature against it, tho' they met at Amboy the February following.

11. That Cap^t Kennedy the present Complainant, promoted the Application for the Act, was anxious to obtain it, approved of it when obtained, submitted his Claim cheerfully to the decision of the Commissioners, was heard by his Council in Support of it, & never made the least Objection to the Law itself, or to the Commissioners, or to their Proceedings, until after he had discovered there was some doubts about the Validity of his Title.—And there is the greatest Reason to believe, that had the said Act been really pass'd with a *Suspending Clause*, he would have been as much dissatisfied on that Account as any Body, and likewise would have used his Endeavours to have got it Confirmed by the Crown.

That the said Cap^t Kennedy was informed and knew that if he would apply to the Legislature of this Province and point out any Injustice that had been done him by the said Act, that they would Readily grant him all the relief in their Power; yet he chose rather to rely on his Interest with sundry Noblemen & Gentlemen in the Administration in England, who, he

says, are his particular Friends, & will, he makes no doubt, have the Law totally set aside on his Account.

13. That if the said Act should be repealed, Cap^t Kennedy can have but little Reason to hope for any just Advantage thereby ; as in Order to prevent the Mischiefs and Confusion that might ensue if the respective Claims of the Freeholders of Bergen are not adjusted another Law must be passed for that purpose, and the Affair left to the decision of Commissioners as being the only practicable Method And whenever that happens it will be impossible to find Commissioners whose Integrity and disinterestedness, & abilities for that employment can give him a better Chance for Justice than the present.

14. That as the Carrying the said Laws into Execution has already been attended with considerable *Trouble* and *Expense*, & as it is highly beneficial to the *publick*, as well as to *Individuals*, the Owners of the Common have the fullest Reliance on the Justice of his Majesty's Ministers, that they will not be instrumentall in setting the said Act aside, without giving them an Opportunity of being heard on the Occasion ; more especially as the property of the whole Township of Bergen will be greatly Affected and disturbed thereby.

Papers referr'd to in Gov^r Franklin's Letter to
 Lord Halifax Relative to Capt. Kennedy's
 Complaint against the Bergen Act From
 N^o 2 to 6 inclusive.

N. 2. A Letter to Governor Franklin, from
 William Bayard, Esq^r

NEW YORK Septemb^r 10th 1764

Sir

The Law you was pleased to give Your Assent to, at the Request of the principal Freeholders of the Cor-

poration of Bergen for the division of their Common Lands, which otherwise would have been in a few years totally destroy'd by wicked Persons having no Right in the same, is now (from the Assiduity of the worthy Gentlemen who were appointed Commissioners and Acted on the same) very near brought to a final Settlement; in so much that the first part of it is Completed, that is the fixing the bounds, the location of the Common Land to each Patent, And the Lands set apart for the defraying the Expense disposed of at Publick Auction, conformable in every particular to the Strict Letter of the Law, and in the Presence of the Majority of the Freeholders, who all shewed their approbation of what was done; and as a further Proof of the same, a Number of them purchased the Land sold for the above purpose at the very high price of £7300 Proc.; with which they are fully satisfy'd and are this day to receive the Commissioners Deed for the same, and pay the Money, which is a further proof of their Approbation of what has been done (and indeed was we to be otherwise we should be extremely Ungratefull, for no set of People in the Distress'd Circumstances we were in could ever have been happier in reposing the trust we did in any set of Gentlemen, as their Abilities & Integrity, were equal to the troublesome Task they undertook, and which has really proved so to them) so that now there only remains the Subdivisions to be made, & Field Book filed, When I dare venture to say it will be one of the most Accurate things of the kind that ever was done in America.

Your Excellency when you know my Reason will excuse my Troubling You with this long Epistle, but having been at the request of the Freeholders of Bergen, as well as in support of my own Right, One of the Acting Persons in procuring the Law and knowing the *only Motive* Your Excellency could have in

passing the same, was the doing of *Common Justice* to a set of People committed to your care, adhering strictly to his Majesty's Instructions. I think it my indispensable duty to inform you, that I hear of no one Person dissatisfied with what has been done by the Gentlemen Commissioners, in the Location of the Common Lands but Cap^t Kennedy, who it seems holds an Estate in that Corporation under some particular Circumstances, which the Gentlemen Commissioners have not thought Intituled to a share of the Common Lands, and therefore have Excluded him, This it seems has given great Umbrage to that Gentleman which I am extremely sorry for, in so much that he has publicly declared he will if in his power get the whole matter set aside, and Complain against the passing of the Law as *unprecedented*, when *to my Certain Knowledge he was as Anxious as any one of the Parties that it should pass, and when done that it should be put in Execution*, and now to take measures to set it aside if possible, and if not, to Complain of its Irregularity, is I think somewhat Extraordinary, I therefore thought it my Duty to inform you of it, that you might give such Directions in the Matter, as to you should seem best.

This gives me a double Concern, as he is a Gentleman for whom I have a very great Regard, and Intimacy with, (therefore mean this only among Ourselves) nor do I believe he would Attempt a wrong thing, But We are all too Apt to be Biassd in our Own favour, where Our Interest interferes, which must Suppose to be his Case only.

My best Respects wait On you & am Your Excellencies, most Obliged & Very hum^{ble} Serv^t

W^m BAYARD

His Excell^y W^m Franklin Esq.

N^o 3.

A Letter to Gov^r Franklin from John Berrien Esq^r Third Judge of the Supream Court of New Jersey, & one of the Commissioners for the Division of Bergen.

ROCKY HILL Sep^r 14th 1764

S^r

I returned the Evening before last from Bergen, where the Commissioners lately met in order to sell 343 Acres of Land set apart for defraying the Charges of the General Partition of the Common Lands which was sold for the very extraordinary price of £7300 Proc: to Justice Kuyper a Magistrate of the Corporation, & a number of the Principal Inhabitants having join'd with him in the Purchase.

The People who are interested there seem to be very well Pleased with what is done upon the general Division, which is nearly Finished. But Cap^t Archibald Kennedy who possesses an Estate in that Corporation under very intricate Circumstances is very much dissatisfied with Our Conduct, as we have not thought proper to allot any Part of the Common Land to his possession (*for which no Patent has been produced*) and I understand he doth not only blame us the Commissioners for excluding him from a Share of the Common Land, but your Excellency also for passing the Law, alledging it to be an *Unprecedented Act*, and said he would endeavour to have that Law Repealed, which I conceive to be very *ungenerous* and *preposterous* in him, as I have been Credibly informed that *he was very anxious as well as aiding and Assisting to have it done*. M^r William Bayard informed me that he would Acquaint Your Excellency with the Particulars of this Affair, & he having sent his Letter to me to be forwarded I need not Enlarge, but think proper

to acquaint Your Excellency, I am informed that Cap^t Kennedy says *Lord Halifax M^r Greenville M^r Hunter and S^r Charles Hardy are his particular Friends*, if so, and he should misrepresent the Matter, it may be well to know from what Quarter any Attack may be Expected or Suspected, which I am in hopes he will not Expose himself so much as to Attempt, *having some Reason to believe that he only intended to deter us the Commissioners*, wherein he can't succeed, and make no doubt that must be his case should he further Complain, I am wth best Compliments and much Due Regard Your Excellencys

Most Obedient and very Humble Serv^t

JOHN BERRIEN

To His Excellency William Franklin Esq^t

N^o 4

A Letter to Gov^r Franklin, from W^m Bayard
Esq^t

NEW YORK October 1st 1764

Sir

I am now to acknowledge the Receipt of Your Excellencys favour the 19th Ult^o, In consequence of which I immediately made Application to Cap^t Kennedy, relative to the Contents thereof, who was so Candid immediately upon my Application as to show me the Letter he had wrote to Lord Halifax on the Subject, In which I can with great pleasure inform you, he made no mention at all of your *name*, but in general Complained of the Hardship he was laid under by that Law in being deprived, from a Proportion of y^r Allotments of the Common Lands, and therefore desired his Lordship, if not already passed the Royal Assent, that he would oppose the same as being *unprecedented*. And further I asked him, *if he was not Convinced that you could have had no intention in passing that Law, but in doing a Publick Good to the Petitioners, to*

which he was pleased to make answer, *he was convinced You could not*, and that he had wrote Nothing with that *Intent* ; To which I made answer, that as that was his Opinion, I thought in Common Justice to you, he should inform his Lordship in his next Letter, that he had no Complaint against your Excellency on that Account, on which we parted ; so that your Excellency *may write this as Coming from Cap^t Kennedy*, thro' me, if you think Necessary, of which there should be no delay as Cap^t Kennedy's papers went ~~by~~ the Harriot Packet who sail'd the 22^d Ult^o so that I hope your Excellency after writing your Letter on this head will have no further Trouble with it, as I can Assure You nothing Would give me greater Concern than that that should be the Case, *well knowing your only motive was that of the publick Good, which Tendency it Certainly will have.* I am, Sir,

Your Excell^{ys} Most Ob^t Hble Serv^t

W^m BAYARD

P. S. This Letter should have been answered on Receipt of the Same but Cap^t Kennedy was not in Town. To His Excellency William Franklin, Esq^r

— — —
N 5.

Deposition of W^m Bayard Esq^r before the Mayor of New York, proving that Cap^t Kennedy approved of the Bergen Act, and was instrumental in obtaining it, &c.

Province of New York in North America.

CITY OF NEW YORK ss: WILLIAM BAYARD of this City Esquire, personally appeared before me JOHN CRUGER Esq^r Mayor of the said City, and being duly sworn upon the Holy Evangelists of Almighty God, saith, That being one of the principal Proprietors of a Township in New Jersey commonly called Bergen, and

interested in an undivided share of the great Common Lands of that Township laying Waste and unimproved; he was one of the Main Agents in Soliciting the passing of a late Law in that Colony appointing Commissioners for effecting a Partition of the Commons among all the Proprietors. That he is well assured that Law was earnestly desired by the Proprietors in General, and actually petitioned for in the General Assembly.

That the Commissioners appointed by it, are in high Reputation as Men of Integrity and Understanding, and that they have executed a Great Part of the Work, not only with great Labour and Pains, but at a vast Expence, and to the Satisfaction, as the Deponent believes of Allmost All concerned—That Cap^t Archibald Kennedy, to whom the Deponent understands the Commissioners, for Reasons, which the Deponent supposes they will be ready to give, have not assigned a share of the Commons, is among the discontented—That the Deponent well knows, that the said Captain Kennedy was very solicitous for the Partition of those Common Lands—That he expressed his Desire to have them divided in that way, and was Aiding in some Measure to the passing of the Act for that Purpose—That the Deponent hath heard and believes that since the Law was passed he laid his Case and Claim before the Commissioners, and was heard by his Council; And that the Deponent was never informed that the said Cap^t Kennedy, with whom he frequently conversed upon this Subject, had any Objection to the Law itself, or to the Commissioners, or to the Process in the Execution of it, until after he had discovered, that there were some Doubts about the Validity of his Title in Bergen and Whether any Share of the Commons was due to it—And further the Deponent saith not.

W^m BAYARD

Sworn the 8th day of Oct^r 1764 before me

JOHN CRUGER

N^o. 6

A SHORT SKETCH of the Reasons why Cap^t Kennedy's Claim to a Share of the Bergen Commons was not admitted.—Drawn up in Haste by W^m Donaldson Esq^r: one of the Commissioners.

Note, That, if thought necessary, a more perfect State of the Affair will be prepared by the Commissioners at a General Meeting.

As the Reasons, upon which the Commiss^{rs} rejected Cap^t Kennedy's Claim to Commons; Arise from the particular circumstances under which, the Lands in Cap^t Kennedy's possession, Stand—These Reasons would be unintelligible unless accompanied with a State of the Case, w^{ch} I can't draw at present, nor would I chuse to do it, without the Privacy of the other Commiss^{rs} who can't possibly be got together at this time.—The Case is peculiarly intricate.—It is most probable, the Title to the Lands, is yet in the West India Com^y of Amst^m and thence the late M^r Kennedy got into possession of them as *Derelict*. The Freeholders of Bergen apply'd to the Comis^{rs} to have the Lands (in Cap^t Kennedy's possession) Declared to Be part of the Common Lands of the Township, and as Such allotted (with the other Common Lands) among the Patents.—The Comis^{rs} considered, That as he was in y^e *Possession*, he could not be ousted, but upon the Strength of an Ejector's Title (without any regard to the weakness or want of Title in Him) and this perhaps was one of the least Reasons, why the Commiss^{rs} chose to leave him as they found him.—As to rejecting his Claim to Commons, The Commiss^{rs} heard Council on both Sides, stated Queries, and had Answers, They maturely consider'd the whole, and determin'd from Conscience and their best Judgement. They were un-

connected, disinterested, free of every possible Bias from private Views—If they were wrong *Humanum est errare*.—I much question M^r Kennedy's intending to try the *Merits* of the Commis^{rs} Determination—I rather apprehended his Complaint will be mainly founded upon the *want* of a Probationary Clause in the Partition law.—And as condemning that Law, will greatly affect and disturb the Property of that Township—I should think the Ministry will be tender, at least till Parties are heard, and the rather as the Execution of the Law is highly beneficial to the publick as well as the individuals concern'd and was solicited by the Freeholders interested, and *the application approved and consented to by Cap^t Kennedy himself*.

*Commission of Frederick Smyth as Chief-Justice of
New Jersey.*¹

[From Book AAA of Commissions, Secretary of State's Office, Trenton, fol. 394.]

GEORGE the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. To our Trusty and well beloved Frederick Smyth Esquire *Greeting* We Reposing especial Trust and Confidence in Your Integrity impartiality Prudence

¹ Judge Smyth was probably of the Smyth family of Perth Amboy, several of whom—notably John and Lawrence—occupied various positions of prominence in the Province from an early date.—*Whitehead's Perth Amboy*, passim. The Judge himself occupied from 1766 to 1771 the Proprietaries' "government house" at Perth Amboy, where now stands what was formerly the "Brighton house," at present a home for retired Presbyterian clergymen.—*Ib.*, 260. He was a vestryman of St. Peter's Church in that town in 1774.—*Ib.*, 240. At the time of his appointment as Chief-Justice he was only about thirty-two years of age. He perhaps sought the office more for the honor than the profit attaching to it, as, although Governor Franklin secured an increase of £50 in the emoluments of the place, three years later it yielded but £300 in currency, equivalent to but £120 sterling. (See *post*, under dates of November 12, 1764, and April 12, 1767.) The young Chief-Justice does not appear to have made much impression in the administration of the duties of his high and

and Ability Have Assigned Constituted and appointed
 And we do by these presents Assign Constitute and
 appoint you the said Frederick Smyth to be our Chief
 Justice of and in Our *Province of Nova Ceesarea or
 New Jersey in America*; Giving and by these Presents
Granting unto you the said Frederick Smyth full
 Power and Authority to hold the Supreme Courts of
 Judicature at such places and Times as the same may
 or ought to be held within our said Province, and to
 hear try and determine all Pleas whatsoever Civil
 Criminal and mixed according to the Laws Statutes
 and Legal Usages of Our said Province that are not
 Repugnant to the Laws and Statutes or that part of
 our Kingdom of Great Britain Called England, and
 according to such Laws and Statutes of our said King-

responsible office, and evi tently was anxious to be on good terms with the attorneys who practised in his court. While firm and consistent in his loyalty to the British crown, his course during the exciting controversy over the Stamp Act won for him the good will of the Americans. He frankly conferred with the members of the bar as to his proper course in the premises, intimating his personal disapproval of the Act, and readily acquiesced in their views, whereby the Stamp Act was rendered nugatory in New Jersey. (See *post*, under date September 19-20, 1765.) Nevertheless, the Chief-Justice naturally deprecated any resort to violent measures, and when the zealous patriots of Cumberland county, on the night of November 22, 1774, seized and burned a cargo of dutiable tea, at Greenwich, he "gave a large charge to the Grand Jury concerning the times, and the burning of the tea, but the jury came in without doing anything," although sent out a second time.—*History of the First Settlement of Salem, in West Jersey*, by Robert G. Johnson, Philadelphia, 1839, 123-5; *Hist. Cumberland County*, by L. Q. C. Elmer, Bridgeton, 1869, 14-16. In delivering a charge to the Essex county Grand Jury, in 1774, he spoke freely of the troubled state of the times, and cautioned the people to beware of the "real tyranny" at their doors, as more to be dreaded than the "imaginary tyranny three thousand miles distant," which gave the grand jurors an excellent opportunity to express *their* views of the situation, which they did in an able and most admirable "address," concluding with the hope that "no bias of self-interest; no fawning servility to those in power; no hopes of future preferment, will induce any man to damp their laudable and patriotic ardour, nor lend his helping hand to the unnatural and diabolical work of riveting those chains which are forging for us by that same actual tyranny, at the distance of three thousand miles."—*American Archives*, Fourth Series, I, 967; *Minutes of Council of Safety*, etc., for 1775-6, 31. It is fair to presume that after this severe rebuke the Chief-Justice confined the expression of his views on the bench strictly to the questions pertaining to his judicial position. In 1768 he was with Governor Franklin at Fort Stanwix, when the western frontier was adjusted with the Indians.—*N. Y. Col. Docs.*, VIII, 112, 137. In 1773 he sat with the commissioners at Newport, R. I., to investigate the burning of the British schooner *Gaspee*, by a party of Rhode Island Whigs.—*Hist. American Revolution*, by William Gordon,

dom as now do or hereafter shall be made to extend to our Plantations in America, and Executions of all Judgments given in our said Court to award, and from time to time to make such Rules and orders in our said Supreme Court in our said Province for the benefit of the Inhabitants of our said Province as you shall judge to be Convenient and usefull for the more easy speedy and impartial administration of Justice and the preventing unreasonable and unnecessary delays and as near as may be agreeable to the Rules and orders made in the like Cases in our Courts of Kings Bench, Common Pleas, and Exchequer in our Kingdom of Great Britain. *To have, hold* execute and Enjoy the said Office unto you the said Frederick Smyth for and during our Pleasure and your Residence within our said Province *Together* with all and singular the Rights Profits priviledges and Emoluments unto the said place belonging in as full and Ample Manner as any other Persons hath formerly held or of Right ought to have held and Enjoyed the same *In Testimony* whereof we have Caused these our Letters to be made Patent and the Seal of our said Province to be hereunto affixed. *Witness* our Trusty and well beloved WILLIAM FRANKLIN Esquire our Captain General and Governor in Chief in and over our said province of New Jersey and Territories thereon depending in America Chancellor & Vice Admiral in the same &c. at our City of Burlington in our Prov-

D. D., New York, 1789, I., 218-19; *Historical Notes*, etc., by William Griffith, Burlington, 1836, 261. Having been appointed a member of the Council at the same time that he received his commission of Chief-Justice, in 1761, he attended the sessions of that body until November, 1775.—*Minutes*. "His reputation as a judge was highly respectable."—*Provincial Courts in New Jersey*, by Richard S. Field, New York, 1849, 181. "In 1776, when the Whigs assumed the direction of the government, he retired to Philadelphia. In 1779, he was informed, by direction of Lord George Germain, that it was impossible for the Ministry to compensate Loyalists to the extent of their losses, but yet, that an allowance of £100 would be continued to him. He died at Philadelphia, in 1815, aged eighty-three."—*Sabine's Loyalists*, II., 319 20.—[W. N.]

ince aforesaid the seventeenth day of October in the fourth Year of our Reign, Annoque Domini One thousand seven hundred and Sixty Four.



[Endorsed.] Be it remembered that on the 6th day of November 1764 the within named Frederick Smyth Esq. took the oaths and made and subscribed the Declaration appointed by Act of Parliament and also an Oath for the due Execution of the Office of Chief Justice of the Province of New Jersey in open Court.

READ Clk

Letter from Governor William Franklin to the Lords of Trade, relative to the Act for the partition of Bergen, complained of by Captain Kennedy.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 57.]

BURLINGTON, New Jersey, Oct^r 13, 1764

To the Lords of Trade

My Lords,

In the Letter I had the Honour of writing to your Lordships relative to Capt. Kennedy's Complaint, I omitted acquainting your Lordships that by the Law of this Province for establishing Fees, which was confirmed by the Crown on the 23^d of November 1749 it is expressly provided, that "no Bill be called a *private Bill* which concerns a County, Town, or Precinct." As the Act in question concerns the whole Township

of Bergen, it cannot, consistent with the Law above-mentioned, or indeed with any Propriety, be considered as a *private Act*.

The Parliament of England passed a Law a few Years ago for dividing the Lands belonging to the London Company, in New Jersey & Pennsylvania, the Plan of which was adopted by the Legislature of this Province in Passing the Bergen Act. The Province of New York I am told have a Standing Law for dividing Lands nearly similar to the said Act, and no Person complains of it. And indeed if the Colonies were prohibited from having those kind of Laws passed without a Suspending Clause, there is scarce anything that would prove more detrimental to their Cultivation & Improvement.

I am, with the greatest Respect,

My Lords, Your Lordships most obedient,
& most humble Servant.

W^m FRANKLIN

Letter from Governor Franklin to Secretary of State the Earl of Halifax, inclosing the Attorney General's list of the instruments, etc., made use of in New Jersey, and the Secretary's Observations thereupon.

[From P. R. O., America and West Indies, Vol. 172 (190).]

BURLINGTON New Jersey, Oct^r 28, 1764

The Right Honourable the Earl of Halifax

My Lord

I take the first Opportunity of transmitting to your Lordship, the Attorney General's List of the Instruments, &c made use of in this Province, together with

the Secretary's Observations thereupon, pointing out such Articles in the said List as will bear the highest Stamp Duty. Those Gentlemen have had considerable Experience in the Publick Transactions of this Colony and have not I believe omitted mentioning any thing material.

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

W^m FRANKLIN

List of Instruments, &c made use of in the
Province of New Jersey, drawn up by
His Majesty's Attorney General of said
Province.

Oct. 27, 1764

In the Prerogative Office.—

Probate of Wills, Letters of Administration, Quietus, Marriage Licences, & Bond thereupon. Exemplifications of Wills & Probate, &c. are Sometimes had to go to Neighbouring Colonies under the Seal of this Office.

Under the Great Seal,

Patents for Townships & Corporations, Letters of Guardianship, Commissions of the Peace, Oyer & Terminer & Goal Delivery To Sheriffs, Coroners, & Clerks of the Peace, in Countys, Citys and Burroughs, Commissions to Colonels, Lieu^t Colonels, Majors Captains, Subalters, Adjutants, & Quarter Masters, of Militia, both Foot & Horse, Letters of Mart & Reprizal, Certificates of Deeds, Wills & Powers of Attorney to go beyond Sea

Under the Privy Seal.

Bills of Health, Licences to Pedlars & Hawkers, on Foot & with Horse.

Court of Chancery—

Bills and Answers, and all the usual Process, Writs & Commissions of that Court, in which we copy the Chancery of England.

Supreme Court,

Bills of Middlesex, Latitat, Al. & Pluries, Capias, Bail pieces, Common & Special Declarations, and Rules of the Court; Rolls Records, Distringas & Venire; Executions against the Body Goods & Chattels, & against the Lands, Vend^e Exp^s Attachments for Contempt; Attachments against absconding Persons, Affidavits to ground this Attachment; Writs of Sci. facias & Subpœna, Tickets for Witnesses, Writs of Error returnable before the Govern^{or} and Council, & this Court, of Habeas Corpus Certiorari, Replevin & Dower, of Partition & Retorno Habendo, Writs of Proceedings in Common Recovery, &c in all which we copy the Courts of Westminster, & use the same Process.—Recognizances and Licences to Attorneys; These last are granted by the Gov^r on Recommendation from the Judges.—All the Proceedings in this Court, except the Declar: are on Parchment.

In the Inferior Court.

We use a Capias Al^s & Pluries, Bail, Common & Special Declarations in personal Actions: in all Proceedings the Same as in the Supreme Court, only the Process & all Proceedings are on Paper & the Fees less.

In the Court for Tryall of Small Causes under Six Pounds, the Proceedings are by Summons, if against a Freeholder otherwise a Warrant. Issues in the nature of a Capias in this Court: There are no regular Proceedings, the Cause is decided in a Summary Way, & Execution issues, unless either Party demands a jury of Six Men, in which Case a Venire issues to a Constable who Summons the Jury.

In the Crown Business,

Informations are filed upon Orders of the Governor and Council; these are very rare.—Indictments at the Sessions and in the Supreme [Court].—On which issues a Capias, & after the Party has pleaded, a Venire for the Jury: Noli Prosequis are sometimes ordered by the Governor;—Informations are sometimes filed for Breaches of the Laws of Trade, as they are sometimes in the Inferior Court.

Proprietors' Office,

Warrants for Unlocated Lands, Surveys thereon, and Certificate from the Surveyor General, Copies of Surveys & Warrants for Land, & Patents from the Proprietary Records under the Hand of the Register.

Instruments of Conveyancing & Securitys for Lands & Money, Wills, Powers of Attorney, Deeds indented & Poll, Leases, Releases, Bonds, Bills, Mortgages of Lands, Bills of Sale & Grants of Chattels, Promissory Notes, Bills of Exchange, Indentures of Apprenticeship, Arbitration Bonds, Awards.

Instruments in the Customs

Permits, Cockets, &c as in the Customs in England.

The Secretary's Observations on the foregoing
List.

That Transfers of Land are more frequent than in England: The Things that would bear the Highest Stamp will be the Transfers of Land, the Attornies Licences, & Civil Commissions, which are profitable.—The Militia Commissions as they are never sought after, will not be accepted of if more burthened.

Commissions of Oyer & Terminer, & Things issued for the Administration of Justice, can never pay, unless the Government must pay it.

The Fees of the Custom House are always collected with Difficulty from the Small Craft, & cannot bear any Charge.

Bills of Lading are omitted, of which great Quantities are used in the Colonies.

Letter from James Parker to Governor Franklin, acknowledging the receipt of His Majesty's Mandamus to be one of the Council of New Jersey.

[From the Skinner Papers among Manuscripts of W. A. Whitehead, Vol. 1, No. 58.]

P. AMBOY October [1764]

When Mr. Smyth called here on his way to Burlington he delivered me a letter from Mr. Sherwood inclosing me his Majesty's Mandamus to be of the Council in New Jersey which accounts for my not receiving it from my own Correspondent who I think cannot so well account for his neglect of my request to him to take it up at the Board of Trade.

Mr. Smyth's stay at this place was but for one Ev'n'ing and I have been so Engaged at home & abroad Ever since that I have not Known of any other opportunity that may have offer'd since, which I hope will plead my Excuse for not having given your Excellency this Information sooner and acknowledg'g myself under the greatest obligation to you for having been the means of my Receiving This honour from His Majesty and as I know nothing can make me more acceptable to Either of you than a faithfull discharge of this trust Reposed in me You may be assured that I shall on all occasions use my utmost Endeavours to obtain that End. I am

Sir Your most obedient

Humble Servant

JAMES PARKER.

Letter from Governor Franklin to the Secretary of State, the Earl of Halifax, in relation to illicit trade in New Jersey.

[From P. R. O. America and West Indies, Vol. 172 (190).]

BURLINGTON, Nov^r 8, 1764

The Right Honourable the Earl of Halifax.

My Lord

I have not had any Information relative to any Illicit Trade carried on in this Province since I had the Honour of receiving your Lordship's Letter of the 11th of August; nor, indeed, since my Arrival in the Government, except one which I found upon Enquiry to be false and malicious. This Province has a very little Trade to any Place but New York and Philadelphia, where they sell their Produce, and purchase English Goods and other Necessaries.

The Surveyor General, and other Officers of the Customs, have, by their Vigilance, as far as I can learn, put a Stop to the greatest Part, if not the whole, of the illicit Trade within this District.

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

My Lords, Your Lordships most

obedient, & most humble Servant

W^m FRANKLIN

Letter from Governor Franklin to the Secretary of State, Earl of Halifax—relative to measures proposed by the Postmaster-General for improving Correspondence between the several Colonies.

[From P. R. O. America and West Indies, Vol. 172 [190].]

BURLINGTON, NOV^r 8, 1764

Right Honble Earl of Halifax

My Lord

I had the Honour of receiving your Lordship's Letter of the 11th of August, containing His Majesty's Commands relative to the Post-Office in America.

Your Lordship may rely that I shall not fail giving all the Assistance that may be in my Power towards forwarding the Measures proposed by His Majesty's Postmaster General, for improving the Correspondence between the Several Colonies on this Continent.

There is as yet no Separate Map of this Province published, but as there is one preparing I hope it will not be long before I shall have it in my Power to send it your Lordships. The Deputy-Post-Masters-General of America have sent to the General Post-Office in England one of Evans's Maps of the Middle Provinces with the Post Roads mark'd out thereon, which I saw, and thought very exact.

The Posts go now very regularly three Times a week, through this Province, between Philadelphia and New York, greatly to the Convenience and Satisfaction of the Inhabitants.

A new Road is lately opened thro' Bergen County to a Ferry over the North River to New York, by which

a Bay is avoided of Eight Miles that used frequently to interrupt & delay the Posts: But the Ferries not being as yet properly managed, I shall at the next Sessions recommend it to the Assembly to regulate that Matter, as also to build Bridges where necessary.

I shall upon all Occasions be ready to aid and support the Postmasters within this Province in the Execution of their Office.

I have the Honour to be, with the greatest Respect,
My Lords, Your Lordships most obedient,
and most humble Servant

W^m FRANKLIN

Letter from Governor Franklin to the Secretary of State, informing him that Frederick Smyth, Esq., had been commissioned Chief-Justice in obedience to His Majesty's Mandamus.

[From P. R. O., America and West Indies, Vol. 172 (190).]

BURLINGTON, Nov^r 12, 1764

The Right Honorable the Earl of Halifax.

My Lord

I have had the Honour of receiving His Majesty's Mandamus, directing me to issue a Commission to Frederick Smyth, Esq^r appointing him Chief Justice of this Province, which I have accordingly obeyed.

I have likewise recommended him to the principal Gentlemen of the Colony, from whom he has met with a Reception equal to his Wishes. The Profits of the Office are I think, not equal to the Dignity & Importance of the Station, nor to his Merit; though I have procured Fifty Pounds p^r Annum to be added to it

since my Administration. I shall do all in my power to have it still further augmented, and am not without Hopes that I shall be able to succeed in my Endeavors for that Purpose.

I have the Honour to be, with the utmost Respect,
 My Lord, Your Lordships most obedient
 & most humble Servant
 W^m FRANKLIN.

Letter from John Pownal to Governor Franklin, enclosing an order for repealing an act for rendering void the lottery lately made by Peter Gordon, etc.

[From P. R. O. B. T. New Jersey, Vol. 17, p. 190.]

WHITEHALL Dec^r 7. 1764

To William Franklin Esq^r Governor of New Jersey.

Sir,

I am directed by the Lords Commissioners for Trade and Plantations to send you the inclosed Order of His Majesty in Council repealing an Act passed in the Province under Your Government in Sep^r 1762 Entituled,

An Act for rendering void the Lottery lately made by Peter Gordon for the sale of certain Lands lying in the County of Middlesex, and to relieve and secure the Trustees and Managers of the said Lottery against any Action that is or may be brought against them concerning the same.

I am, Sir, Your most obedient humble Servant

JOHN POWNALL

Letter from Governor Franklin to Secretary of State, the Earl of Halifax, enclosing a petition from the principal possessors of the islands in the River Delaware, praying to be annexed to the Province of New Jersey, and his remarks upon the same.

[From P. R. O., America and West Indies, Vol. 172 (190).]

BURLINGTON, New Jersey, Feb^y 21 1765

Right Honble E. of Halifax

My Lord

I have the Honour to transmit to your Lordship, a Petition to His Majesty in Council, which was delivered to me for that Purpose by the principal Possessors of the Islands in the River Delaware, praying for the Reasons therein Setforth, to be annexed to this Province.

Those Islands have never been granted by the Crown, nor annexed to any Government, and being therefore without the Reach of the Process of any His Majesty's Courts of Justice, Malefactors frequently take Refuge there, & even Murder has been committed in several of them with Impunity.

To remove such great Nusances to the neighbouring Colonies, it seems absolutely necessary that those Islands should be plac'd under the Jurisdiction of either this Province or Pennsylvania, between which they are situated; The principal Possessors of them chuse however, for many Reasons, to have them annexed to New Jersey, but particularly as that is a Royal Government. They alledge, that notwithstanding they think they have an equitable Title to the respective Islands they possess, as having paid a valuable Consideration for them to the Original Owners & Possessors, and expended large sums in their Cultivation & Improvement, yet in order to prevent all Controversy on that Head, they are desirous to receive

Grants of Confirmation from the Crown, and, on that Condition, they are willing to have their Lands subjected to any Quit Rent which shall be thought reasonable.

I doubt not but that they might be easily brought to consent to pay at least Ten Times the usual Quit Rent reserv'd in the King's Colonies: which, with what could be raised by Leasing those Islands that are not yet occupied (of which there are several of Value) might in Time, if properly managed, produce a Revenue nearly equal to, if not quite sufficient for the Civil Establishment of this Province.

Now as the Crown has no Revenues arising in this Government, out of which the Salaries of its Officers can be paid, and as they are rendered dependant on the Assembly for their Subsistence; I submit it to your Lordship's Consideration whether it may not be for His Majesty's Service that the Prayer of the Petitioners should be granted.

I can with Truth assure your Lordship that in Times of the best Harmony between the Governor and People, all that he can anyways make of this Government is but barely sufficient to support him suitable to his Rank in the Colony. It is impossible for him, unless he lives in such a manner as to disgrace his Commission, to lay up in Twenty Years as much as would afterwards maintain a Family with Decency. And as to the Chief Justice, his Salary is so very small that it can by no means afford him a Maintenance proper for a Gentleman in that Station.—The Salaries both of Governor and Chief Justice have, 'tis true, been augmented since my Arrival, but they still bear no Proportion to the encreased Expense of Living in America.

It was the Purpose of M^r Chief Justice Smyth and myself to have presented a Memorial to your Lordship, praying your Intercession with his Majesty to have us rendered more independent of the Assembly, by grant-

ing us an Allowance out of the King's Revenues in America, as has already been done to several of the Crown Officers in our Stations, But as no Revenue arose to the Crown out of this Province, and as the Revenues arising in other Governments might, for aught we know, be already charged to their full Amount, we agreed to defer giving your Lordship the Trouble of such an Application till we could be better inform'd of that Matter. However, as an Opportunity now offers of creating a new Revenue to the Crown, which may probably be brought to answer the Purposes above mentioned, I humbly hope your Lordship will be so good as to excuse my taking the Freedom of acquainting you with our Situation, and requesting your Interest in our Behalf.

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

W^m FRANKLIN

Letter from Governor Franklin to the Lords of Trade, informing them that the Assembly had granted bounties for raising hemp, and for the culture of silk; also containing remarks on an Act lately passed there, for regulating the practice of the Law.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 58.]

BURLINGTON, New Jersey, 8th Augst 1765

To the Lords of Trade.-

My Lords

I have the Honour to transmit to your Lordships the Minutes of Council, and the Acts passed at the late Sessions of the General Assembly of this Province.

The Sessions prov'd a very amicable one, & no less than 35 Acts were pass'd, the most ever known to have been passed at any one Time within this Colony.—I prevailed on the Assembly to grant some Bounties to encourage the raising Hemp & Flax, & the Culture of Silk for Exportation to Great Britain. They have also made Provision for defraying the Expence of surveying the Publick Roads, in order to their being shortened & rendered more commodious for Travelers, agreeable to my Recommendation.

I believe that none of these Acts contain any Thing of a new and extraordinary Nature, except it be the Act for regulating the Practice of the Law, which as it made some Innovations in the Practice, and would in some Degree Diminish the Number of Proceedings in the Courts, & thereby proportionally lessen the Revenue that would otherwise arise from the Stamp Duty which is to take Place in November, I refused my Assent to it, unless a Clause was first added, suspending its Effect till His Majesty's Pleasure should be known thereupon, which was done accordingly.—It is agreed on all Sides, that a Law of this Nature is much wanted, as many the Lawyers have been guilty of very indirect Practices in their Profession, to the great Injury of many of the Inhabitants, But whether this Law will be likely to answer the Purpose, your Lordships will be best able to judge when you hear what the Assembly (who intend to solicit its Confirmation) have to urge in its Favour.

Nothing extraordinary has occur'd since my last Letter to your Lordships. The utmost Harmony subsists between the several Branches of the Legislature. There are no Parties existing in the Province. All is Peace and Quietness, & likely to remain so.

I am, with the greatest Respect, My Lords,

Your Lordships most obedient humble servant

W^m FRANKLIN

*Letter from Secretary Conway to Governor Franklin,
relative to the petition from the principal possessors
of the islands in the River Delaware.*

[From P. R. O. America and West Indies, Vol. 190.]

ST. JAMES'S, Sept^r 14th 1765.

Governor Fanklin.

Sir,

Yours of the 21st February last has been received. I am only to acquaint You that the Petition from the principal Possessors of the Islands in the River Delaware has been laid before His Majesty's Council, and will have all that Attention which its Importance deserves, nor will the Representations you make of the Situation of Yourself, & the Chief Justice, be unattended to as I am confident that His Majesty and His Servants will be pleased to find an Opportunity of giving all reasonable Satisfaction to every Officer of the Crown employed in the Colonies who is attentive to His Duty there, and found deserving of such Marks of Favour as can with Justice & Propriety be granted.

I am &c^a

H. S. CONWAY.

*Letter from Gov. Franklin to Secretary Conway—
relative to the Act for establishing a Stamp duty
in America, enclosing copies of letters from Wil-
liam Coxe, General Gage and others.*

[From P. R. O. America & West Indies, Vol. 172 (190).]

BURLINGTON, New Jersey Sept^r 23^d 1765

Rt. Honble Henry S. Conway Esq.

Sir

I have the Honour of receiving your Letter of the 12th of July, notifying your Appointment to the Secretaryship for the Southern Department, and signify-

ing His Majesty's Pleasure that I should, for the future, direct my Dispatches to you.

Be pleased, Sir, to permit me to present my dutiful Respects & Congratulations to you on the Occasion.— You may rely, Sir, that I shall not fail transmitting to you an Account of every Matter of Importance to His Majesty's Service which may from Time to Time arise within this Province.

The principal Matter which agitates the Minds of the People, & indeed seems to ingross all Attention, is the Act of Parliament for establishing a Stamp Duty in America. I had lately a Meeting with the Assembly of this Province, and had the Pleasure of finding that, notwithstanding the Phrensy which prevailed in other Colonies, they were determined to conduct themselves on the Occasion as became sober, dutiful and loyal Subjects. The Assembly of Massachusetts Bay requested them to send a Committee to New York, in order to join in a Remonstrance against the Act; but they refused, in the manner you will see by the enclosed Copy of their Letter to the Speaker. And from the whole of the Conduct of the People of this Province, I am convinc'd that altho' many of them have Objections to the Act, yet none of them would have endeavoured to prevent its Execution by Violence or otherwise. The Person who was appointed Distributor of Stamps for New-Jersey has, however, taken Fright at the outrageous Proceeding which have happened in other Colonies, & resigned his Office without even endeavouring to execute it, notwithstanding he had entered into a Bond of Three Thousand Pounds Penalty, that he would do all in his Power to carry it into Execution. He was assured from me, that he should have all the Protection which the Powers of Government could afford, & that if they should prove insufficient I would call upon General Gage for the Aid of the Military, but he could not be prevail'd on to act, as

you will see, Sir, by the Copy of his Letter and my Answer, enclosed. I have, therefore summoned all the Members of Council to meet here on Tuesday next, (which is as soon as they can be got together) in order to ask their Advice on the Means proper to be taken for the Preservation of the Stamps, when they arrive. In the mean Time, I have wrote to the General to know if I could receive any Assistance from him, in case it should be necessary ; and he has promised that the Aid of the Military shall not be wanting. My Letter to him, & his Answer, are enclosed.

Altho' I am not particularly empowered, by Instruction from His Majesty, to appoint an Officer for distributing the Stamps, upon the Office becoming vacant (as I am upon any Vacancy in the Customs) yet I look upon myself to be authorised, by the Nature of my Commission, to appoint Persons to execute all such Offices till others are duely appointed. I shall therefore, not only do all in my Power to preserve the Stamps when they arrive, but, if necessary, endeavor to get some proper Person to undertake to distribute them, until His Majesty's Pleasure shall be Signified. I am, with the greatest Respect, Sir,

Your most obedient & most humble Servant

W^m FRANKLIN

Letter from Gov^r Franklin to Gen^l Gage.

BURLINGTON Sept^r 14, 1765

Sir

The Person appointed Distributor of Stamps for this Province having resigned his Office on Account, as he says, of the Intimations he had receiv'd that both his Person & Property would otherwise be endangered, & having likewise refused to take charge of them on their Arrival here, it becomes my Duty to do all in my Power for the Preservation of what is of so great Im-

portance to His Majesty's Revenue, I have Summoned the Council to meet here on Tuesday the 24th Instant, to ask their Advice on the Occasion ; and, as I have Reason to think it will be their Opinion that the Stamps should be plac'd in the Barracks in this City, under a Guard, until His Majesty's Pleasure should be known thereon ; and as it may be dangerous to employ the Inhabitants in that Service, considering the Risque there is of their being infected with the Madness which prevails among the People of the neighbouring Provinces, I should be glad to be informed by you, Sir, Whether if I should find it necessary to call upon you for the Aid of the Military, I may be assured of receiving it. I imagine that about 60 Men, with Officers, will be Sufficient, as the Barracks may be easily made defensible.

Your Answer to this, in Time to be communicated to the Council at their Meeting, will much oblige him who is, with great Esteem & Regard,

Sir, Your most obedient humble Servant

W^m FRANKLIN

P. S. By what I can learn, the Stamps are not expected here till Some Time next Month.

General Gage's Answer to the above.

NEW YORK, Sept^r 16. 1765

His Excellency Gov^r Franklin

Sir

I have the Honour of your Letter of the 14th Instant, and take the earliest Opportunity of informing you, that you may depend upon the Aid of the Military that you demand, & seem to think necessary for the Preservation of good Order in the Province of New Jersey.

The Troops are at present a good deal dispersed, but

I shall give Orders for their being immediately assembled, and One hundred Men, with proper Officers, shall be ready to march at your Requisition. I beg leave to remark that the sooner you come to a final Resolution, the more effectual Service the Troops are likely to be of.

I am, with great Regard,

Sir Your most obed^t hum Servant

THO^s GAGE

Letter from the Speaker of the Assembly of New Jersey, in Answer to a Letter from the Speaker of the Assembly of Massachusetts Bay.

BURLINGTON, June 20, 1764.

To S. White, Esq^r

Sir,

Yours of the 8th Instant came opportunely to my Hands on the last Day of the Sitting of our Assembly. Having communicated it to them, they took it into deliberate Consideration, and desired me to inform, through you, the General Court of the Massachusetts, That though they are not without a just Sensibility respecting the late Acts of Parliament affecting the Northern Colonies, yet apprehending, whatever Reasons may be thought proper to be urged against them may be better received after some Time elapse; our Assembly, on that Account, & because the Trade of this Province is insignificant in comparison of others, are unanimously against uniting on the present Occasion. They, however, cannot but wish such other Colonies as think proper to be active, every Success that they can loyally and reasonably desire.

I am, Sir, Your most hum. Serv^t

ROB^t OGDEN, Speaker

Letter from William Coxe, Esq; (appointed Distributor of Stamps for New Jersey) to Governor Franklin.

PHILADELPHIA Sept: 3, 1765.

To His Excellency Gov: Franklin.

Sir,

I think it incumbent upon me to acquaint your Excellency, that on my Return from New-Jersey, on Sunday last, I came to a Resolution to Surrender the Office of Distributor of Stamps for that Province to the Lords Commissioners of the Treasury.

My Resignation, & the Reasons for it, I have sent to their Lordships this Day, and, if any Papers come to my Hands relative to that Office, I shall transmit them to your Excellency as the proper Person to receive them, but I think it most probable my Letters may arrive in England before any Commission or Stamps are sent away.

I am, Sir, Your most obed: Servant

WILL: COXE

Gov: Franklin's Answer to the above.

BURLINGTON, Sept: 4, 1765

W^m Coxe Esq.

Sir,

I received yours of Yesterday, acquainting me with your having resigned the Office of Distributor of Stamps for New Jersey. I must own myself not a little Surpriz'd at the Information, as I have not yet had the least Reason to apprehend but that the Act might be quietly carried into Execution throughout this Province. It is true, that the Inhabitants here have their Objections to the Stamp Act, as well as those of

the other Colonies, but I have not heard of any Design among them to oppose its Execution by Violence or otherwise. All of them with whom I have conversed on the Affair seem to think that they are as much bound to pay Obedience to their Act as they are to the Acts laying Duties on Trade, & those other Acts relative to the Colonies which they have heretofore obeyed, and that, as good Subjects, they ought not to make any Opposition to the Act, now it is pass'd, till they have first try'd all dutiful Means of obtaining Redress of such Grievances as it may occasion.

These likewise (to do the Americans Justice) seem to be the Sentiments of the most Sober discreet Men of every Province.

As to sending me the Papers which may come to Your Hands relative to the Office, it can answer no good Purpose whatever, as I am not impowered to appoint any Person to execute it. But I cannot help thinking, as you made Application for the Office, that you are bound in Honour to *endeavour*, at least, to carry it into Execution. The ill Consequences, after the Act takes place, which might result, for Want of the Stamps, to every Inhabitant who has any Dealings and other Mischiefs which may be brought on the Province on Account of their being supposed by our Superiors at home to have prevented your exercising the Office, must otherwise lie at your Door. At any Rate, it is your Duty to keep the Papers until some Person shall be appointed to Succeed you.

Thus much, Sir, I am induced to mention to you, not only from a Sense of my Duty to the Crown, but out of the Regard I have for the Interest & Character of the People of this Province.

I am, Sir Your most hum: Serv^t

W^m FRANKLIN

*Letter from Governor Franklin to the Lords of Trade,
relative to the ferment among the people of America
in general, with respect to the Stamp Act.*

[From P. R. O. B. T., New Jersey, Vol. 9, K. 49.]

BURLINGTON, New Jersey Oct^r 10, 1765

Sir

I wrote to your Lordships the 8th of August acquainting you with the Transactions of the last Sessions of General Assembly, and at the same time transmitted the Minutes of Council, and the Acts that were then passed. I now send a printed Copy of the Votes of the House of Representatives lately published.

Your Lordships must have heard before this can reach you, of the great Ferment among the People of America in General, on Account of the Stamp Act. I have had the pleasure to see Peace and good Order preserved throughout this Province, notwithstanding the many inflammatory Publications which have been circulated here from the neighbouring Governments, with a View of exciting in the Inhabitants of New Jersey the same Spirit of Riot & Violence which has appeared in the other Colonies. The Person appointed Distributor of Stamps has, however, thought proper to resign his Office, owing chiefly, I am convinced, to his timid Disposition, and the Sollicitations of his Friends in Pennsylvania. As, by this Means, the Care of Stamp'd Papers for this Province, on their Arrival in America, becomes my Duty, [I] immediately summoned a Meeting of his Majesty's Council, in order to consult them on the Measures necessary to be taken for their Security.

A Copy of the Minutes containing their Advice on the Occasion I send herewith. All the Precautions therein recommended were directly taken ; and I have

just heard from Capt. Hawks, that he has, in Pursuance of my Request, receiv'd the Stamps destined for this Province on Board His Majesty's Ship Sardoine, & will keep them if necessary, till the Winter, when he is oblig'd to lay up the Ship in Harbour.

I have as yet receiv'd no Directions relative to the Stamp'd Papers, but hope I shall before the First of November, as I do not think I shall find any Gentleman in the Province (who is of Fortune sufficient to give the Securities required of the late Officer) that will undertake to be the Distributor of Stamps ;—the Office being now, by one Means or other, become very obnoxious to the People. I shall however, do all in my Power to have the Stamps properly secured till I can know His Majesty's Pleasure therein.

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

My Lords, Your Lordships

most obedient & most humble Servant

W^m FRANKLIN

Lieutenant-Governor Colden to Secretary Conway.

[From New York Colonial Documents, Vol. VII., p. 767.]

NEW YORK 12th October 1765

Sir

(Extract.)

Since the last which I had the honour to write to you of the 23^d of September this town has remained quiet The Inflammatory Papers continue to be published, exciting the People to oppose the execution of the Act of Parliament for laying a Stamp Duty in the Colonies. The most remarkable of these Papers is enclosed. This was distributed along the Post Roads by the Post Riders. I examined the Post Master in this place to know how this came to be done. He assured me that it was without his knowledge ; that he had

examined the Post Riders and found that one or more Bundles of them were delivered at Woodbridge, New Jersey, to the Post Rider, by James Parker Secretary to the General Post Office in N America. Parker was formerly a printer in this place and has now a Printing Press and continues to print occasionally. It is believed that this Paper was printed by him. The Gentlemen of the Council think it prudent at this time to delay making more particular inquiry least it should be the occasion of raising the Mob which it is thought proper by all means to avoid. * * *

The Committee of the several Colonies are now in this place, what they are doing or design to do I know not.

I am with the greatest respect and submission

Sir, Your most obedient and faithful Servant

CADWALLADER COLDEN

R^t Hon^{ble} Henry S. Conway Esq^r

Letter from Hon. H. S. Conway, Under Secretary of State, to Governor Franklin, commenting upon the proceedings of the Colonies, and authorizing him, if necessary, to call upon the Commander of the land and naval forces for assistance.

[From a Copy in the Skinner Papers among the Manuscript of W. A. Whitehead, Volume I., No. 78.]

ST. JAMES, 24th October, 1765.

Sir

It is with the Greatest Concern that his Majesty learns the disturbances which have arisen in some of the North American Colonies. If this Evil should spread to the Governm^t of New Jersey where you preside, the utmost Exertion of your prudence will be necessary so as justly to Temper your Conduct between

that Caution and Coolness which the Delicacy of such a situation may demand on One hand, and the vigour necessary to suppress Outrage and Violence on the other. It is impossible at this Distance to Assist you by any particular or positive Instructions, because you will find yourself necessarily Obligated to take your Resolution as particular Circumstances and emergencies may Require.

His Majesty and the Servants he honors with his Confidence Cannot but lament the ill advised Intemperance shewn already in some of the Provinces, by taking up a Conduct which Can in no way Contribute to the Removal of any Real Grievance they might labour under, but may Tend to Obstruct and impede the exertion of his Majesty's benevolent intention to the Ease and Comfort as well as the welfare of all his people.

It is hoped and expected, that this want of Confidence in the Justice and Tenderness of the Mother Country, and the Open Resistance to its Authority can only have found place among the lower and more ignorant of the people; The Better and wiser part of the Colonies well know that Decency and submission may prevail not only to redress Grievances, but to obtain Grace and favour; while the Outrage of a public violence can Expect nothing but severity and Chastisement. These sentiments you and all his Majesty's servants, from a sense of your duty to, and love of, your Country will Endeavor to excite and Encourage; You will all in a particular manner call upon them not to render their Case desperate: You will in the strongest Colours Represent to them the Dreadfull Consequences that must inevitably attend the forceable and Violent Resistance to Acts of the British Parliament, and the sense of Misery and Calamity to themselves and of Mutual weakness and distraction to both Countries inseperable from such a Conduct. If by lenient and per-

swasive methods You Can Contribute to restore that peace and Tranquility to the Provinces on which their welfare and Happiness depend, You will do a most acceptable and Essential service to Your Country; But having taken every step with the utmost Prudence and Lenity can Dictate in Compassion to the folly and Ignorance of some misguided people, You will not on the other hand fail to use Your utmost power for the repelling all Acts of Outrage and violence, and to provide for the maintenance of peace and good order in the Province by such a timely Exertion of force as the Occasion may require; for which purpose you will make the proper application to General Gage or Lord Colvill, Commanders of his Majesty's Land and Naval Forces in America: For however unwillingly his Majesty may Consent to the Exertion of such powers as may endanger the safety of a single subject, Yet he cannot permitt his own Dignity and the Authority of the British Legislature to be trampled on by force and violence, and in avowed Contempt of all Order, duty and Decorum; If the Subject is agrieved he knows in what manner Legally and Constitutionally to apply for Relief, But it is not Suitable Either to the Safety or Dignity of the British Empire that any individuals under the pretence of Redressing Grievances, should presume to Violate the Public Peace.

I am &c

H S CONWAY

Representation from the Bishop of London to the Lords of Trade desiring their instructions to the Governor of New Jersey, that, for the future, marriage licenses may be directed only to a Protestant minister of the Gospel there.

[From P. R. O. B. T., New Jersey, Vol. 9, K 48.]

Nov. 12. 1765

The Bishop of London at the request of the Clergy of the Province of New Jersey begs leave to represent to the Lords of Trade and Plantations, that by an old Law the Licences for Marriages are directed to any Protestant Minister or Justice of the Peace, which however necessary at the first Establishment of the Colony to facilitate Marriages, when there were few Ministers in the Country, seems at present not only prejudicial to the Clergy, who are depriv'd of a considerable part of their Income, but gives occasion to many Inconveniences and abuses.

It appears by a letter from New Jersey dated Dec : 20th 1760, that the Clergy of that Province petitioned their Governor (M^r Boone) to alter the Direction of the Licences. By his Answer He did not think himself authoriz'd by his Instructions to comply with their Petition, as He thought such an Alteration must take place by Order of the Lords of Trade upon the Bishop of London's Application.

The Clergy of New Jersey have repeated their request to the Bishop of London, who hopes, that the Lords of Trade and Plantations will take the matter into Consideration, and if they see no particular Objections will give their Instructions to the Governor of that Province, that for the future Marriage Licences may be directed only to a Protestant Minister of the Gospel.

Letter from Governor Franklin to the Lords of Trade, transmitting a copy of the Minutes of Council—The seditious spirit from the neighboring Colonies is beginning to appear in New Jersey—At the last Supreme Court only criminal matters were transacted—The lawyers have entered into an agreement not to act under the Stamp Law.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 51.]

BURLINGTON, NOV^r 13. 1765

To the Lords of Trade

My Lords,

Your Lordships Letter of the 23^d of August I have just had the Honour to receive. The Directions it contains with respect to the Correspondence to be carried on with your Board I shall not fail to observe.

I acquainted your Lordships, in my Letter of the 10th of last Month, with the Steps I had taken for the Preservation of the Stamps destined for this Province, upon the Resignation of the Person appointed Stamp Distributor. I was in hopes that before the time the Act was to take Place, I should have receiv'd some Orders or Instructions from His Majesty's Ministers relative to the carrying the same into Execution. But as none came by the last Pacquet, which left England about the Middle of September, I summoned His Majesty's Council for this Province, in order to consult them on the Occasion. Their Opinion and Advice are contained in the Minutes enclosed, to which I must beg leave to refer your Lordships, as they contain a true State of the Difficulties we are under on Account of the Stamp Act.

Nothing in my Power has been wanting to preserve

the Quiet of the Province, and I had the Satisfaction to find, that, notwithstanding the Commotions which prevailed for several Months past in the neighbouring Governments, the Inhabitants of New Jersey till very lately demean'd themselves as became peaceable & loyal Subjects. But the many seditious inflammatory Writings which have been circulated thro' this Province from the Colonies on each side of us, have, at length raised the same kind of Spirit here which has so long appeared there, and the greatest Address is necessary to prevent its producing the same outrageous Consequences.

We are indeed particularly circumstanced in this Province, with regard to the Stamp Act; for, even if there were no Opposition given to it, it could not be put in Force, as no Commission or Instructions for the Purpose are yet come to hand, if sent from England and without them the Person nominated to be Distributor of Stamps could not be qualified to execute the Office, were he so inclined.—I hear that in the neighbouring Colonies the People intend to force the Officers of the Government to carry on Business as formerly, without any Regard to the Stamp Act, and, if they succeed in the Attempt, I doubt not but the People of New Jersey will follow their Example. At the last Supream Court held there the 5th Instant no Business was done except what related to Criminal Matters; The Lawyers have entered into an Agreement not to act under the Stamp Law:¹ And as the

¹ The lawyers of New Jersey have the credit of being the first to make an effective opposition to the Stamp Act. At a meeting of the leading members of the profession, held at Perth Amboy on the 19th of September, 1765, it was unanimously resolved that they would not make use of the stamps for any purpose or under any circumstances. On the following day Chief-Justice Smyth invited the members of the bar to a conference on the subject, and inquired of them in the first place, "Whether if the stamps should arrive, and be placed at the city of Burlington by or after the first of November, they would, as practitioners, agree to purchase them for their necessary legal proceedings?" In reply they said: "That they would not, but rather suffer their private interests to give way to the public good,

publick Officers think that they should not be safe in acting contrary to it, there is a Stop put, in a great Degree, to all publick Business. We cannot, to be sure, continue long in this Situation, but the Event is not a little dreaded by many.

I am, with great Respect, My Lords, Your Lordships most obedient & most

humble Servant

W^m FRANKLIN

Letter from Governor Franklin to Secretary Conway, in relation to the Stamp Act, and the troubles therefrom spreading from the neighbouring Provinces into New Jersey. The Minutes of the Council and Notes of the Assembly are sent in order to form a true judgment of the situation of the Province.

[From P. R. O. America and West Indies, Vol. 172 (190).]

BURLINGTON—New Jersey Nov^r 30th 1765

To the Right Honorable Henry Seymour Conway, Esq^r Secretary of State.

Sir,

I did myself the Honour of writing to you the 23^d of Sept^r last, when I informed you of the Resignation of the Person appointed Distributor of the Stamps for this Province, and the then quiet Disposition of the

protesting against all riotous proceedings." They were then asked: "Whether, in their opinion, the duties could possibly be paid in gold and silver?" Their reply was: "They could not be paid in gold and silver even for one year." The Chief-Justice finally asked them: "Whether as the act required the Governor and Chief-Justice to superintend the distribution of stamps, he would be obliged to accept the appointment of distributor, in case the Governor should fix upon him for that office?" They answered: "That the Governor was not empowered by the act to

Assembly and People with regard to the Stamp Act. Since which, Matters have taken a different Turn. The Infection has Spread, and a great Part of the Inhabitants of this Colony are now become actuated with the same kind of spirit which before raged so furiously in the neighbouring Provinces. They have not as yet, indeed, proceeded the same Length in Acts of Riot & Violence, but the most prudent Management has been, & still is, necessary to prevent them. That you may, however, Sir, be enabled to form a true Judgment of the Situation we are in with regard to the said Act, I have enclosed a Copy of the last Minutes of the Council, and the Votes of Assembly.

I have the Honour of receiving your Letter of the 14th of Sept^r relative to the Islands, and am extremely happy in the kind Assurances it contains. It will ever be my highest Ambition so to conduct myself as to merit the Approbation of His Majesty and his Ministers.

I have the Honour to be, with the greatest Respect,
 Sir, Your most obedient & most
 humble Servant

W^m FRANKLIN

appoint, and if he was it was left at the option of the Chief-Justice whether to accept or not; and that it would be incompatible with his office as Chief-Justice." The result was that the courts of justice were shut up. This was productive of so much inconvenience that efforts were made to induce the lawyers to transact business without the use of stamps. Some of them would have cheerfully acceded to this proposition, but others thought that they had gone far enough in simply refusing to buy stamps and quietly await the issue. But another meeting of the bar was at last decided upon, and this was held in New Brunswick, February 13, 1766. Here the "Sons of Liberty" came in great numbers from different parts of the province, and by them the lawyers were strongly urged to return to the business of their profession, regardless of stamps, and to use their influence to have the courts of justice once more opened. The meeting finally decided, in order "to preserve that happy state of peace and tranquility which has, by the blessing of God, hitherto been maintained in this Province of New Jersey, to desist from their practice till the first day of April next, and if they receive no accounts from the Parliament before the said day of April, they will in such case, begin their practice as usual, or sooner, if earlier accounts are received." The "Sons of Liberty" were notified of these proceedings by a committee appointed for that purpose, and they were also assured that unless the Stamp Act was suspended or repealed, the members of the bar would join in opposition to it with their lives and fortunes. The Stamp Act was soon after repealed. (See also note on Judge Smyth, page 475.)

Minutes of Council, Nov^r. 6th 1765.

At a Council held at Burlington, on Wednesday
the 6th Day of November, 1765,

PRESENT,

HIS EXCELLENCY WILLIAM FRANKLIN, ESQUIRE,
GOVERNOR.

| | |
|-----------------------|---------------------------------------|
| THE HON. DAVID OGDEN, | } Esquires, of His Majesty's Council. |
| CHARLES READ, | |
| JOHN SMYTH, | |
| JOHN LADD, | |
| JAMES PARKER, | |
| FREDERICK SMYTH, | |

His Excellency laid before the Board a Letter from Lord Stirling to him, dated at Baskenridge, the 3d Instant, as follows, viz.

Dear Sir,

On Friday, by Express, I received the Notification of your Excellency's Order for a Meeting of the Council of this Province, at Burlington, on Tuesday the 5th Instant: By the same Express I wrote the Secretary, the State of Health I was then in, which would render my Attendance uncertain. Your Excellency may be assured, that it would give me very great Satisfaction to be present at this Meeting, as I am conscious that there never was a Meeting of the Council at a more critical Conjunction, nor one that required more Prudence in deliberating and determining: But the Rheumatick Pains I now feel in every Limb and Joint, render it, I think, very dangerous for me to undertake a long Journey at this uncertain Season of the Year: However, as I cannot attend in person, I think it my Duty to send your Excellency my Sentiments on the Matters which I apprehend will then be offered to the

Council for their Advice. People in general, in this and the two adjoining Provinces, seem to be deterred, by deferring Business, to avoid the Use of Stamped Papers as long as possible. This Province is so situated between the two great Trading Cities of Philadelphia and New York, that it has but little Foreign Trade of its own; consequently, its Use for the Stamped Papers is chiefly to Inland or Home Business, which can be deferred awhile without any very great Inconvenience: It is not so with the Cities I have mentioned; their Marine Trade makes the Difficulties much greater to them, and therefore, in this Matter, I would be for letting them lead the Way; besides the Stamps are now in a Place of Safety, and it can be of no Detriment to the King's Revenue to let them remain there until they are wanted, or until in the Business of this Province. they are called for; and before that happens, 'tis not unlikely the Stamp Act may be repealed, or that your Excellency may receive further Instructions from His Majesty on this Head; in either Case your Council will be better able to advise your Excellency than they are at present; nor would I advise your Excellency, at this Juncture, to appoint a Distributor of the Stamps; such an Officer cannot be necessary until the Stamps are wanted, and the Appointment of one till then would be only raising up an Object to the Resentment of an enraged, and, as they think, an injured People. In the state Men's Minds are at present, I believe it is best to avoid every step that can irritate, or that can discover a Distrust of the good Behaviour of the People; a contrary Behaviour, as I am informed, brought Lieutenant Governor Colden into very disagreeable Circumstances. Your Excellency's Prudence in the Management of this Affair, I make no Doubt, will insure the Peace and Quiet of this Province. I will, on the whole, take the Liberty to advise your Excellency to endeavour to

prevail on Captain Hawker to keep the Stamped Paper, &c. in Safety, on board His Majesty's Ship, until something further occurs; and, in the mean Time, to avoid every Measure on this Subject, that can become Matter of Altercation among the People. These are my real Sentiments as one of your Excellency's Council, for the Good of His Majesty's Service; and, if your Excellency finds it expedient, they may be entered as if I was present in Council.

I am, Your Excellency's most obedient
and most humble Servant.

STIRLING.

BASKENRIDGE, Nov. 3, 1765.

A Letter from Mr. Stevens, apologizing for his Non-attendance, was likewise read Mr. Kemble and Mr. Woodruffe also sent Apologies.

His Excellency communicated to the Board the Letters he had received from Governor Colden, Capt. Kennedy, and Capt. Hawker. in Answer to those he had wrote to them in Pursuance of the Advice of the Council, at their last Meeting. Their several Letters are as follows:

FORT GEORGE, New York, Sept. 29, 1765.

Sir,

I Have the Honour of Your's of the 25th, desiring me to lodge the Stamp'd Paper, for your Province, in the Fort. You may be assured that I shall take all the Care in my Power to have them preserved, in Case they come to this place. This Fort is now full of Men and military Stores, so that I have no Place to lodge them but in the Governor's House, which may be very inconvenient to Sir Harry Moore, who may be soon expected, and probably comes in the same Ship which brings the Stamp'd Paper for this Place.—May it not

be as Safe, and more convenient, to have your Stamps put on Board one of the King's Frigates now here, who may land them at any Time and Place you may think proper.

I have received no Kind of Directions in relation to the Stamp'd Papers.

I am, with great Regard, Sir, your most
obedient and most humble Servant,
CADWALLADER COLDEN

NEW YORK, Oct. 4, 1765.

Sir,

Immediately, on receiving Your's of the 1st Instant, I waited on Governor Colden, in order to consult with him in regard to the Particulars you therein mention concerning the Stamp'd Papers, that is expected to arrive at this Port, for the Province of New Jersey.—I desire to acquaint you, that the Governor still persists he cannot conveniently receive them into the Fort; and, at the same Time, must represent to you the many inconveniences that would attend taking them on Board any of His Majesty's Ships that are stationed here.—In the first Place, as there is no Store Room on Board, where any quantity of Paper could be lodged without running the Risque of its getting damped, and being otherwise so damaged, as might render Part of it useless. Then you will please to consider that the Ships are always to be kept so as to proceed on immediate Service when ordered. And again, as the Ships will soon, from the season of the Year, be obliged to hawl along side the Wharfs, where they remain for the Winter, you will naturally conclude, as they are all principally mann'd by Men impress'd into the Service, and it being impossible in that Situation to prevent many deserting, that the Ships can afford but very poor Protection. However, if Mr. Colden should,

on their Arrival, refuse to receive them into the Fort, you may depend that I will do every Thing in my Power for protecting the Paper, and the Ship that may bring it; but must more maturely consider of the Methods which I can take, as likewise the Propriety of taking it on Board any of the King's Ships: On which Head I shall write to Lord Colville by the first Opportunity.

I am, Sir, Your most obedient humble Servant,

ARCH^d KENNEDY.

His Excellency Governor Franklin.

SARDOINE, Newcastle, Oct. 3, 1765.

Sir,

I Received your Excellency's Letter on the 1st Instant, desiring my Assistance in securing the Stamps for the Province of Jersey, together with the Minutes of His Majesty's Council on that Head; and the same Day the Ship Royal Charlotte, Capt. Holland arrived here with them on board his Majesty's Ship under my Command, as soon as they can be conveniently got at, the Vessel now lying under my Protection, and will be assisting in any other Measure which may be thought necessary towards lodging them in a Place of Safety. There are some few King's Tenders on the American Station; there was one in Delaware lately, but she is gone; besides, I am informed, there is not Water enough for her to go to Burlington. I will land them any where along the Jersey Shore that may be thought convenient, and proper Persons to receive them. I must beg also to inform you, that it will be necessary you should provide some Place of Security towards Winter, as then I shall be obliged to take every Thing out of the Ship, in order to lay her up. Neither can I so well answer for the safety of the Stamps, as all the Guns will be out.

You, Sir, and the Gentlemen of the Council, may

rest assured, I will, at all Times, act with Obeisance in any Thing that relates to His Majesty's Service.— Agreeable to your Desire of my sending the earliest Intelligence, I send this Express.

I am, with great Regard, Sir, Your
most Humble Servant,
JAMES HAWKER.

To his Excellency W. Franklin, Esq.

His Excellency acquainted the Board that he had sent the following Answer to the Letter from Capt. Hawker, viz.

BURLINGTON, October 6, 1765.

Sir,

I am extremely obliged to you for the Readiness with which you complied with the request of myself and His Majesty's Council, with Regard to the Stamps destined for this Province. As we have no Place of Defence in the Colony, and as it would be imprudent to trust to the People in their present Ferment, I must desire that you would keep them on Board till I can receive His Majesty's Orders, in what manner to dispose of them. It is probable they will arrive before the first of November, but if they should not, and you cannot keep the Stamps longer, I will then endeavour to fall upon some other Method for their Security.

I am, with great Regard, Sir,
Your most Humble Servant,
W. FRANKLIN.

His Excellency having thus informed the Board of the several Measures he had taken for the security of the Stamps hitherto, desired their Opinion and advice of the following Heads, viz.

I. Whether the Governor has Authority to appoint a Distributor of the Stamps, as Mr. Coxe has acquainted

him, that he has sent his Resignation to the Lords Commissioners of the Treasury, and perseveres in his Refusal to carry the Act into Execution ?

II. Do the Council know of any Gentleman in the Province, of Fortune sufficient to give the Security, required of Mr. Coxe, by the Commissioners of the Stamp Duty, who would undertake to exercise the Office, if the Governor would commissionate him for the Purpose ?

III. Do the Council think any Person will be safe in undertaking the Execution of the Office of Stamp Distributor in this Province ?

IV. Whether as Mr. Coxe has informed the Governor, that he has received no Commission, or Instructions from England, empowering him to execute the Act, it would be legal or justifiable for the Officers of this Government to let the public Proceedings go on in the usual Manner, in order to prevent a Stop being put to the Administration of Justice throughout the Colony, as must otherwise, in a great Measure, be the Consequence ?

V. Whether the Governor can, consistent with his having taken the Oath directed by the Stamp Act, put the Seals to Writs and Papers in the Manner as has been customary for him to do, until an Officer appears duly appointed and undertakes to carry the Act into Execution ?

VI. What steps do you think most proper to be taken for the Preservation of the Stamps destined for New Jersey, after Capt. Hawker shall be obliged to lay up his Ship for the Winter ?

The Council desired, previous to their coming to any Determination on the Matters proposed by the Governor, that as Mr. Coxe, the person appointed Distributor of Stamps for this Province, and who resides at Philadelphia, was here on his private Affairs, he should be sent for to attend the Council.

Mr. Coxe was sent for, and attended accordingly ; when the following Questions were put to him, to which he made the Answers subjoined, viz.

I. Have you received any Commission for distributing of Stamps in New Jersey ?

Answer. No. Nor do I know that any such Commission is in Being.

II. Or any Instructions from the Commissioners of Stamps in England ?

Answer. Nothing more than to sign the Bond, and Orders to acquaint them of the Quantity which would be wanted for six Months.

III. Are any Stamps arrived directed to be distributed in New Jersey ?

Answer. I know of none of my own Knowledge ; but have been told there were some Packages of Stamps marked W. C. and that by Bill of Lading, they were consigned to Mr. John Hughes, of Philadelphia ; but I have not myself received either Bill of Lading, or Letter of Advice.

IV. Do you think, as you have not received any Commission or Instructions relative to the Stamps in New Jersey, that you could legally undertake the Execution of the Office, supposing that there was no Likelihood of any Opposition being given to it, and that you had not sent over your Resignation ?

Answer. I do not think myself empowered to execute the Office, as I have not received any Commission or Instructions.

V. On Supposition that you had received such Commission or Instructions, would you undertake the Distribution of the Stamps ?

Answer. No.

VI. What is the Reason of such Resolution ?

The general Disturbance in the Province ; and as I am firmly of Opinion it would occasion violent Disorders and Bloodshed, and that I should be injured both in Person and Estate.

After some Time spent in Consideration of the Matter, recommended by the Governor, the further Consideration thereof was referred till To-morrow Morning.

Then the Council adjourned till Nine o'clock To-morrow Morning.

THURSDAY, November 7, 1765.

The Council met, and resumed the Consideration of the Matters referred to them by the Governor, when they were unanimously of Opinion as follows, viz.

1. We think the Governor is not authorized to accept of Mr. Coxe's Resignation, nor impowered to appoint a Distributor of the Stamps in his Room, until some Instructions are received from His Majesty's Ministers, or other proper Authority, relative thereto.

2. We believe there is not one Man in the Province able to give the proper Security, that would undertake the Office if it was offered to him.

3. We think that no Person would at present be safe in undertaking the Execution of the Office in this Province, on account of the violent Resentment too generally imbibed against the Act; and the many repeated Threats by written Advertisements, and otherwise, against any that should be aiding or assisting in carrying the same into Execution.

4 and 5. On considering the Governor's 4th and 5th Queries, the Council esteem it a Matter of so much Difficulty and Importance at this dangerous Conjunction, that they desire further Time, and a full Council, to consider of the Answer thereto.

6. That though we shall, as far as is consistent with the Peace of the Province, heartily second your Excellency's Intention of securing the Stamp'd Papers, yet, as we have undoubted Reason to know, that the popular Clamour runs at present very high, in many Parts of the Province, against the Stamp Act, as the many inflammatory Speeches, Writings and tumultuous

Gatherings, with avowed Threats to destroy the Stamps, do evidence; we think it by no means safe or adviseable for your Excellency to send for the Stamps from under Captain Hawker's Protection. And it is further our Opinion, that it will be by no means expedient to have Recourse to the Military Aid offered by the General, even if he could now afford it, (which is much to be doubted considering the present Commotions at New York) as there is the strongest Reason to expect, that in such Case the Peace of the Province would be immediately broken, and nothing less than a Civil War would ensue. Therefore, as there is no Place of Security in the Province, and as it would be dangerous, if practicable, to bring in such a Military Force as the General could spare, we advise, that your Excellency do write to Captain Hawker, to desire that when he lays up his Ship, that the Stamp'd Papers on Board, said to be for New Jersey, be offered to Mr. Coxe, who has given Bond to the Commissioners of the Stamp Duty in England, and if he refuses to take Charge of them, then that they may be suffered to remain with the King's Stores, belonging to the Ship, in whatever Place the Captain may think proper to deposit them, there being a better Chance for their Preservation by that Means, out of the Province, than by any other Method we can at present devise.

Mr. Ogden acquainted his Excellency, and this Board, that it was desired by many People of the Eastern Division, that the Assembly should be called to meet on this Occasion; his Excellency did thereupon declare, that though he had no particular Commands of the Crown, or other Business, that made a Meeting of the Legislature necessary; yet that if the Speaker, and nine others of the Representatives, would signify under their Hands to the Governor, that they thought it expedient for the public Service, that the Assembly should be called, he would immediately (if advised so

to do by his Council) issue his Summons for the Purpose, convening them together in as short a Time as possible; but that from the present Indisposition of his Lady, it would not be in his Power to meet them at Amboy, or at any other Place than Burlington.

The Council do advise his Excellency, on such Application, to summon the General Assembly to meet at Burlington.

A true Copy from the Minutes of Council

CHARLES READ, Sec.

A Copy of his Excellency's Letter to Captain Hawker in Pursuance of the foregoing Minute of Council.

BURLINGTON, Nov. 9, 1765.

Sir,

As you informed me in your Letter of the 3d of October, that it would be necessary that I should provide some Place of Security, towards Winter, for the Stamp'd Paper destined for New Jersey, as you would then be obliged to take every Thing out of the Ship, in order to lay her up, I lately summoned a Meeting of His Majesty's Council of this Province, to consult them on the Measures necessary to be taken for that Purpose—Their Advice on the Occasion is contained in the enclosed Extract from their Minutes.

The Council do not mean that you are to be answerable for the Safety of the Stamps, if you comply with our Request; but their Reason for advising the Measure, is, because they imagine that the People of one Province will not endeavour to destroy the Stamps destined for another; and that the Stamps might as well be given up directly to the Populace, as to send them into New Jersey, where there is no Place of Defence whatever.—Perhaps Mr. Coxe, as he has given Bond to take Care of them, will, for his own Sake, en-

deavour to fall upon some Expedient to secure them. by secreting them, or otherwise, till some Person appears duly authorised to receive them from him.

I am, with great Regard, Sir, Your
most humble Servant,

WILLIAM FRANKLIN.

To Capt. James Hawker, Commander of His Majesty's Ship Sardoine.

*Letter from the Lords of Trade to Governor Franklin, inclosing a copy of the representation from the Bishop of London concerning licenses for marriages in New Jersey.*¹

[From P. R. O. B. T. New Jersey, Vol. 17, page 191.]

WHITEHALL Dec. 12th 1765

To William Franklin Esq^r Governor of New Jersey.

Sir

The inclosed Memorial stating the propriety of Licences for Marriages in New Jersey being directed to the Clergy only, has been presented to Us by the Bishop of London.

If there is no Law in force, by which the Civil Magistrate is authorized to perform the Marriage Rites, or if long usage and custom has not established such a practice; We see no objection to what his Lordship proposes: But as it does not appear to Us from any information we can collect here, how the case stands in respect to this matter, we desire you will by the first opportunity acquaint Us, whether the civil Mag-

¹ For representation from Bishop of London, see page 504.

istrates in New Jersey do or do not perform those Ceremonies; and if they do; whether it is by virtue of any declared Law, or by usage only; and if the latter, whether such practice may in your opinion be altered in the manner proposed by the Bishop of London without Inconvenience or Complaint.

We are, Sir, Your very loving Friends,

DARTMOUTH, SOAME JENYNS,
JOHN ROBERTS, J. DYSON,
W^m FITZHERBERT.

*Letter from Governor Franklin to Benjamin Franklin,
in London, in relation to the success of Col. Croghan
in his negotiations with the Indians.*

[From P. R. O. America & West Indies, Vol. 251 (269).]

BURLINGTON Dec^r 17. 1765

To Benjamin Franklin Esq

Honrd Sir,

You will probably have heard before this reaches you of the Return of Col. Croghan,¹ and the success he every where met with in his Negotiations with the Indians. Frequent Attempts (some of them very expensive) had been before fruitlessly made by the Military to take Possession of the Illinois. And tho' that valuable Country has of Right belong'd to us eversince the Cession of Canada, yet we were not able by any Means to get it into our Hands, until Col. Croghan engaged in the Undertaking. By his great Influence with the Indians, & dextrous Management he has en-

¹ Col. Croghan was Deputy Agent for Indian Affairs. The New York Colonial Documents contain many of his letters and reports relating to the Indian tribes; for a biographical sketch of him, see note by Mr. O'Callaghan in Vol. VII., p. 982.

tirely surmounted all the obstacles which the French had contrived to throw in the Way ; and obtained full Permission from the several Nations in that Quarter for the English to enter their Country, & possess themselves of the several Forts, &c. occupied by the French ; which has I hear accordingly been done, by Cap^t Stirling an Officer in the Regulars, who was detached for that Purpose with a Party from Fort Pitt.

The commercial Advantages which must result to Great Britain, by our Traders having free Access to so extensive a Country, inhabited by numerous Indian Nations, are too obvious to need mentioning. We have now Besides, an opportunity of forming such Alliances & Connections with the Nations on the Waters of the Missisipi as will put it in our Power to get Possession of the remaining Part of Louisiana, whenever another War shall make it expedient. In short, the Services which Col. Croghan has rendered his Country on this occasion are such as must, if rightly improved, be productive of the greatest Benefit to the British Interest in America. And I cannot at present conceive any Measure so likely to obtain this desirable end as the Putting the Management of Indian Affairs under some such Regulations as were contain'd in the Plan sent over last year by the Ministry to the several Governors on the Continent

I doubt not but it will likewise afford you great Pleasure to hear that S^r W^m Johnson & Col. Groghan have had the Address to engage the Indians to agree to settle a Boundary between them & us, & to make *Retribution* for the Damages they did our Traders by their late Hostilities. These two Points, if carried into Execution, will in all Probability, render the Peace lately concluded with them more permanent than any we have yet experienced. For in the first Place, as the Boundary to the Westward will, I am told, be fixed as far back as the Ohio, there will be

little Danger of our making any Encroachments on their Hunting Grounds, for many years to come, whereby a considerable Cause of Discontent will be avoided; And, in the next Place, *the Establishing a Precedent* for the Indians *making Satisfaction* for Injuries done our Traders, will make them much more cautious of committing the like hereafter. At present we have got them in the Temper to do it, & it will be unpardonable, if we suffer the opportunity to slip. Indeed, in my Opinion, no Time should be lost in bringing this Affair to a Termination & I hope the Ministry will give orders to Sir William to push it with the utmost Expedition. If it is much longer delay'd there will be Danger that the present good Disposition of the Indians may cool, or that they may be persuaded to act otherwise by the artfull Insinuations of the French, or by the Suggestions of evil disposed Persons among ourselves.

What makes it more immediately the Interest of the Crown to accept of this Grant from the Indians, & to confirm it to the Sufferers. is, that the Indians will of course expect to be paid for all the Lands which they are to grant within the Boundary they have now agreed to make between them and the English, unless their offer of Part of those Lands to the Sufferers be accepted. But the greater the Tract within the Boundary which they can be persuaded to grant to the Sufferers, the less the Crown will be under a Necessity of purchasing. And the Crown may notwithstanding receive the same Advantages in Point of Revenue from these Lands, tho' they cost the Crown Nothing, as it does from the Lands heretofore bought of the Indians. For the Sufferers would consent (if required) to pay the usual Quit rent reserved by the Crown, at the expiration of 20 or 25 years. And an Exemption from Quit rent for that term has been common in Several of His Majesty's Colonies.

I wrote you a few lines in haste on this Subject by Cap^t Budden; but as it is a Matter of great Importance, not only to the sufferers (some of whom are our particular Friends) but to the Interest of the Crown, & the Publick Welfare, I doubt not but you will excuse this further Trouble, & that you will on these Considerations lose no Time in representing the Affair in its proper Light to the Ministry, & forward it all that may be in your Power.

Enclosed is a Copy of a Letter Col. Croghan sent you by Budden.

I am, Honoured Sir, Your ever dutiful Son

W^m FRANKLIN

Letter from Governor Franklin to the Lords of Trade, respecting the difficulties the Province of New Jersey labors under with regard to the Stamp Act.

[From P. R. O. B. T. New Jersey, Vol. 9, K. 53.]

BURLINGTON Dec^r 18, 1765

To the Lords of Trade

My Lords,

I did myself the Honour of writing to your Lordships the 13th of last Month, by a Ship bound to Liverpool. In that Letter I enclosed a Copy of the Minutes of Council of the 6th & 7th of November.

Notwithstanding the Assembly in their Sessions in June, unanimously determined not to send a Committee to the Congress at New York, yet the Speaker of the Assembly of this Province, upon finding the People of East-Jersey in general displeas'd with the House on that Account, did of his own Authority summon a Meeting of the Representatives at Amboy.

About 12 of them accordingly met, & were prevailed upon to appoint Three of their Members a Committee to go to New York. The Speaker¹ was one of the Number;—but not consenting to sign the Addresses agreed upon by the Congress, he was burnt in Effigy in almost all the Towns of East Jersey, & has been since obliged to resign his Seat in the Assembly.

I should have thought it my Duty, on Account of this irregular & unconstitutional Meeting of the Representatives at Amboy, to have immediately dissolved the House, but that there was great Reason to apprehend that I should thereby have thrown the Province into the utmost Confusion. However at the late Meeting of the General Assembly, I took an Opportunity of declaring my Disapprobation of their Conduct in pretty strong Terms, lest they should hereafter make it a Precedent for such kind of Meetings. For the Particulars of what passed at the last Sessions, I must beg leave to refer you to the Minutes of Council & the Votes of Assembly enclosed; which will make your Lordships acquainted with the Difficulties we still labour under with regard to the Stamp Act. At present there is almost a total Stagnation of Business at the publick Offices, none of the Officers chusing to venture to go on with Business as formerly, lest if the Act should at last be carried into Execution they should be made liable to the Penalties inflicted by it. And yet there is Danger, if they much longer persist in this Resolution that they will be torn to Pieces by the Mob. The Person who was appointed to be Stamp Distributor still refuses to endeavour to execute the Act, tho' he has now receiv'd his Commission & Instructions for the Purpose. And the Stamps still remain on Board His Majestys Ship *Sardoine*, there

¹ Robert Ogden. See note page 451. He was burnt in effigy in several places in New Jersey.—*Sabine's American Loyalists*, p. 488.

being no Place of Security for them in this Province. In short our Situation is at present extremely critical, but we are daily in hopes of receiving Instructions from His Majesty's Ministers, directing the Conduct they would have us observe on this extraordinary Occasion. In the mean Time I shall continue to use my utmost Endeavours to preserve the Peace & Quiet of the Province, and to prevent the People going into those Excesses & Acts of Violence which have too much prevailed in the neighbouring Colonies.

I have the Honour to be, with the greatest Respect,
My Lords, Your Lordships Most obedient

& most humble Servant

W^m FRANKLIN

Letter from the Lords of Trade to Secretary the Duke of Grafton, transmitting copies of all papers containing information of the riots in America against the Stamp Act.

[From P. R. O. B. T. Plantations General, Vol. 41, Page 481.]

WHITEHALL, Janry 7, 1766

To his Grace the Duke of Grafton, one of His Majesty's principal Secretaries of State.

My Lord,

In obedience to His Majesty's Commands signified to Us in Your Grace's Letter of the 19th of last Month, we have prepared, and herewith transmit to You Copies of all the Letters and Papers received by, or communicated to us, so far as they relate to, or contain any Information of the Riots, that have happn'd in America in opposition to the putting in Execution the Stamp Act, since the passing thereof to the present

time; Upon which Letters and Advices no Orders have been issued by Us; but we have, pursuant to what we conceive to have been our Duty, and the Course of Proceeding in this Office, from time to time humbly laid before His Majesty in Council such of the said Letters and Papers, as appeared to us to be of such a Nature, as to require His Majesty's Directions thereupon.

We are, My Lord, Your Grace's most
obedient and most humble Servants,

DARTMOUTH SOAME JENYNS
J. DYSON W^m FITZHERBERT

List of Papers received by, or communicated to the Lords Commissioners for Trade and Plantations, so far as they relate to, or Contain any Information of the Riots, that have happen'd in America in opposition to the putting in Execution the Stamp Act, since the passing thereof to the present time.

No. 1

Extract of a Letter from Francis Fauquier Esq^r Lieutenant Governor of Virginia, to the Lords Commissioners for Trade and Plantations, dated Williamsburgh June 5th 1765. Rec^d July 27th 1765

No. 2.

Copy of the Resolutions of the House of Burgesses of Virginia. Rec^d d^o

No. 3

Extract of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to the Lords Commissioners for Trade and Plantations, dated Boston July 8th 1765. Rec^d Sept^r 20th

No. 4

Extract from the Journal of the House of Representatives of the Province of Massachusetts Bay, June 25th 1765

No. 5

Copy of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to the Lords Commissioners for Trade and Plantations.—dated Castle William, August 15th 1765. Rec^d Octo^r 7th 1765.

No. 6

Copy of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to the Lords Commissioners for Trade and Plantations, dated Castle William August 22^d 1765. Rec^d Octo^r 7th 1765.

No. 7.

Copy of the Minutes of Council held in the Council Chamber in Boston on August 14th 15th and 21st 1765. Rec^d d.

No. 8.

Copy of a Proclamation issued by Gov^r Bernard, dated August 15th 1765. Rec^d d^o.

No. 9.

Copy of a Proclamation issued by Governor Bernard, dated August 28th 1765. Rec^d d^o

No. 10.

Copy of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to the Commissioners for Trade and Plantations: dated Castle William, August 31st 1765. Rec^d Oct^r 16th 1765

No. 11

Copy of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to the Lords Commissioners for Trade and Plantations, dated Castle William, Sept^r 7th 1765. Rec^d d^o

No. 12

Copy of the Minutes of Council held in the Council Chamber in Boston on August 27th 28th and 29th 1765. Rec^d d^o

No. 13

Extract of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to John Pownall Esq^r Secretary to the Lords Commissioners for Trade and Plantations, dated Castle William Sep^r 7th 1765. Rec^d d^o

No. 14.

Copy of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to the Lords Commissioners for Trade and Plantations, dated Boston Sep^r 28th 1765.

No. 15

Extracts from the Journal of the House of Representatives of Massachusetts Bay on the 25th 26th and 27th of Sep^r 1765.

No. 16.

Extract of a Letter from William Franklin Esq^r Governor of New Jersey, to the Lords Commissioners for Trade and Plantations, dated Burlington, Oct^r 10th 1765. Rec^d Nov^r 19th

No. 17

Copy of Minutes of the Council of New Jersey on the 13th and 24th of Sep^r 1765

No. 18.

Extract of a Letter from Benning Wentworth Esq^r Governor of New Hampshire to the Lords Commissioners for Trade and Plantations, dated October 5th 1765, Rec^d Nov^r 10th

No. 19

Extract of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to John Pownall Esq^r Sec-

retary to the Lords Commissioners for Trade and Plantations, dated Boston, October 1st 1765 Rec^d Dec^r 13th

No. 20.

Copy of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to the Lords Commissioners for Trade and Plantations, dated Boston October 12th 1765.

No. 21

Copy of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to the Lords Commissioners for Trade and Plantations, dated Boston Oct^r 17th 1765.

No. 22

Extract of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to John Pownall Esq^r Secretary to the Lords Commissioners for Trade and Plantations, dated Boston Oct^r 19th 1765

No. 23.

Extract of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to John Pownall Esq^r Secretary to the Lords Commissioners for Trade and Plantations, dated Boston Oct^r 26th 1765.

No. 24

Copy of a Letter from Francis Bernard Esq^r Governor of Massachusetts Bay, to John Pownall Esq^r Secretary to the Lords Commissioners for Trade and Plantations dated Castle William, Nov^r 1st 1765.

No. 25

Copy of Minutes of the Council of Massachusetts Bay October 29th 30th 31st and Nov^r 4th 1765.

No. 26.

Copy of a Resolve of a Committee of the Council and Representatives of the Province of Massachusetts Bay the 25th of October 1765

No. 27

Copy of Votes at a Meeting of the Freeholders and other Inhabitants of the Town of Cambridge October 14th 1765.

No. 28

Extract of a Letter from Francis Fauquier Esq^r, Lieutenant Governor of Virginia, to the Lords Commissioners for Trade and Plantations, dated Williamsburgh October 2^d 1765. Rec^d Dec^r 16th

No. 29

Extracts from the Journal of the House of Burgesses in Virginia the 29th and 30th of May 1765.

The original News Papers, which were referred to in Governor Bernard's Letters to M^r Pownall, were transmitted to the Council-Office, and no Copies of them taken in the Office of Trade and Plantations

Letter from David Ogden to Philip Kearney, of Perth Amboy, in answer to a request of several gentlemen of the Law to appoint a meeting of the Attornies to consult in relation to the resumption of business under the Stamp Act.

[From New Jersey Manuscripts, Vol. II., No. 150, belonging to the New Jersey Historical Society.]

NEWARK Jan^y 14th 1766

Phil. Kearney Esq

D^r Sir

I this Day rec^d your favour of the 31st of last month enclosing a Request of Several gentlemen of the Law to appoint a meeting of the Attornies in Consequence of the Agreement entered into the last Burlington Term. I heartily wish I could join those Gentlemen

therein as it always gives me a Sensible Pleasure to concur with so great a Number of my Profession, but at Present must think that those Reasons which prevail'd on the Attornies first to enter into so laudable an Agreement founded on a true Spirit of Patriotism still Subsists. Which Agreement was soon followed by the Gentlemen of our Profession in the neighbouring Colonies. It will give me great Pain to see so noble and self Denial an Act first Sullied by us who set the Example. And unless some Reasons do appear more powerful than those on which the Agreement was founded, I hope it will remain. I know of none at Present & should have been glad those Gentlemⁿ had mentioned what induced them to request a meeting of the Attornies to vacate as I suppose that Agreement. For my own Part I am fearful from the Acc^{ts} lately rec^d from Home that our Troubles are but beginning. I think it prudent for those Gentⁿ so inclined in a King's Government not to act in open Violation of a Law of the British Parliament, when not under the absolute Necessity for Self Preservation so to do, which God forbid should ever be our Case. Can it be supposed that our Judges & Clerks Commissioned by the Crown will at this Time proceed in the usual Method regardless of the Act of Parliament. I must submit if any Attorney would now as an Attorney & Friend of the Officers of the Court advise it; & whether it is not farr more adviseable for the Agreement to remain inviolable till We hear what the Parliament will do in American Affairs, Which in all Probability We shall know some time in March next.

I conceive you had best write to those Gentⁿ to recall their Request, but if they persist in it, I think a Meeting of the Attornies ought to be had as it was Part of our Agreement when requested by a proper Number. Perth Amboy I think should be the Place & I believe was mentioned at Burlington.

Above you have my Thoughts on your Letter which I wrote in a Hurry & should have been glad to have had more Time to enlarge on so important a Subject. What is omitted you no Doubt will supply if you concur with me in Sentiment.

I returned from New York on Fryday last and do assure you that the Gent^{rs} of the Law there had not then done any Business ; neither do I think they will soon proceed notwithstanding their Resolutions.

If upon the whole you appoint a Meeting pray let me know the Day you fix and I will give the Gent^{rs} of the Law this Way Notice thereof & attend myself accordingly. I am D^r Sir

Your most Obed^t Servt

DAVID OGDEN

Report from the Lords of Trade to the House of Commons, giving a statement of the Annual Expence of the several Establishments of the Colonies in North America and the West Indies ; likewise a statement of the debts incurred by said Colonies, as they stood at the end of the late war.

[From P. R. O., B. T., Plantations General, Vol. 41, p. 489.]

WHITEHALL Janry 29th, 1766

To the Honourable the Commons of Great Britain in Parliament assembled.

His Majesty having been pleased upon the Address of this Honourable House on the 22^d Instant to direct the Commissioners for Trade and Plantations to prepare and lay before this House “ A State of the annual
“ Expence of the several Establishments of the British
“ Colonies in North America and the West Indies,
“ with the Amount thereof, distinguishing each Col-
“ ony respectively ; and likewise a State of the Debts

“incurred by the British Colonies in North America, “and the West Indies, as they stood at the end of the “late War, distinguishing what Part of the said Debts “remains undischarged, and the Provision made for “such Discharge ;” It would have been Our Duty upon this occasion to have called upon those Officers in His Majesty’s Colonies, who, being intrusted with the Receipt and Issue of Monies granted for the Supply and Support of Government, could alone furnish that Information, which might enable Us to answer the Requisition of this Honourable House with exactness and Precision ; and which officers being appointed by the Assemblies of the Colonies respectively, and accountable only to them, are not subject to the Controul either of office here, or His Majesty’s Governors there, and therefore do not in ordinary and regular Course transmit their Accounts to Us ; but as we observed, that this Honourable House had in their Address to His Majesty expressed a Desire, that we should make a Return according to the latest Accounts received of the several Matters abovementioned, We have hereunto annex’d such States of the annual Expense of the several American Establishments, and of the Debts they respectively incurred, distinguishing what part thereof remains undischarged, as the Materials at present in Our possession would enable Us to make out.

We beg leave however to observe, that these Materials being defective in many essential Points, the States, which We have prepared, will not bring before the House that complete Information, which this Honourable House has required, and which it would have been Our Wish to have given.

In the State of the annual Establishments we have been obliged to omit the Colonies of Maryland, North Carolina, and the Bahamas, not having any Returns or Accounts from those Colonies, by which we are en-

abled to ascertain, what the annual Expense of their Establishments may amount to.

We have also omitted the Colonies of Nova Scotia, Georgia, East Florida, Quebec and Grenada, the Establishments of the first four of which are supported by annual Grants of Parliament, and those of the two latter either by Duties and Taxes, that existed under the French Government, or such others as have been established since by the Authority of the Crown ; and the Accounts of which Duties and Taxes are return'd to the Commissioners of His Majesty's Treasury.

This Honourable House will further observe, that the Amount of the Establishment of the Island of Barbados and Jamaica is stated, exclusive of parochial Taxes, which are very considerable in both these Islands, and include many Services, that are provided for in other Colonies by annual Acts of Legislature; and that it will appear from the Dates of the Returns, from which the amount of the several annual Establishments is collected, that they were made to this office many years since; and consequently it may be supposed, that the Expences of Government in these Colonies have considerably increased since that time. To which We beg leave to add this further Remark, that the Information these Returns contain seems to have been directed to purposes of a different Nature from those, to which we now apply it.

The State of the debts incurred (as far as it goes) is made out from Materials of better Authority, and greater Precision, and from Returns of a later date; and is defective only, in that it does not apply itself to the State of the Islands in the West Indies in the Points required by the Address of this Honourable House, and upon which Points We are unable in the Case of these Islands to give any satisfactory Information, as no Returns have been made to Us of the Treasurer's Accounts, from which alone such State could be made out.

We beg leave however to observe to this Honourable House, that it does appear, that the greatest Part, if not all, of the extraordinary Expences incur'd during the late War in in the Islands of Barbados and Jamaica, were defrayed by Taxes raised within the Year; and which extraordinary Expences do, upon a State of the Amount of the Taxes raised in each Year from the Commencement to the Conclusion of the late War, compared with the same Number of Years during the Peace immediately preceding that War, amount in the Island of Jamaica to about 50,000£ and in the Island of Barbadoes to about 30,000£, a great Part of which Expence was incurred in the Year 1761 on Account of the Assistance given by that Island to the Expedition then undertaken for the Reduction of the Island of Martinique, and as a Compensation for which the Parliament did last year grant the sum of £10,000.

All which is humbly submitted

SOAME JENYNS

J. DYSON.

GEO: RICE.

W^m FITZHERBERT.

PALMERSTON

*The attitude of the Lawyers of New Jersey toward
the Stamp Act.*

[From the New York Gazette; or the Weekly Post-Boy. No. 1301, Thursday,
January 30th, 1766.]

TO THE PRINTER — *Sir*; Your publishing the following Piece in your next Paper, will oblige many of your Readers, particularly your humble Servant,

A. B.

Sir; The strange and alarming Lethargy into which we have fallen, and still continue with Regard to all judicial Proceedings, must I am sure give real Pain to every one who has Sense to distinguish, and a Heart

to feel for the Interests of his Country. * * Some laudable Attempts have been made in yours as well as other Papers, to wake the Gentlemen of the Law, and make them listen to the Voice of the People; but whether their Hour is not yet come, or their Slumber is of so deep a Kind, as to require the more animated Exertion of the Power of that respectable Body; they are still snoring over the Liberties and Properties of their Fellow-Subjects in the most supine Indolence. * * * Many sensible Arguments have been urged on this Head, which still remain unanswered; and if there is any Alteration since, it has been to add to their Strength and Conviction. * * * I would ask those Gentlemen what they propose, or expect from their present Conduct? Do they think it will tend to procure a Repeal of the Act? They cannot say this, for it appears most probable, that the stopping Business at all, will discover our Timidity, and induce the Favourers of the Act to wait, and see whether it will not by these Means inforce itself * * * but surely the continuing to do it can be of no Use, even in the Article of Respect; for the Question will be decided long before the News of the Resumption of Business can reach England, and the doing it, or not doing it, will make no Difference when the Orders are once given:—So that we stop up the Channels of Justice, and do ourselves a manifest Mischief without there being the least Hope of advancing the Remedy we so much desire.—But perhaps the Gentlemen of the Law are afraid of the Forfeitures:—tho' they may not choose to acknowledge this Reason.—But do they expect to escape safe and unhurt, amidst the general Shipwreck of their Country and its Liberties? Would they desire so ignominious a Distinction? If they do not,—let them generously and nobly embark on the same Bottom with others, who have ventured all the Pains and Penalties of this terrible Act, under the Auspices of

the Publick.—But perhaps it may be said, that this Stagnation is not owing to them: That Judges and other Officers of Government have equal Scruples on this important Point.—To this I answer, that the first Stage of all Law Business, and even the active Part of it in every Stage, rests at the Bar, and it is impossible Judges can give Relief upon Complaints never made, or make Orders upon Subjects never brought before them—so that at present it clearly lies at the Door of the Profession, and it may justly be charged with all the fatal Consequences that may ensue, if the Gentlemen of it, do not take Care to exculpate themselves, and do their Parts in their respective Spheres.

For surely the Captain's Cowardice in a Day of Battle is no Excuse for the Centinel's sleeping upon Guard; at this Rate one Fault would be productive of Ten Thousand—As every Gentleman of the Law I dare say at this Time *has a leisure Hour*, perhaps these Observations may take a Part of it—To them I would offer an Argument drawn from no less Authority than Lord Coke, who lays it down as an undeniable Maxim, *Lex non cogit ad impossibilia*—The Law forces no one to impossibilities. Now in this Province and several others, these *Impossibilia* are required of us, and as we have no Stamp'd Papers, nor I hope ever shall have; because we cannot do Impossibilities, we must do nothing! Or rather we are attempting an Impossibility of another Kind, which is to live in a State of general Outlawry, as to civil Property. The Profession is called a learned one, I hope it will not forfeit its Claim to this Title, by falling into Absurdities so glaring—I shall not, Sir, repeat those Arguments founded upon constitutional Principles, which have already been made use of; but will offer you one Remark that seems obvious on this Head.—Either the Stamp Act will be repealed or enforced—There can be no Medium unless our own Conduct has hinted it in

England,—if it should be repealed, or if we could have positive Assurances of it, there can be no Difficulty; and I make no doubt we shall wonder at our own Fears.—Upon the other Hand, if it is resolved to enforce it, do we not by our present Conduct concur in the Resolution? Nay we do more, we strengthen the Hands of its Advocates. We cannot continue long in this Posture—it is determined never to make Use of Stamps, what can, what ought to be done then, but immediately to shake off this cowardly Indolence, and the sooner the better.—The Gentlemen of the Law have in most Ages laboured under the same Imputation with Bishops, that they are the ready Tools of arbitrary Power, either meanly shrinking at Danger, or ambitiously striving for Dignity and Preferment—Let not these Aspersions ever reach America,—rather let it appear, that those who live by the Laws, are the most forward in asserting them: They are supposed to be best acquainted with the Nature of Government, and the English Constitution, how amiable will they appear in the Eyes of their anxious Countrymen, if their Zeal is equal to their Knowledge. I mentioned my Lord Coke a little before, as he is their Oracle in the Mazes of the Law, so ought he to be their Pattern in the Cause of Liberty.—In him the drudging Lawyer not only brightened into the eloquent Orator, but the zealous Patriot.—He resolutely opposed the undue Exertion of the Prerogative of the Crown,—and could he now revive in the Person of an American, I make no Doubt he would with the same Ardour oppose the undue Exertion of Parliamentary Power over the Inhabitants of this Country; or at least he would be willing to share the general Fate of his Country, and stand or fall with the common Cause.

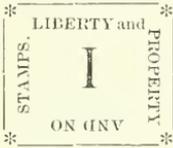
I am, Sir Your very humble Servant,

A. B.

NEW JERSEY, January 21, 1766.

[From the New York Gazette; or The Weekly Post-Boy, No. 1207, Thursday,
February 29, 1766.]

To the Printer



IN your Gazette of the 30th of January last, I took Notice of a Piece signed A. B. and dated from N. Jersey, wherein the Author has laboured to raise a popular Clamour against the Gentlemen of the Law, because of their having declined Business, since the memorable First of November; and with a Spirit equally factious uncharitable and absurd, imputes this voluntary Sacrifice of their Interest, to the base and ignoble ends of arbitrary Power and Preferment.

All the lucrative Professions, it must be confessed, are indiscriminately charged with lucrative Motives; however individual Professions may be distinguished for their Integrity and publick Spirit. And therefore it was with the greatest Pleasure, that the Friends of American Liberty, upon this Continent, in general, beheld the Lawyers stand forth, as the most determinative Opposers of the late Acts of the British Parliament, so justly esteemed unconstitutional and oppressive; and to the lasting Honour of the Lawyers of New Jersey, in Particular (with whom our Author seems especially to quarrell) it has been, and will be said, that they set the Example. I therefore think it the Duty of every honest Man, as far as it is in his Power, to endeavour to counteract the pernicious Tendency which all such inflammatory Discourses must necessarily have upon the Minds of the Ignorant and Inattentive; for this Purpose, I shall briefly consider whether the Gentlemen of the Law, in declining their Practice from the First of November, did not thereby take the most effectual Measure in their Power, or in the Power of any single Body of Men upon the Continent, to prevent the Execution of the Stamp-Act—whether such Step was not equally calculated to injure

their private Estate, and prevent their *Preferment*—and whether the same Reasons which at first induced them to discontinue their Practice, do not yet subsist ; and therefore, in like Manner ought to influence them. To feel the first Point in a proper Light, it will be necessary to consider ; that upon the News of the Stamp-Acts being passed, these Colonies, in general, seemed to be struck into a Kind of Panic ; and for some Months appeared to be wrapped up in the most sullen Dispair.—Some of the most learned and judicious declared, that the Act was of such a Nature, and so curiously fabricated, as to execute itself—and not one American Patriot ever fancied, that the Provinces would have given such spirited and universal Opposition.

An Expectation of Submission continued almost universal, down to the Eve of that fatal Day destined for the Commencement of our Slavery : And every City, Town, and Country Village, upon this vast Continent, resounded the Knell of departing Liberty, The Stamped Papers had found their Way into many of our Cities.

The Merchants could not think of venturing their Fortunes in a Bottom not secured by those detestable Passports—Not a Person who held an Office under the Crown could think of losing his Appointment, and thereby perhaps the only Means of subsisting himself and Family, by opposing an Act framed under the Direction of the King's Ministry—not a Farmer who could bear to think of taking a Conveyance for Lands, without a Stamp ; where his Estate for want thereof, was declared void : Nor would he offer to bring an Action at Law, without the same Prerequisite, lest his Recovery should be illegal ; in short, the Caution of the Merchants ; the fear of the publick Officers ; and the Ignorance of the common People, had undoubtedly introduced the Stamped Papers ; had not the Profes-

sors of the Law, (through whose Hands the most of them must have passed) at that Instant stood forth, and declared that they would not receive them. The Example of so learned a Body of Men, on whose Judgment, in Matters of Law and Government, the People so much depend, had an extensive and universal Influence. It was naturally concluded, if the Lawyers gave up the Means of their Subsistence, rather than continue it, by introducing the Act; that it must not only be fraught with some mighty Ruin to their Country, But that it could not be extendable to the Colonies, by the Constitution. Wherefore the Consternation of the People began gradually to decrease; and Patriotic Courage diffused itself among all Ranks and Orders of Men. And it is well known, that some of the Lawyers in the several Provinces have been, and still continue, the principal Writers on the Side of American Liberty.

The second Point I proposed, is so Self-evident, that it needs no Argumentation to evince it; for who, in the Name of common Sense, can think, that this Conduct was owing to motives of Preferment? There cannot be found a Man so absurd to *think*, let him *say* what he will, that giving the most effectual Opposition to an Act of Parliament, the Offspring of the King's Ministry, was a probable Method of procuring Preferment from the Crown—A Suggestion so disingenuous and contradictory, must be the Effect of great Ignorance, or greater ill Nature.

The last Question I proposed, only remains to be considered—and it appears very clear to me, that the Reasons which influenced the Discontinuance of Business at first, still subsist—the Motives which operated upon the Gentlemen of the Law to discontinue their Practice, were as I am informed, to prevent the Introduction of the Stamp Act; and at the same Time, to preserve the publick Peace. And it is very certain,

that if with their Refusal to take the Stamped Papers, they had attempted to go on with their Practice notwithstanding; such Step would have thrown the several Provinces into the utmost Confusion. For the first Step after making out the Writ, is to apply to the proper Officer for the Seal.

It is as unreasonable as cruel to expect that the several Officers would have affixed the Seal: Because the natural Consequence would have been a Removal from their Office. And on the other Hand, it would have been exposing them to a dreadful Alternative to have a Writ tendered to them, and they refuse to Seal it—this would have brought on Mobbing, pulling down Houses, and all Manner of Riot by the People. The most of the Provinces not under Proprietary Government, proceed in their Courts of Justice, nearly similar to the Practice in England. Reflect a Moment then, what probably would have been the Consequence of offering one of our Governors a Writ of Error, Replevin or Dower, to be sealed—no Man in his Senses would expect, but that the Want of a Stamp would have been an unsurmountable Objection to his affixing the Seal: For it is expressly directed that every Governor before the first of November shall take a Solemn Oath, to do their utmost, that every Part of the Act be punctually and bona fide observed. The very Tender therefore of such Writ, would have been an Insult upon him; as his Refusal must inevitably point him out as an Object of popular Resentment. This would have been nearly the Case of every Chief or other Justice of the Supreme Courts, when a Writ, for their Allowance, was offered to them. These I say would have been the probable, and I doubt not the certain Consequences of proceeding from and immediately after the first of November—and I would ask for any good Reason why these will not be the Consequences of Proceeding *now*? The People are not less opposed

to the Stamp Act, then they were at the first of November; but, thanks be to God! They are much more universally and determinately Opposed: Wherefore every Officer of the several Courts in the Colonies, who holds his Office by Patent or Grant from the Crown, from the Governor down to the Prothonotary, will be subjected to the same, nay to greater Inconveniences, *now* than a few Months ago: And of Consequence the Peace of the Provinces will be more likely to be interrupted. There is not the least Shadow of Argument in urging that the present Suspension of Business is “strengthening the Hands of the Advocates for the Stamp Act;” or that it is an Admission of its Extent: Because such Suspension itself incurs one of the highest Penalties mentioned in the Act, and therefore omitting to do Business where Stamps are made necessary, equally oppugns the Act, as doing Business without Stamps: And the principal Reason why the former is more eligible than the latter, is that *this* will tend to break the publick Peace; but *that* to preserve it. I agree that “we cannot continue long in this Posture”—and for that very Reason, Individuals ought cheerfully to submit to some temporary Inconveniences, rather than run the Risque of inflaming the Minds of the People, when happily there may be no Occasion. A few Weeks will plainly point out the Path America is to take—if the Act is repealed or suspended, one of which appears very probable, all will be well; and the Lawyers may be suffered to get Money again, without endangering the publick Peace—if it is determined to enforce it (which may God Almighty forbid) we shall then be justified in the Eyes of all Nations under Heaven to assert and maintain at the Risque of our Lives and Fortunes the indefeasable Rights belonging to us as Englishman. In such a dreadful Crisis as this would be, no Prothonotary—No Judge—No Chief Justice—No Governor would hesitate

a Moment what he must do; if he was not willing to risque his Commission, he must determine upon Risquing his Life. Every publick Office must be immediately opened, in Defiance to the cursed Stamp Act, and its infernal Contrivers. And I am well assured, that the Gentlemen of the Law, who nobly began the Cry, will not cease to proclaim the glorious and constitutional Liberties of Englishmen: And instead of giving up their Practice for a few Months, will be willing to sacrifice their Lives to their beloved Country. But why need the dread Experiment be made, till we hear from the other Side of the Water? The People would be easy, in their present Exemption from worrying Law Suits, if a few News Writers would let them alone: And to my certain Knowledge, a large Majority of the Inhabitants of the Colony where I live, esteem the present Cessation of Business as a Kind of Jubilee. They are, by their Industry, endeavouring to repair the Wastes which their former Indolence and Extravagance have made upon their Estates. It is to be hoped, that no Professor of the Law has so far departed from the disinterested Spirit shown by his Fraternity, as to solicit so bad a Cause. —No Demetrius, whose Fondness to be always forging silver Shrines, will suffer him to cry out "*great is Diana, the Goddess of the Ephesians!*" in Opposition to his Brethern the Preachers of the True Faith.—But let the Author of the Piece, under our Consideration be of what Profession he will, he undoubtedly designed to inflame the Populace: And the better to accomplish his Purpose with the undiscerning Multitude, in defiance of all that Esteem and Gratitude due from their bleeding Country, has attempted to raise the Hue and Cry upon the Lawyers. —From a sincere Love to my Country, and if possible, to prevent the bad effects of all such injurious Writers, I have offered these few Hints to the Publick. And with due Deference to the

Judgment of wiser Men, I would earnestly recommend it to the Colonies in general, to continue in their present State till some decisive Intelligence is received from the Parliament.—The Period is just at Hand, and a few Weeks will determine us.—Call not upon the Courts of Justice, in the mean Time, to open; lest a worse Thing than a trifling Loss to Individuals, befall us.—Lest the publick Peace, which ought to be specially sacred at this Time, be broke in upon.—Let us not contradict our publick Petitions for Relief, by attempting it with our own Hands, before it is denied by our Mother Country.—We can but do it *then*; and *then* we shall be justified in the Opinion of the whole World.—Oh Liberty! Oh my Country! *Vive, Vale, Si quid novisti rectius istis, candidus imperti; si non, his utere Mecum.*

Feb. 10, 1766.

Determination of New Jersey Lawyers to resume their practice regardless of the Stamp Act.—Action of the Sons of Liberty.

[From the New York Gazette; or The Weekly Post-Boy, No. 1207, Thursday, February 20, 1766.]

We have the following advice from Woodbridge, in New Jersey, That the gentlemen of the law in that province, had a general meeting at New Brunswick, on the thirteenth of this instant, to hold a consultation whether to proceed in the practice of the law as usual, without stamps; and the SONS OF LIBERTY hearing of said meeting, several hundreds of them from Woodbridge and Piscataway, assembled on the spot, in consequence of a letter to that purpose from the SONS OF LIBERTY in the Western Division, and expected to have met with a much greater number from the western

parts of the province, but were disappointed, being only met by their deputies, who joined with them, and delivered to the said gentlemen of the law, the following request.

To the gentlemen of the law, in the province of New-Jersey, now assembled at New Brunswick.

GENTLEMEN—WE the SONS OF LIBERTY, considering the many inconveniences our country is labouring under, and the present stoppage of legal business, beg leave to take this opportunity to inform you that it is our united request that you immediately proceed to business as usual, without stamps, and use your influence to open the courts of justice as soon as possible, which we doubt not you are able to effect: Such is our confidence in you, gentlemen, that we cannot think you will be backward to comply with so reasonable a request of your countrymen.

SONS OF LIBERTY

Feb. 13th, 1766

Upon which, after deliberation, they returned the following answer.

It is agreed and determined, by a majority of the lawyers now met at New-Brunswick, to preserve that happy state of peace and tranquility, which has by the blessing of God, hitherto been maintained in this province of New-Jersey, to desist from their practice, till the first Day of April next, and if they receive no accounts from the parliament, before the said first day of April, they will in such case, begin their practice as usual, or sooner if earlier accounts are received from the parliament.

This thirteenth day February, A. D. 1766,

Also two of the gentlemen appointed to speak in the name of the whole, in a solemn manner, told the SONS OF LIBERTY, that if the stamp-act was not suspended or repealed, that they would join the SONS OF LIBERTY,

with their lives and fortunes, in opposition to it: For which they gave them their thanks, and returned home satisfied; with strong hopes that so noble a resolution will be strictly imitated by every gentlemen of the profession, on the continent.

Letter from Col. William Skinner to James Parker, acquainting him of the great probability that the Stamp Act will be repealed, and of the action of Parliament in relation thereto.

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. I, No. 83.]

LONDON 8th Feby 1766

Dear Sir

(Extract.)

* * * I have the pleasure to acquaint you that there is the greatest probability of the Stamp Act being repealed, for the reason there was a motion made in the House of Commons yesterday by Mr. Greenville whether the Act should be put in Execution or not; Great debate of course arose from that question. They at last came to a division and it was carried in favour of the present Ministry 225 to 113 that it should not. This every body imagines to be a prelude to a repeal, which has given great Satisfaction not only to every American in this part of the world, but to every thinking man that is a well wisher to his Country. It is impossible to describe the tumult and disorder here, owing to a total Stagnation of those Manufactures America took off of our hands, which Kept thousands of people from Starving, who have now not a morsel of bread to eat, and are as rife for Rebellion as *Some others* are thought to be. * * *

Yours Sincerely

W^m SKINNER.

Circular letter from Mr. Secretary Conway to the Governors in North America, informing them that a Bill is brought in and has made some progress in Parliament for the Repeal of the Stamp Act.

[From P. R. O. America and West Indies, Vol. 251 (269).]

ST. JAMES'S, 1st March 1766.

Sir

I am very sorry not to be able, as yet, to give you any Instruction for the Rule of Your Conduct in the perplexed Situation of Things in the Colonies; But The Parliament, to whose Wisdom His Majesty has been pleased to refer those affairs, not having come to any ultimate Decision thereon, I may not presume to give You any positive Direction: At the same Time, It is, I think, my Duty to inform You, That a Bill is brought in, and has made some Progress in the House of Commons, for the Repeal of the Stamp Act; and that other Proceedings, relative to the mutual Rights of Great Britain, and Her Colonies, are also in Consideration before Parliament. As soon as ever any Thing is ultimately determined by The Legislature, You may depend upon the Speediest Information from Me, and will not fail to receive therewith His Majesty's further Instructions. In the mean Time, the King relies on Your Discretion to take the properest Measures, that the Circumstances of the Times may require, for the Good of the Colony committed to Your care.

I am &c^a

H. S. CONWAY.

Circular letter from Secretary Conway to the several Governors of North America, transmitting copies of two Acts of Parliament—one for securing the dependency of the Colonies on the Mother Country, the other for the Repeal of the Stamp Act.

[From P. R. O., America and West Indies, Vol. 251 (369).]

ST JAMES'S, 31st March 1766.

Sir,

Herewith I have the pleasure of transmitting to you Copies of two Acts of parliament just passed: the first for securing the Dependency of the Colonies on the Mother Country; the second, for the Repeal of the Act of last Session, granting certain Stamp Duties in America; And I expect shortly to send You a third, for the Indemnity of such persons, as have received the penalties imposed by the Act just repeal'd, as such a Bill is now depending, & has made a considerable progress in the House of Commons.

The Moderation, the Forbearance, the unexampled Lenity & Tenderness of parliament towards the Colonies, which we so signally display'd in those Acts, cannot but dispose the province, committed to Your Care, to that Return of chearful Obedience to the Laws, & legislative Authority of G. Britain, & to those Sentiments of respectful Gratitude to the Mother Country; which are the natural, & I trust, will be the certain Effects of so much Grace and Condescension, so remarkably manifested on the part of His Majesty & of the parliament; And the future happiness & prospertiy of the Colonies will very much depend on the Testimonies, they shall now give of these Dispositions.

For, as a dutiful & affectionate return to such peculiar proofs of Indulgence & Affection, may, now at

this great Crisis, be a means of fixing the mutual Interests & Inclinations of G. Britain & her Colonies on the most firm & solid Foundation, so it cannot but appear visible that the least Coldness or Unthankfulness, the least Murmuring or Dissatisfaction, on any Ground whatever, of former heat, or too much prevailing prejudice, may fatally endanger that Union, and give the most severe & affecting blow to the future interests of both Countries.

You will think it scarce possible, I imagine, that the paternal Care of his Majesty for his Colonies, or the Lenity & Indulgence of the Parliament should go farther than I have already mentioned: Yet, so full of true magnanimity are the Sentiments of both, & so free from the smallest Colour of Passion or prejudice, that they seem dispos'd not only to forgive, but to forget those most unjustifiable Marks of an undutiful Disposition, too frequent in the late Transactions of the Colonies, & which, for the honor of those Colonies, it were to be wish'd had been more discountenanc'd and discourag'd by those, who had Knowledge to conduct themselves otherwise.

A Revision of the late America Trade Laws is going to be the immediate Object of Parliament: Nor will the late Transactions there, however provoking, prevent, I dare say, the full operation of that Kind & indulgent Disposition prevailing both in his Majesty & his parliam^t, to give to the Trade & Interests of America every Relief which the true State of their Circumstances demands or admits.

Nothing will tend more effectually to every conciliating Purpose, and there is nothing therefore I have it in Command more earnestly to require of You, than that you should exert Yourself in recommending it strongly to the Assembly, that full & ample Compensation be made to those who, from the Madness of the People, have suffered for their Deference to Acts

of the British Legislature; and you will be particularly attentive, that such persons be effectually secured from any farther Insult; And that, as far as in You lies, You will take Care, by Your Example & Influence, that they may be treated with that respect to their Persons, & that Justice in regard to all their Pretensions, which their Merits & their Sufferings undoubtedly claim. The resolutions of the House of Commons which, by his Matys Commands I transmit to you, to be laid before the Assembly will shew you the sense of that House on those points; And I am persuaded it will, as it certainly ought, be the Glory of that Assembly to adopt & imitate those sentiments of the British Parliament, founded on the clearest principles of humanity & Justice. I must mention one Circumstance in particular which ought to recommend those unhappy People, whom the Outrage of the populace has driven from America, to the Affection of all that Country; which is, that Unprovoked by the Injuries they had suffered to a forgetfulness of what they owed to Truth & their Country, they gave their Testimonies with Knowledge & without passion or prejudice; and those Testimonies had I believe, great weight in persuading the Repeal of the Stamp Act.

Your Situation which has made You a Witness of the Distraction of that Country, will enable You to form the best Judgment of the behaviour which Your Province ought to use upon this Occasion, & of the Arguments which You ought to employ to enforce the Necessity of such a behaviour as is suitable to their present Circumstances

I am &c^a

H. S. CONWAY.

Circular letter from the Duke of Richmond, Secretary of State, to all the Governors in North America and West Indies, transmitting copy of the Act of Parliament to indemnify such persons as have incurred the penalties imposed upon them by the Stamp Act.

[From P. R. O. America and West Indies, Vol. 269.]

WHITEHALL, 12th June 1766.

Sir,

I have the pleasure of transmitting to You herewith inclosed, a Printed Copy of an Act of Parliament, entitled, “An Act for indemnifying Persons who have incurred certain Penalties by an Act of the last Session of Parliament, for granting certain Stamp Duties in the British Colonies and Plantations in America,” &c^a as also Copy of another Act, “for Opening and Establishing certain Ports in the Islands of Jamaica & Dominica, for the more free Importation & Exportation of certain Goods & Merchandizes” & other Purposes therein set forth.

Thus you see, Sir, that not only the greatest Attention has been shown to His Majesty’s American Subjects, by the Repeal of an Act which they had complained of, but those Grievances in Trade which seemed to be the first and chief Object of their Uneasiness, have been taken into the most minute Consideration, & such Regulations have been established, as will, it is hoped, restore the Trade of America not only to its former flourishing State, but be the means of greatly increasing and improving it, to the Conveniency & Advantage of All His Majesty’s Subjects in every part of His Dominions.

With these Views have these Regulations been

enacted, & from the best Enquiries into the Commerce of America, it is more than probable that very Salutory Effects will answer the Intentions.

Such manifest Concern and tender Regard shewn by His Majesty, & His Parliament for the true Happiness and Prosperity of the Colonies and Plantations cannot fail, I am persuaded, to produce, on their Part, suitable Sentiments of Duty, Respect & Gratitude to Their King, & of Love and Attachment to their Mother Country.

I am &c^a

RICHMOND. &c.

Additional Paragraph to the Governors of
Places where no Opposition was made to
The Stamp Act.

Gov^{rs} of Jamaica, Barbado's, Grenada, Bahama Islands,
East Florida, West Florida, Bermuda, Pennsylvania,
Nova Scotia, Quebec.

Tho' it does not appear by any Advices hitherto received that any of the People under your Government have subjected themselves to the Penalties mentioned in the first of these Acts, it was nevertheless thought expedient that I should send you a Copy of it, lest any unexpected Event should have since made it necessary * * * * * at the same time I have it in express Command from the King to signify His highest Approbation of the Dutiful, Loyal & Discreet Conduct observed in Your Government during the late unjustifiable Transactions in other Parts of America.

Letter from Governor Franklin to Secretary Conway, transmitting a copy of his speech to the Council and Assembly, congratulating them on the repeal of the Stamp Act; also the addresses of those bodies to His Majesty.

[From P. R. O., America and West Indies, Vol. 172 (190).]

PERTH AMBOY, June 19th 1766

Right Hon^{ble} Henry Seymour Conway, Esq.

Sir

I had the Honour of receiving your two Letters of the 1st & 31st of March, with the two Acts of Parliament, and the Resolutions of the House of Commons, which were contained in the last. I immediately summoned the Council & Assembly to meet at this Place, when I laid those Papers before them, and recommended it to them to return their Thanks & Acknowledgements to His Majesty and his Parliament for their great Goodness & Condescension in relieving this Country from the Difficulties occasioned by the Stamp Act. This they have unanimously agreed to do, and their Addresses will, I believe, be transmitted to their Agent in England by this Opportunity: And I have Reason to think that you will find them filled with the warmest Expressions of Duty & Gratitude.

It gives me great Pleasure that I have been able, thro' all the late Disturbances, to preserve the Tranquility of this Province, notwithstanding the Endeavours of some to Stimulate the Populace to such Acts as have disgraced other Colonies.

The Wisdom of the present Measures have already had the best Effects in America, & afford the pleasing prospect of an uninterrupted Harmony between the two Countries.

The Legislature is still sitting, and, in all Probability we shall have an amicable Session. I send, herewith, a Copy of my Speech to the Council & Assembly on this Occasion, and as soon as I can obtain a Copy of their Proceedings I shall do myself the Honour of transmitting it to you likewise.

I am with the greatest Respect, Sir, Your
most obedient & most humble Servant

W^m FRANKLIN

Since writing the above, the Council & Assembly have brought me their respective Addresses to His Majesty, which they desired me to transmit to you, with a Request that you would do them the Favour to lay them before His Majesty; or that you would be so condescending as to direct their Agent (who has Orders to wait on you for the Purpose) as to the Manner in which they should be presented.—I accordingly send them enclosed.

W^m FRANKLIN

Governor of New Jersey's Speech to the Council & Assembly—In His Letter of the 19th
Gentlemen of the Council, & Gentlemen of the
Assembly,

Altho' I was desirous to have met you sooner, yet I postponed calling you together till I was enabled to Acquaint you with the Determination of his Majesty & the British parliament on the Act for granting certain Stamp Duties in America. This delay, I imagined, tho' it made the Session somewhat later in the Season, than usual, would be more agreeable to you than to be put to the Inconvenience of Another meeting on that particular account.

It gives me great satisfaction that I have it now in my power to Communicate to you an Act for the repeal of that Statute, and to present you with my

sincere Congratulations on the happy Termination of this most Important Affair.

You will see by the Right Honourable M^r Secretary Conway's Letter, that such is the kind & Indulgent disposition prevailing both in His Majesty and his Parliament, that they are Inclined not only to Indemnify those persons who have Incurred the penalties of the late Stamp Act, but to give the Trade & Interests of America Every Relief which the true State of our Circumstances may demand or Admit.

I have likewise received a Copy of an Act for the better securing the dependency of the Colonies on the Mother Country. This I shall order to be laid before you, together with sundry Resolutions of the Honourable House of Commons, expressing their Sentiments of those late unwarrantable Transactions which, unhappily, were too prevalent throughout the Colonies of America.

It must, however, be mentioned to the Credit of New Jersey, that no act of Outrage or Violence, no hurt to person or property has been Committed by the Inhabitants of this Province. The good Effects which have resulted from such Conduct, will no doubt Afford them great pleasure in the Reflection; And they may be Assured, that I have, from time to time, done them the Justice to make their prudent Behaviour, in this respect, known to His Majestys Ministers.

But I should think myself greatly wanting was I not to take this opportunity of Acknowledging the Services rendered the Crown & this Province by Captain Hawker, Commander of His Majesty's Ship Sardoine, who, upon my Request, with great politeness & Readiness, undertook the Care & protection of the Stamp'd Papers destined for New Jersey. Nor should I pass over, without Commendation, the good Conduct of you Gentlemen of the Council & General Assembly, who, together with the Chief Justice, and other Justices of the Supream Court, many of the

Justices of the Inferior Courts and the most eminent Gentlemen of the Law, have likewise, in your and their respective Stations, been greatly Instrumental in promoting & preserving the Peace & Order of the Province.

Happily, the Storm which for some time past raged so Violently as to threaten the future welfare of Great Britain & her Colonies, is at length Subsided. The Tenderness, Lenity & Condescension—the Wisdom, Justice, and Equity, which his Majesty and the Parliament have manifested on this Signal Occasion, cannot but make deep Impressions upon the mind of every Loyal American Subject, and Excite the most lively Returns of Duty & Gratitude.

It is Needless, Gentlemen, I am convinc'd, for me to urge any Arguments to give you a Just Sense of your particular Duty at this great Crisis; more especially as you will find it so fully and ably pointed out in the very Excellent Letter from His Majesty's Secretary of State.

All I shall add, therefore, is my hearty wishes, that there may be, henceforth, an Indissoluble Union of the Hearts of all the Kings Subjects in the Bonds of mutual Affection, so that there may remain no other Contention among them, but who shall Exceed the other in contributing to Advance the General Interest, happiness and Glory of the British Empire.

W^m FRANKLIN

The Council of New-Jersey's Address to His
Majesty

TO THE KING'S MOST EXCELLENT MAJESTY

Most Gracious Sovereign

With unfeigned Assurances of Duty Loyalty and Affection, and with the highest Sentiments of Gratitude Esteem and Veneration; We your Majestys Subjects the Members of the Council of your Province of

New Jersey, beg leave to Approach Your Throne with our Tribute of Thanks, and Grateful Acknowledgments for the Happiness which necessarily results to the Inhabitants of this Province, from your Majestys Gracious Condescension in assenting to the Repeal of the late American Stamp Act.

As the Distress and Anxiety which lately Depressed the minds of your faithfull Subjects in these your Dominions, and excited the most alarming and melancholy Apprehensions, are now happily dissipated—The Joy We feel on this occasion is not to be Equalled, but by the Sincerity of our Thankfulness, and Gratitude, for this Signal relief afforded us, and for the pleasing Prospect of such Extension of Commercial Priviledges to Great Britain, and Her Colonies, as must lay the Foundation of Lasting Union between them, and every Part of your Majestys extensive Empire—The Colonys thus cherished and protected, will we trust for ages continue, the happy Seats of Wealth, Freedom, and Loyalty; Such marks of Royal favour and Attention to the Welfare and Prosperity of a growing People, are worthy a Prince deservedly the Delight of His Subjects—Worthy the Wisdom & Dignity of a British Senate, The Constitutional Guardians of the Laws, The Liberties, and the Properties of the People.

Permitt us to Assure your Majesty that we Acknowledge the Wisdom Justice and Goodness of the Parliament of Great Britain, that their Dignity and Authority ought ever to be Supported, a Constitutional Dependance maintained, and a ready Obedience paid by All the Subjects of your Majestys Extensive Dominions; Convinced by the Present Motives of our Joy & Thankfulness. That whilst enlarged Views for the Commercial concerns of your Kingdoms, and Colonies, shall prevail in your Majestys Councils; The British Parliament will be a Source of Laws adapted to the Genius of the Inhabitants of the Colonies, pro-

ductive of advantage to be wished or hoped for, and firmly Unite the most Gratefull, and Obedient Subjects, to the most Indulgent and Amiable Sovereign.

By Order of the House

PETER KEMBLE Spe^r

The Assembly of New-Jersey's Address to His Majesty

TO THE KINGS MOST EXCELLENT MAJESTY.

May it Please Your Majesty

We Your Majesty's Most dutifull and Loyal Subjects the Representatives of the Colony of New Jersey in General Assembly Met Humbly Beg Leave to Approach Your Royal Person, and with the most Unfeigned Gratitude, to thank Your Majesty for Your Great Condescention and Goodness in giving Your assent to the Repeal of the Act Granting Certain Stamp duties in America.

It has Been Invariably the Principle of Your Royal house to Govern Your People according to the Constitution, And their Glory to Rule over a Nation of Freemen.

Your Faithfull Americans have Ever been free, and with the Most Unbounded Loyalty and Affection to Your Majesty and Respect and Veneration for the Parliament of their Mother Country, They were Most Sensibly affected when they Saw a Law Passed that Endanger'd both their Liberty and Property.

Their Struggles on this Occasion (Untill their Case Could be Laid before Your Majesty and the Parliament) however they may appear, or are Represented, were not those of Rebellion or Disaffection, But those of Freemen, Attached to Your Majesty's Person and Government.

It is with the Greatest Satisfaction that We See

Your Majesty, Your Present Worthy Ministry, and Your Parliament, Penetrating the True Cause of our Uneasiness and Relieving us from the Burthen of an Impolitic Law; The Wisdom and Justice of this Measure will henceforth, we doubt not, Induce Your American Subjects to Place the Greatest Confidence in Your Majesty and the British Parliament, and be a sure means of Conciliating the Affections of the People of both Countries.

Permit us most Gracious Sovereign at the same Time that We Present our Sincere and Humble thanks to Your Majesty for the Repeal of this Law to assure Your Majesty that as We heretofore Granted Aids to the Crown Suitable to our Circumstances, so Whenever Requisitions are made for that Purpose in the Antient and Accustom'd manner, our duty to Your Majesty and Concern for the Glory and Interest of Britain will Ever Induce us Chearfully to Comply therewith to the Utmost of our Abilities; And as no danger Can Approach Britain without Giving us the most Sensible Alarm, So Your Majesty may be assur'd, that with filial duty we Shall Ever be Ready to afford all the Assistance in our Power, and Stand or fall with that Kingdom from which we Boast our descent, And to which we are Attached by the Strongest Ties of duty, Gratitude, and Affection.

Signed by order of the House

CORTLAND SKINNER Speaker.

House of Assembly June 20th 1766.

*Reply of the Council to the Speech of Gov. Franklin,
at the opening of the Session of the Legislature,
congratulating him on the repeal of the Stamp Act.*

[From Skinner Papers among Manuscripts of W. A. Whitehead, Vol. I, No. 86.]

To His Excellency William Franklin Esq. Cap-
tain General & Commander in Chief of the
Province of New Jersey.

May it please Your Excellency.

We His Majesty's most Dutifull & Loyall Subjects
the Council of the Province of New Jersey beg leave
to return your Excellency our Thanks for your Speech
at the Opening of the Sessions.

We most Sincerely Rejoyce with your Excellency
on the Repeal of the Act for Granting certain Stamp
Duties in America ; an Event as it so greatly conduces
to the Peace & Happiness of His Majesty's American
Dominions cannot but Excite in us the Utmost Grati-
tude & Thankfulness for this fresh Instance of His
Majesty's Royal favour and of the Wisdom & Justice
of the British Parliament.

An Indemnification to those Persons who have In-
curred the Penalties of the Late Stamp Act must be
considered as a farther mark of the Lenity & Indul-
gence of Our Sovereign, and every new Measure that
may be Resolved on to Increase the Commercial Inter-
ests of Great Britain and her Colonies will further
Evince the Advantages which must ever Redound to
a people from the advice of a Ministry who have Judg-
ment to discern & Inclination to promote the True
Interest happiness & Prosperity of the Nation.

It affords us great Satisfaction that the wise meas-
ures pursued by your Excellency during the late
alarming Period, were attended with Good Effects of

preserving the Public Peace of the Colony, and it reflects Credit on the Inhabitants that their prudent and orderly Behaviour has been obvious to your Excellency; and their thanks are due to you for such favourable Representations as you have been pleased to make of them to His Majesty's Ministers.

Your Excellency's Approbation of our Conduct is a further Satisfaction to us. Respect to the Authority of Government, the Preservation of Peace and good order in this Colony will ever be objects of our strict Attention, and it is with Pleasure we have observed in the Conduct of the Chief Justice and many Magistrates & others of this Province that they have been actuated by the same Sentiments.

The Tenderness, Lenity & Condescension of His Majesty, and the Wisdom & Justice of the British Parliament, in removing the Danger that lately threatened the Colonies, Cannot but Excite in all his American Subjects the strongest Sentiments of Loyalty and will necessarily Contribute to advance the General Interest and Happiness of the British Empire, which we shall ever strenuously Endeavour to promote.

Circular from the Lords of Trade to the Governors of the Plantations in America, requiring from them an account of the several manufactures carried on in their respective Governments.

[From New York Colonial Documents, Vol. VII., p. 847.]

WHITEHALL Aug 1st 1766

Sir

In pursuance of an address of the House of Lords to His Majesty on the 27th of March last, and of His Majesty's Commands thereupon, Signified to us by His Grace the Duke of Richmond, in a letter to us

dated the 11th ultimo, you are forthwith to prepare, and, as soon as possible transmit to us, in order to be laid before the House of Commons in the next Session, a particular and Exact Account of the Several Manufactures which have been set up and Carried on within the Colony under Your Government since the Year 1734. And of the public encouragement which have been given thereto.

You are also from time to time Annually to transmit the like Account of any Manufactures which shall hereafter be set up, and of the Public Encouragement which have been given thereto.

We are &c

DARTMOUTH. JOHN ROBERTS
ED. ELLIOT. W^m FITZHERBERT
PALMERSTON

*Proclamation of Governor of New York—relative to
the robbery of the East Jersey Treasury.*

[From N. Y. Col. MSS., in Secretary of State's Office, Albany, Vol. XCV., p. 48.]

* }
L. S. }
* }

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

A PROCLAMATION

WHEREAS it appears on Oath that in the Night of the twenty first day of July last, the House of Stephen Skinner Esq^r Treasurer of the Eastern Division of the Province of New Jersey, was broke open, and upwards of Seven thousand Pounds, feloniously taken and car-

ried away from thence, by some Person or Persons unknown, part of the said Money consisting of Dollars; a small part of Gold; and the Residue chiefly of New Bills of Credit of the Colony of New Jersey. And Whereas his Excellency the Governour of that Province, has requested that I would give Directions to the Civil Officers within this Government to use their Endeavors to discover and apprehend the Perpetrators of the said Felony; and for this purpose to examine all Persons who from the possession of an unusual Sum of the Currency of the Colony of New Jersey, or other Circumstances may be suspected of being Concerned therein. I have therefore thought fit by and with the Advice of his Majesties Council of this Province, to Notify the Premises by this Proclamation, Hereby also strictly enjoining and requiring all Magistrates Justices of the Peace, Sherifs and other Officers within the same, diligently to exert themselves in order to discover the Perpetrator or Perpetrators of the Burglary and Felony aforesaid and if found, him or them to apprehend and Commit or Cause to be apprehended or Committed to the next Jail there to remain to be dealt with according to Law.

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

By his Excellencys Command * * * *
H. MOORE.

GOD SAVE THE KING

It appears by Governor Franklins Proclamation of the twenty sixth of July that the Person who shall discover and bring the above Offenders or either of them to Justice will be entitled to Fifty Pounds from

the Governour of New Jersey, and to a farther Reward of One hundred Pounds to be paid by Mr. Skinner, and that any accomplice making such discovery will also be entitled to his Majesty's most gracious Pardon.

Additional Instruction to the Governors in the American Plantations, regulating their Correspondence.

[From New York Colonial Documents, Vol. VII., p. 848.]

WHITEHALL Aug. 9. 1766.

Whereas we have thought fit by Order made in our Privy Council on the 8th Instant, to revoke and repeal an Order made in Council by his late Majesty our royal Grandfather on the 4th of March 1752, containing several Rules and Regulations relating to our Colonies and Plantations in America and elsewhere, particularly with respect to the Correspondence to be carried on between our Commissioners for Trade and Plantations and the Governors of the said Colonies and Plantations respectively. It is therefore Our Will and Pleasure to revoke and annul and We do hereby revoke and annul all and every such Part and Parts of our general Instructions, and of any additional Instructions to you, as do direct and require you to Correspond in matters relative to your Government with Our Commissioners for Trade and Plantations only; And it is Our Will and Pleasure that in all cases where you are directed & required to transmit any General or particular Accounts of your proceedings, or of matters relative to your Governments, you do, for the future transmit the same to us, by one of our principal Secretaries of State, and also transmit Duplicates thereof to our Commissioners for Trade and Plantations for their information except in cases of a secret nature.

*Letter from Governor Franklin to the Secretary of the
Lords of Trade, transmitting votes of the Assem-
bly and Laws passed at the last session.*

[From P. R. O., B. T., New Jersey, Vol. 9, K. 59.]

BURLINGTON, New Jersey, Sept^r 10th 1766

John Pownall Esq.

Sir,

I receiv'd yours of the 19th of June, with the several Acts of Parliament relating to America, which passed in the last Session.

Enclosed are the printed Votes of the Assembly, and the Laws past at a Session held at Amboy in June last, which I must desire you to lay before the Lords Commiss^{rs} for Trade & Plantations, as they contain all the late Transactions of any Importance within this Government. By the Indisposition of the principal Clerk in the Secretary's Office, I am prevented from sending a Copy of the Minutes of Council, & certified Copies of the Acts in the usual Manner, but their Lordships may depend upon receiving them by the next Packet.

I am, Sir, Your most obedient
and humble Servant

W^m FRANKLIN

Letter from Governor Franklin to the Duke of Richmond, Secretary of State, acknowledging receipt of Acts of Parliament relative to America, and transmitting the last votes and acts of the Assembly of New Jersey.

[From P. R. O., America and West Indies, Vol. 172 (190).]

BURLINGTON, New Jersey, Sept^r 11th, 1766

His Grace the Duke of Richmond, &c Sec^{ry} of
State

My Lord,

I have had the Honour of receiving Two Letters from your Grace, dated, June 12th & July 10th with Sundry Acts relative to America, which passed in the last Session of Parliament. These Acts are such Proofs of the Attention of His Majesty & the British Parliament to the Welfare and Happiness of the King's American Subjects as must necessarily inspire them with Suitable Sentiments of Duty and Gratitude. With my Dispatches of the 19th of June last, I transmitted to M^r Secretary Conway, the Addresses of the Council & Assembly of this Province, containing their dutiful & grateful acknowledgments for the Repeal of the Stamp Act, which I hope will meet with His Majesty's most gracious Approbation. I now enclose a printed Copy of the last Votes & Acts of Assembly, and should have sent your Grace a Copy of the Minutes of Council, by this Opportunity, but that the Indisposition of one of the principal Clerks in the Secretary's Office has prevented. By these your Grace will be inform'd of every Occurrence of a publick Nature, in this Province, which is worth communicating.

I am, with the greatest Respect

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

W^m FRANKLIN

Circular Letter from the Earl of Shelburne to all the Governors in America, in relation to complaints made by the Superintendents of Indian Affairs, concerning the murdering of Indians under British protection.

[From P. R. O. America and West Indies, Vol. 269.]

WHITEHALL Sept: 13th 1766

Sir

Advices having been received from His Majesty's Superintendents for Indian Affairs, that the most unprovoked violences and Murthers have been lately committed on the Indians, under the Protection of His Majesty, and whose Tribes are at present in Peace and Amity with His Majesty's Provinces, and that the offenders have not yet been discovered and brought to Justice, and likewise that Settlements have been made on the Back of the Provinces, without proper Authority and beyond the Limits prescribed by His Majesty's Royal Proclamation of 1763, and in some Places even beyond the utmost Boundaries of any Province in America, and that, in consequence, the Indian Nations do every where discover the greatest Discontents and Resentments which may endanger the Peace of His Majesty's Provinces, and the safety of His subjects.

It is therefore His Majesty's Commands, that you apply yourself in the most earnest manner, to remedy and prevent those Evils, which are as contrary to the Rules of good Policy as of Justice and Equity.

The Violation of those Principles attended also with so many Dangers to the Provinces, is what cannot be permitted; If a due Obedience had been paid to His Majesty's Royal Proclamation, and a due attention given to proper Restraints on the Conduct of the In-

dian Traders, these Evils would have been effectually avoided.

His Majesty's Commander in Chief has received express Orders co-operate with the Civil Government for the enforcing a due obedience to that Proclamation : and His Majesty requires and expects every Measure to be taken which Prudence can dictate for the removing such Settlers, preventing in future any such settlements as are contrary to the Intention of the Proclamation, and for apprehending such Offenders, whose daring Crimes have so direct a Tendency to involve the whole of His Majesty's Provinces in America in an Indian War.

I am &c^a

SHELBURNE

Letter from Secretary Shelburne to Governor Franklin, conveying the King's approval of the conduct of the people of New Jersey as well as that of the Governor during the late disturbances.

[From P. R. O. America & West Indies, Vol. 172 (190).]

WHITEHALL Sept^r 13. 1766.

Gov^r Franklin.

Sir.

I have laid before the King your Letter of the 19th June, together with the Addresses therein inclosed, from the Council and from the Assembly of New Jersey, on occasion of the Repeal of the late Stamp Act, which could not fail of being very agreeable to His Majesty.

His Majesty is greatly pleased with the Dutiful and Prudent Behaviour of His Loyal Colony of New Jer-

sey during the late Disturbances in America, and I have the Pleasure to acquaint you, Sir, of His Majestys gracious Approbation of their Conduct.

The ease and honor of His Majestys Government in America will greatly depend on the Temper and Wisdom of those who are entrusted with the Administration there. A conduct regulated by just and liberal Principals, suffering no Encroachment on the one hand on His Majesty's just and lawful Prerogative, on the other hand beholding with Pleasure, the prudent & decent Exercise of that Freedom which belongs to the People, cannot fail of engaging the Hearts of His Majesty's American Subjects, and of continuing in New Jersey that dutiful Disposition towards His Majesty, and Confidence in Government which you represent so much to its Honor to have prevailed there

I am &c

SHELBURNE

Letter from Henry Wilmot to Cortlandt Skinner, acknowledging the receipt of Assembly's resolution appointing him Agent of the Province, and announcing another change in the administration.

[From the Skinner Papers among Manuscripts of W. A. Whitehead. Vol. 1, No. 89.]

BLOOMSBURY SQUARE 25th Sep^r 1766.

Sir

I Received the Honour of your letter of the 20th June with the Resolution of the House of Representatives appointing me their Agent, and with their Address to his Majesty. If I had no other reason than Lord Sterling's request, I could refuse nothing his Lordship desired. But I am very sensible of the Honour, the House of Representatives have done me in their

Unanimous appointment, and you in Particular in Proposing me to be their agent, and I will endeavour to serve the Province to the utmost of my Power. *Two Things* I must begg leave to promise to you. The first is that any Instructions you shall be pleased to give me, you will be full in your Directions, and Consider me as at present in some Degree a Stranger to your Colony. The Second is that I am agent for the four Leeward Islands, and if ever any Contest shall arise wherein their Interests and yours come in Competition (which probably will never happen) you must allow me to preserve my allegiance to them.

I Directly presented your Address by L^d Shelburne to his Majesty and it was incerted in the Gazette.

We have now had another Change of Administration. These frequent Changes most certainly are Detrimental to the Publick. I think them so destructive that I think it wrong to change even to a better Administration, if it could be had. I hope this will be lasting. Indeed I do not see to whom his Majesty can apply, if he is Dissatified with this Administration. Lord Chatham is certainly in full Poss[ess]ion of the Closet, at present. My friend Lord Camden is Chancellor, and my old master Lord Northington President of the Councill. I am sorry Lord Dartmouth does not Continue. I cannot but think it has been a great advantage to the Colonys to have had the first Lord of Trade Secretary of State for the Colonys. It would have given great Dispatch and Lessned Expence. This was intended, and the whole was Settled, and Lord Dartmouth had Kissed hands for it, if the last Administration had continued a week longer. This measure it seems was not liked by Lord Chatham, who would not permitt it. Lord Dartmouth thought it inconsistent with his Honour, unless that business was Compleated, to continue, and therefore his Lordship resigned. The Parliament is to meet the 11th Novemb^r

for the Dispatch of business. The opposition will be Considerable, but there is not the least doubt but the present Administration will stand, if they continue to have the full Support of the Crown, which if for no other reason but the necessity of it, I think they must have.

You will be so obliging as to Present my proper Acknowledgements to the House of Representatives, and to believe me to be with the greatest Honour and and Regards,

Sir, Your most faithful most oblged
& most obed^l hble Servt
HENRY WILMOT

Circular Letter to all the Governors of America, requesting them to give an exact estimate of the annual charge of maintaining the entire establishment of their respective Provinces; also the mode of imposing quit-rents, and of granting lands.

[From P. R. O. America and West Indies. Vol. 270 (291).]

WHITEHALL Dec^r 11, 1767-66.

To all the Governors on the Continent of
America.

I am to signify to You His Majesty's Pleasure that You will with as much Dispatch as may be transmit to Me for His Maty's Information an exact Estimate of the annual Charge of maintaining & Supporting the Entire Establishment of His Majesty's Colony of — distinguishing the different Funds & the different Services to which those Funds are appropriated. You will be very particular in specifying what Funds are

fixed & regular, from those which are annually granted or which expire in a given time.

It is also His Majesty's Pleasure that You transmit to me at the same time, a full & clear account of the manner of imposing Quit Rents, & of levying them as also the mode of granting Lands in Your Colony, specifying the Amount of Arrears of Quit Rents, & the Number of Grants hitherto made, & to whom, how many Acres to each, & at what time the Grants have been made.

I am &c^a

SHELBURNE

Letter from Governor Franklin to the Earl of Shelburne, concerning the Murders and Violences committed on the Indians, and the New Jersey Act for supplying the Barracks.

[From P. R. O. B. T., New Jersey, Vol. 9, K. 64.]

BURLINGTON December 16th 1766

Right Hono^{ble} the Earl of Shelburne Secretary
of State

My Lord

I am honoured with your Lordships Letters of the 9th of August, & two others of the 13th of September, which I should have acknowledged by the last Packet, but that I was at that time greatly indisposed with a Fever.

His Majesty's Commands to direct my Dispatches henceforward to your Lordship could not but be extremely agreeable to me; and I shall not fail paying strict Obedience to those Orders I may from Time to Time have the Honour to receive from your Lordship.

I communicated to the Council your Lordship's Letter mentioning the gracious Reception His Majesty was pleased to give their Address, which was greatly pleasing to them. The Assembly have not met since it came to hand, but when they do I shall communicate it to them likewise, and doubt not but it will afford them equal Pleasure. His Majesty's gracious Approbation of my Conduct gives me peculiar Happiness, as it has always been my highest Ambition and constant Endeavour to render myself in some Degree worthy of it. And I cannot but hold myself greatly indebted to your Lordship for the very obliging Manner in which you have been pleas'd to express yourself on the Occasion.

In answer to your Lordship's Letter of the 13th of September, relative to the Violences & Murthers which have lately been committed on the Indians under the Protection of His Majesty, I can assure you Lordship that whatever may be the Case in the other Colonies, nothing of the kind has been suffered to pass with Impunity in this Province. This I believe, His Majesty's Commander in Chief, & the Superintendant for Indian Affairs will do me the Justice to acknowledge. There has been lately two Persons executed here for the Murder of two Indian Squa's, belonging to a small Tribe settled in the interior Parts of the Province, on Lands given them by the Publick. These Men were not Inhabitants of this Colony, but were passing thro' in their Way to N. York, and happening to meet the Squa's on the Road, they robb'd and murdered them in a most barbarous Manner. I omitted nothing in my Power to have the Villians apprehended, & was so lucky as to have them taken in a few Days after, and brought to Justice. I have likewise been indefatigable in my Endeavours to have another Murderer apprehended who killed an Oneida Indian on the Frontiers of this Province, in which after a great deal of Trouble

& Management, I have happily succeeded, and I doubt not but he will likewise be brought to condign Punishment, at a Court of Oyer and Terminer to be held this Day in the County of Sussex.—These are the only two Affairs of the kind which have happened in this Province during my Administration; & I hope these Instances of Attention and Regard to the Indians will prove an Advantage to the British Interest with them, as well as of Service to those Colonies where they have not met with the same Justice. We are, indeed, less interested in keeping up a good Understanding with the Indians than almost any other Colony in N. America, as they do not pretend any Claim to Lands within our Limits, and as we have no Trade or Intercourse with them except now & then a Hunter of the Six Nations straggles down among our Frontier Settlements.

I send herewith Copies of the Minutes of Council & Twenty two Acts pass'd at the last Sessions of General Assembly. They are chiefly for the draining and Banking of Meadows, repairing of Roads, and other purposes of that kind; but none of them are of a new or extraordinary Nature. I should mention however, that in the "*Act for supplying the several Barracks*"¹

¹ The people of New Jersey having complained to the Governor and to the Assembly of the evils and inconveniences arising from the billeting upon them of the British soldiers, the Legislature, on April 15, 1758, appointed commissioners to erect suitable barracks for the accommodation of the troops at Burlington, Trenton, Perth Amboy, New Brunswick and Elizabeth-Town, at each of which places such barracks were erected, to accommodate three hundred men.—*Nevill's Laws*, II., 183; *Allinson's Laws*, 218. At the close of the French war the furniture was sold off, and the barracks rented. The agitation occasioned by the Stamp Act led to frequent movements of troops through the Province again, and in the Summer of 1766 the Legislature passed an act "appointing commissioners for supplying the several barracks erected in the Colony with furniture and other necessaries for accommodating the King's troops in or marching through this Colony," which being objected to by Governor Franklin, as above, failed to receive the Royal sanction and was disallowed May 13, 1767.—*Allinson's Laws*, 296. All the barracks were ordered sold by act of June 1, 1786, and were disposed of. A full and interesting account of the movements which led to the erection of these barracks will be found in a paper read by Adjutant-General William S. Stryker, before the New Jersey Historical Society, January 20, 1881, on "The Old Barracks, at Trenton, New Jer-

erected in this Colony with Furniture & other Necessaries, for accomodating the Kings Troops in, or marching thro' this Colony" they have, instead of specifying the several Articles required to be furnished by the Act of Parliament, impowered the Barrack Masters to provide "Firewood, Bedding, Blankets & such other "Necessaries as have been heretofore usually furnished to the several Barracks within this Colony." I did all I could to prevail on them to insert the very Words of the Act of Parliament, and to impower the Barrack Masters to furnish, at the Expence of the Province, the same Articles as were therein required. But it was to no Purpose. They said they had always furnish'd every Thing which was necessary ; that the Officers & Soldiers who had been quartered here never complain'd, but on the contrary, many of them acknowledged they were better accomodated here than they had ever been at Barracks in Europe. They added that they look'd upon the Act of Parliament for Quartering Soldiers in America to be virtually as much an Act for laying Taxes on the Inhabitants as the Stamp Act ; and that it was more partial, as the Troops were kept in a few of the Colonies, whereby others were exempted from contributing any Thing towards the Expence. I was therefore obliged to take the Act as it was tendered, or to let His Majestys Troops remain unprovided with Necessaries. I have, however, the Pleasure of finding the Regiment stationed in this Province perfectly satisfied with their Quarters. No Complaints whatever have been made to me, & I believe there are but few, if any Articles of Consequence required by the Act of Parliament but what they are furnished with here.

sey." A description of the barracks at Perth Amboy is given by Mr. Whitehead in his history of that place, 256-8. The barracks at New Brunswick were, by act of June 18, 1783, authorized to be transformed into the jail and court-house for Middlesex county, at the expense of the county. — *Wilson's Laws*, 326-7. — [W. N.]

I must beg leave to refer your Lordship, for further Particulars of the Transactions within this Government, to the Minutes of Council sent herewith. The printed Minutes of Assembly were sent in September. I have the Honour to be with great Respect

My Lord, Your Lordships

most obedient & most humble Servant

W^m FRANKLIN.

Letter from Governor Franklin to the Earl of Shelburne, informing him of the Trial and Execution of one Seymour for the murder of an Oneida Indian.

[From P. R. O., America and West Indies, Vol. 172 (190).]

BURLINGTON, N. Jersey Dec^r 23rd 1766

The Right Hon^{ble} the Earl of Shelburn, Sec^{ry} of State

My Lord

I have this Moment receiv'd a Letter from Judge Read, whom I sent into the County of Sussex, with a Special Commissⁿ of Oyer & Terminer to try one Seamour, the Supposed Murderer¹ of the Oneida Indian, in which he informs me, That he procured Indians to

¹ In Benjamin B. Edsall's historical address at the Sussex Centenary, in 1853, he thus alludes to the matter referred to by Governor Franklin: "Robert Seymour was apprehended upon a charge of murdering an Indian; but by the assistance of three friends he broke jail, and fled to parts unknown. His three friends were indicted for aiding his escape, but I have been unable to find in the Court minutes any record of their conviction and punishment."—*Sussex Centenary*, 1853, 45.—[W. N.]

attend the Trial, and that Seamour was convicted and executed, a Detachment of the Militia attending the Execution to prevent a Rescue.

I have the Honor to be, with great Respect,
 My Lord, Your Lordship's, most
 obedient & most humble Serv^t
 W^m FRANKLIN

Account by Governor Franklin of the Standing Salaries annually granted to the Officers of the Government of New Jersey, which at Sixty per cent., the Medium of Exchange with Great Britain, amounts to £1,075 Sterling.

[From P. R. O. America and West Indies, Vol. 270 (291).]

| | | |
|--|---------|-----------|
| To the Governor | £750 — | ⌘ Annum |
| To the Chief Justice | 93 15 | |
| To the second Justice of the Sup ^m Court | 31 5 | |
| To the 3 ^d Justice of the Supreme Court | 31 5 | |
| To the Attorney General | 18 15 | |
| To one Treasurer residing at Amboy | 25 — | |
| To one Treasurer residing at Burling- ton | 25 — | |
| To the Clerk of the Council | 18 15 | |
| To the Agent residing at London | 62 10 | |
| To the Clerk of the Circuits | 12 10 | |
| To the Doorkeeper of the Council | 6 5 | |
| | <hr/> | |
| | £1075 — | Sterling. |

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

- To the Members of the Council, and of the Assembly
 Three Shillings and nine Pence Each ⌘ day.
- To the Clerk of Assembly five shillings ⌘ day.

To the Serjeant at Arms to the Council & the Assembly One Shilling and ten Pence ꝑ Day.

To the Doorkeeper of the Assembly Two shillings ꝑ Day.

To the Governor for House Rent Thirty seven Pounds Ten Shillings ꝑ Annum.

The other Incidental Charges are such as arise for the Repair of Five Barracks built at the Expence of the Colony, Each capable to contain 300 Men; And the Allowance by Law to be made to the Troops from Time to Time Quartered in them, which is altogether uncertain.

Also an Allowance to the Chief Justice, or other Justice of the Supreme Court, of Six pounds five shillings Sterling for holding a Court of Oyer and Terminer when there shall be Occasion in any of the Countys of the Colony. And an Allowance to the Agent for Petty Expences of about Thirty pounds Sterling ꝑ Annum.

These Charges are now, and have been since my Arrival in the Government, paid by a Surplusage of Money struck for His Majesty's Service during the late War, which was to be sunk by a Tax in a Time limited in those Acts, and the same has hitherto been sunk with great Regularity under the Inspection of the Legislative Body.

Before the War the Expence of Government was paid by the Interest of Money emitted on loan by His Majesty's Approbation, and when that Money was called in (by Virtue of the Acts which gave it a Currency to a certain Time) the Support of Government was raised annually by Tax, on the real and personal Estates of the Inhabitants, which must be very shortly the Case again.

There are no Duties on the Import or Export of any Commodities but such as are laid and appropriated by Act of Parliament.

The Collectors of His Majestys Customs are the only Officers who have any Salary or Allowance from Great Britain.

All the Salaries, & Incidental Charges of Government, are annually granted and appropriated by Act of Assembly; they are issued (except Assembly men's Wages) by Warrant of the Governor in Council, & accounted for by the Treasurers, to the joint Committees of Council and Assembly.

All the Salaries allowed in this Government are very low, having been for the most Part settled when the Province was in its Infancy; and as the Expence of Living is since greatly increased they are not sufficient, with the Fees and Perquisites of Office added, to support the Officers in a Manner suitable to their Stations.

W^m FRANKLIN

Burlington, New Jersey Dec^r 28, 1766

Letter from John Stevens to James Parker of Perth Amboy, announcing that a Commission for Settling the line between New York and New Jersey had arrived, and giving the names of the Commissioners.

[From New Jersey Manuscripts, Vol. II., No. 105, belonging to the New Jersey Historical Society.]

NEW YORK Jan^y 20th 1767

Sir,

A Commission for settling the line between This Province and New Jersey came to S^r Henry Moore by the Packet that arrived two days ago, and as I have ordered two Copies of it one to send to you and the

other for us here I need not mention any Particulars and only give you a list of the Com^{rs}. We are of opinion the proprietors or as many of them as can get together should meet and instruct the agents fee Lawyers & advise on what steps to take. This meeting had best be here as we expect L^d Stirling here & shall be near Mr Ogden & Our Lawyers at this place. I think we should fee M^r. Chew whoes own interest will make him attentive & may be very usefull. I am

Your Very Hum. Serv^t

JN^o STEVENS

LIST OF COMMISSIONERS.

John Temple

Peter Randolph

Charles Stewart, Surveyor General

Andrew Elliot.

Chambers Russell

W^m. Allen.

Samuel Holland } Surveyor Generals for Southern

W^m De Brahm } & Northern Districts of America

Andrew Oliver

Charles Morris, One of the Council of Nova Scotia

Peyton Randolph.

Benjamin Franklin

Jared Ingersoll.

Any five of them to make a quorum—first meeting to be at N York & then when & where they think proper.

Petition of Peter Hasenclever & Company, of London, to the Earl of Shelburne, praying that they may be allowed to purchase Lands at St. Maurice, and giving their reasons therefore.

[From P. R. O. America and West Indies, Vol. 352 (270).]

LONDON The 28 January 1767.

To the Earl of Shelburne one of His Majesty's Principal Secretaries of State.

The Memorial of Peter Hasenclever¹ and Company of London Merchants, in behalf of themselves & others, *Humbly Sheweth*, That in the Year 1763, they entered into agreement to purchase in joint concern such tracts of Land in the Province of New York or in New Jersey as should be convenient for erecting Furnaces, Forges, & other Buildings, requisite for establishing a Manufactory for making Pig, & Bar Iron for supply of the Mother Country: apprehending that from such improvements as appeared to them to be practicable in the methods of carrying on that business they should

¹PETER HASENCLEVER, sometimes called Baron Hasenclever, was a German, born at Remscheid, in the Rhenish provinces, in 1716, who had been a partner in a mercantile house at Cadiz, Spain. On account of the climate, which was unfavorable to his wife's health, he went to London in the year 1763, where she had been living since 1757. There he formed a partnership under the firm name of Hasenclever, Seton & Crofts, with joint capital of £21,000. He soon induced a respectable company of persons—Major-General Greeme, Commodore Forest, George Jackson, Secretary of Admiralty, and others—to agree to spend from £10,000 to £40,000 in the production of Pig Iron, Hemp, Pot and Pearl Ashes in North America. The agreement was made in January, 1764, and by June of that year he himself reached New York.—*Notice of Peter Hasenclever*, by Henry A. Homes, LL. D., Albany, 1875, 1. Within a month after his arrival, or on July 5, 1764, he bought out the mines, forges and other property of the old Ringwood Company, located at Wanaque, Ringwood, Long Pond (Greenwood Lake) and Charlottesburgh, in the present Pompton and West Milford Townships, Passaic County, New Jersey, for £5,000.—*Early History of Morris County*, by the Rev. J. F. Tuttle, D. D., New Jersey Historical Proceedings, May, 1869, II. He and his associates constituted the "American Company," but in this country were generally called the "London Company." The local tradition is that Queen Charlotte, wife of George III., and several of her ladies in waiting, were interested in the Company, and hence the

bring American Barr-Iron to such perfection, as render it fit for all uses as well in the Royal Navy, as for private Trade; and thereby Lessen the great demands made for this Article from Sweeden, Spain, & Russia, and also to import the same at less Prices than at present paid for Iron from Sweeden, from whence the largest Quantity & best sorts are received.

That previous to making these purchases your Memorialist undertook to procure, & did actually obtain a considerable Number of Germans accustomed to work in Iron Factories, whom they sent at their own charge with their Wives & Families amounting to upwards of Three Hundred.

That M^r Hasenclever who is a German by birth, & skill'd in the process of working Iron from the Mine,

name of the mining village, Charlottesburgh, which was originally called by the Germans Charlottenburg, although it may have been so called by them after the town of that name near Berlin. "Such was the energy of this sanguine man that he actually made iron at a decayed iron works by November, 1764, and had purchased in New York and New Jersey 50,000 acres of land for his Company. By this month, too, there arrived hundreds of German miners, farmers and mechanics, with their families, whom his agents had engaged in Germany. Within a year he had imported 535 such persons. In August, 1765, he bought a ship in New York, which he loaded for London with furs and timber, and with iron and potash of his own manufacture, and 'it was universally allowed by the trade that his iron was the best drawn which had ever made its appearance on the London market from America.' At the end of the next year, 1766, he had in operation four furnaces and seven forges in New Jersey and New York, and a pot and pearl ash manufactory on the Mohawk river, and had built stores, workshops and dwelling houses to the number of 235, besides dams for mill-ponds and ten bridges, with many miles of roads. In two years he spent £54,000 on account of the Company, being £14,000 more than they had authorized. His operations were not successful, and in October, 1766, he learned that Seton, his London partner, had bankrupted their firm, and although he struggled manfully against his ill-fortunes he was himself declared a bankrupt in 1770. Governor Franklin by official request appointed a committee including Lord Stirling, Col. John Schuyler, and others to visit his works, who testified to the perfection of his iron works, to the superior quality of his iron, and to the many improvements in the methods of manufacture which he had introduced, some of which were afterward adopted in England. His litigation in Chancery was continued as late as 1785. Returning to Germany he introduced the linen manufacture at Landshut, in Silesia, carrying it on with much better judgment than his iron works in America. He died there in 1792, much lamented."—*Homes, ut supra*. The descendants of his German workmen still form a large element in the population of Pompton and West Milford Townships, and preserve many traditions of Hasenclever and his gigantic operations. It is said that not an important mine has been opened on the Ringwood tract within a hundred years but shows traces of having been previously thoroughly explored by Hasenclever.—[W. N.]

went over to America, & by the time of Arrival of y^e said number of Germans which was in July 1764. had purchas'd several Parcels of Lands, whereon Furnaces, Forges, & other necessary Buildings have been since erected at an expense of not less than Sixty Thousand Pounds Sterling, & from which Works having satisfactorily evinc'd the improvements they set out upon in respect of quality the Memorialists doubt not of being able in a Year or two at most to import Iron in great Quantities of as good quality, as the best sorts brought from Sweeden: and as fit for the purposes of making Steel.

But your Lordships Memorialists find that notwithstanding their endeavours to purchase Lands adapted to these designs they cannot procure sufficient extent in convenient Situations to afford constant Employ for the Number of People depending on them: therefore under this circumstance have caused enquiry to be made for Lands in some other of His Majesties American Colonies, whereon to make an additional Settlement, & are advised that the place most likely to answer the intention is S^t Maurice, about three Leagues from the town of Trois Rivieres bordering upon the river of that name which river discharges itself into the river S^t Lawrence.

Your Lordship's Memorialists have been inform'd that an Iron Work was formerly attempted to be carried on at the place for the French King's account; and that upon y^e reduction of Montreal, the Establishment consisting of one Furnace Two Forges Workmens Houses, a Stable, Sheds for Wood & the Like (being then in a State of decay) were deliver'd unto the charge of Lieu^t General Amherst for His Majesty's Use.

Your Memorialists conceiving that this Situation is suited for an extension of their Plan, now become unavoidable as well that the People they have sent out may be rendred more usefull Subjects, also that

y^e Proprietors may have a more probable expectation of reaping the Benefits expected from their Services and conceiving likewise that His Majesty out of His great desire of giving Protection to all his Subjects in their Endeavours to advance the Trade of these Nations will be pleased to see your Memorialists in particular, deserving of that protection, on account of the great Sums they have already disbursd: the increase of Subjects procured through their means and expence: and the advantages that must derive from a pursuit of their project to these Kingdoms: From these several reasons.

Your Memorialists Pray that Your Lordship will be pleased to recommend them to His Majesty for a Grant of the aforesaid Establishment of Trois Rivieres for y^e purpose of Founding an Iron Factory; together with the Buildings that may be remaining on the premises, & the right of the rivulet whereon the same are said to be Built, from its Sourse being about Two miles above the said Buildings.

And your Memorialists will ever pray &c

Letter from Governor Franklin to Secretary Lord Shelburne in relation to the Annual Charges in the Province of New Jersey, as well as to the quit-rents.

[From P. R. O. America and West Indies, Vol. 270 (291).]

BURLINGTON, Feb^{ry} 21, 1767

To the Right Hon^{ble} the Earl of Shelburne
Sec^{ry} of State

My Lord,

I am just honoured with your Lordships Letter of the 11th of December, requiring an Estimate of the annual Charges, and an Account of the Quit Rents, &c. in this Colony.

On the first Head I had before receiv'd a Letter from the Secretary to the Treasury, which I answered on the 28th of December. I enclose your Lordship a Copy of what I then Sent to him, as it is the best Account I can give of that Matter.

As to the *Quit-Rents*, the whole Province of New-Jersey was granted by King Charles the Second to his Brother James Duke of York, in the Year 1664, under a *Quit-Rent* of *Forty Beaver Skins yearly*. The Dutch afterwards possessed themselves of this Province, but restor'd it at the End of the War by Treaty; and King Charles the Second did again grant it to the Duke of York, by Letters Patent dated the 29th Day of June 1674. In August 1680, The Duke convey'd one Half of the Province by the Name of West New Jersey to Edward Byllinge and others, and in March 1682 he conveyed the other Half, or East New Jersey, to James Earl of Perth William Penn, and others. The Present Proprietors of the Soil of New Jersey hold their respective shares under some of the Grantees of the Duke of York, clear of *Quit Rent*, except the *Forty Beaver Skins* reserved as above in the Royal Letters Patent, and *Twenty Nobles* reserved by the Duke of York. Whether they have ever paid the Crown any part of this Rent, is what I cannot learn, but I am Inclind to think that the whole is in arrears. The Proprietors of each Division manage their Affairs by a Council chosen among themselves, and the Government has no more Knowledge of their Transactions than it has of those of any other private Persons in the Province.

I am, very respectfully, My Lord,

Your Lordship's most obedient

& most humble Servant

W^m FRANKLIN

Order of the Lords of the Committee of Council for Plantation Affairs, referring to the Board, for their report, the Petition of Mr. Wilmot, the Agent of New Jersey, to the King, proposing alterations to be made in the annexed List of Commissioners for settling the Boundary Line between the Provinces of New York and New Jersey.

[From P. R. O., B. T., New Jersey, Vol. 9, K. 66.]



AT THE COUNCIL CHAMBER WHITEHALL
THE 2ND DAY OF APRIL 1767.

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

His Majesty having been pleased to refer unto this Committee, the humble petition of Henry Wilmot, Agent for the province of New Jersey, setting forth, amongst other things, that in Consequence of His Majesty's Order in Council, of the 19th of December 1764, a Draft of a Commission hath been prepared, by his Majesty's Attorney and Solicitor General, for appointing certain Persons, whose names were contained in a List annexed to the said Order, to be Commissioners, finally to settle the Boundary Line, between the provinces of New York and New Jersey, from the Station on Hudson's River, to the Station on Delaware River; And humbly praying that Charles Stewart Esquire, now Surveyor General of the Customs, for the Northern District of North America, may be Appointed a Commissioner in the Room of John Temple Esquire the late Surveyor General And that Mess^{rs} Buckley, Morris, Guerrish and Gorham, may be struck out from being Commissioners in regard they are In-

habitants of Nova Scotia, which is at so great a Distance from New Jersey, that those provinces have no Intercourse with each other, and Answers can be sooner received in New Jersey from England than from Nova Scotia—The Lords of the Committee in obedience to his Majesty's said Order of Reference, this Day took the said Petition into Consideration, and are hereby pleased to refer the same, together with the afore mentioned List of Council (Copies where of are hereunto annexed) to the Lords Commissioners for Trade and plantations who are to Consider of the Alterations proposed to be made in the s^d List and Report their Opinion thereupon to this Committee.

W: BLAIR.

To The Kings most Excellent Majesty in Council

The Humble petition of Henry Wilnot Agent for the province of New Jersey Sheweth That Your Majesty by an Order in Council bearing Date the 19th Day of December 1764 was pleased for the reasons therein Contained, to Order, that M^r Attorney and M^r Sollicitor General, should prepare a Draft of a Commission to be passed under the Great Seal Appointing Certain persons whose Names are Contained in the List thereto annexed to be Commissioners finally to Settle and Adjust the Boundary or Partition List between the Provinces of New York and New Jersey from the Station on Hudson's River to the Station on Delaware River, conformable to the provisions in Certain Laws in the said Order mentioned and with such powers and Authorities, as have been Usual on like Occasions, And that M^r Attorney, And M^r Sollicitor General should lay the said Draft of the said Commission before Your Majesty for Your Royal Approbation leaving a Blank for the Number of Commissioners to make a Quorum—

That M^r York (Your Majesty's late Attorney General) and M^r Delpy (Your Majesty's late Solicitor General) have by their Report of the 17th Day of July 1766 Certified that they had prepared a Draft of such Commission and had annexed the same to their Report and Submitted the same to Your Majesty for Your Royal Approbation

That Your petitioner is Informed by his principals, That Charles Stewart Esquire is now Surveyor General of the Customs in the Room of the late John Temple in the Commission mentioned, And as Your Petitioner apprehends that M^r Temple was appointed in respect of his Offices, he Conceives that it will be proper to Appoint M^r Stewart in his Room.

Your Petitioner also begs leave to represent to your Majesty that Richard Bulkley Charles Morris Joseph Guerrish and Joseph Gorham Esquires all of Nova Scotia are Appointed Commissioners, and that Your Petitioner is Informed by his principals, that the province of Nova Scotia is a Great Distance from that of New Jersey and that the two provinces have no Intercourse with each other, and those of New Jersey can receive Answers sooner from England than from Nova Scotia

That your petitioner is also advised that it would have been more Agreeable to the Provinces if there had been fewer Commissioners Appointed, And those the nearest to the places where the said Line is to be run

Your petitioner therefore Most humbly prays Your Majesty that the said M^r Stewart may be Appointed a Commissioner in the Room of M^r Temple and that M^r Bulkeley M^r Morris M^r Guerrish and M^r Gorham may (merely upon Account of their Residence in Nova Scotia) be Struck out from being Commissioners.

And your pet^r shall ever pray &c

List of Persons to be Appointed Commissioners for Deciding the Controversy Concerning the Boundary or Partition Line between the Provinces of New-York and New Jersey

1. John Temple Esq^r Surveyor General of the Customs for the Northern District of America.
2. Peter Randolph Esq Surveyor General of the Customs for the Southern District of America.
- 4 Andrew Elliott Esq Receiver General of His Majestys Quit Rents in the province of New York
- 5 Chambers Russell Esq Judge of the Court of Vice Admiralty for the province of Massachusetts Bay
- 6 William Allen Esq^r Chief Justice of the province of Pennsylvania
- 7 Samuel Holland, Esq Surveyor General of Lands for the Northern District of America
- 8 W^m DeBrahm Esq^r Surveyor General of Lands for the Southern District of America
9. Andrew Oliver Esq Secretary of the province of Massachusetts Bay
- ✓ Richard Bulkley Esq Secretary and one of the Council of the province of Nova Scotia
- 10 Charles Morris Esq Surveyor of Lands and one of the Council of the province of Nova Scotia
- 11 Payton Randolph Esq Attorney General and one of the Council of Virginia
- ✓ Joseph Guerrish Esq one of the Council of the province of Nova Scotia
- ✓ Joseph Gorham Esq^r of the province of Nova Scotia
- 12 Benjamin Franklin Esq^r of the province of Pennsylvania
13. Jared Ingersoll Esq of the Colony of Connecticut
 3. Charles Stewart Esq^r Surveyor Gen^l of His Majestys Customs for the district of Quebec.

Letter from Governor Franklin to Secretary Lord Shelburne, transmitting an exact list of the fees taken in the different offices of the Province of New Jersey.

[From P. R. O. America and West Indies, No. 292.]

BURLINGTON New Jersey, April 12. 1767.

The Right Hon^{ble} the E. of Shelburne

My Lord

In pursuance of the Directions contain'd in your Lordship's Letter of the 13th of Jan^{ry} with which I am just honoured, I now transmit an exact List of the Fees taken in the different offices in this Colony.

M^r Smyth the Chief Justice, has desired me to acquaint your Lordship that the Salary, Fees and Perquisites of his Office, do not altogether exceed Three hundred Pounds this Currency, which is about Sixty P^r Cent worse than Sterling. And I can, with Truth assure your Lordship, that the Fees and Perquisites attending the Office I have the Honour to hold under His Majesty, are not above that Sum; so that, with the Salary added, there is scarcely a Maintenance for a Governor in this Province, if he lives suitable to his Rank and Station.

The Estimate of the Establishment of this Colony, required by your Lordship's Letter of the 11th of December, I have already transmitted

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

My Lord, Your Lordship's, most

obedient & most humble Servant

W^m FRANKLIN

A List of the Fees taken in the several Offices of the Colony of New Jersey, as the same are established by Act of Assembly passed Anno Dom 1747. Confirmed by His Majesty in Council at St James's the 23^d of November Anno 1749.

The Governours Fees, shall be as follows,

For

A Licence of Marriage Hand & Seal &c. Ten Shillings
The Seal to every Probate of a Will, or Letter of Administration, nine Shillings.

A Certificate for a Vessels property, if of the burthen of Twenty Tons and upwards Ten Shillings; if under the Burthen of twenty Tons five Shillings.

A Certificate to go beyond the Seas, if desired ten Shillings

A Bill of Health if required Twelve Shillings

The Seal to a Patent for a Township Twenty Shillings.

The Seal to a Confirmation or renewing a Patent Twelve Shillings.

Every Writ of Error, or other Original Writ Three Shillings

The first Rule in every Cause in Error eight Shillings.

Licencing every Attorney twenty shillings.

A Licence to purchase Lands of the Indians fifty Shillings

The Fees of the Justices of the Supreme Court shall be as follows viz^t

For

All Causes to be paid on the first motion Six shillings.

The allowance of every Certiorari, Habeas Corpus or other Writ where an Allowance is necessary three shillings.

For

Taking every Affidavit, one shilling.

Every Supersedeas, six shillings.

Admitting every Attorney, Eighteen shillings.

Taking the Acknowledgement of a Deed three Shillings.

Taxing Cost four Shillings.

Signing the Judgment Roll two shillings

Taking Bail on a Writ of Error or any other Writ Three shillings.

Making a Return of a Writ of Error, examining and affixing a Transcript of the Record thereto and delivering the same in to the Governor and Council Twenty shillings.

Inspecting the Process against Real Estates, and the Record of the Judgment on which the same is founded and certifying thereon Six shillings.

Every justification or Disallowance of Bail three Shillings.

The Secretarys Fees shall be as follows

For

A Patent for a Township, Three Pounds.

A Patent for a Confirmation wherein no new Grants are Contained Thirty shillings

Every Order Warrant or Certificate under the Governors Hand and Seal counter signed by the Secretary Three Shillings

Entering Deeds and other Things on the Record, for every Sheet, fifteen Lines to a Sheet and six Words to a Line seven pence.

Every Copy of the same and all other Papers whatsoever out of the said Office, each Sheet containing as aforesaid fourpence half penny

Every new Justice of the Peace shall pay towards the Commission of the Peace six shillings.

For

- Every new Justice of the Pleas shall pay towards the Commission of the Pleas Six Shillings.
- A Commission of Oyer and Terminer to be paid by the Person desiring the same Twenty Shillings.
- A Commission for a Sheriff ten Shillings
- A Commission for a Coroner five shillings
- A Commission for a Clerk of the Peace and the Pleas ten shillings.
- All other Civil Commissions, each Commission five shillings.
- A Commission for a Colonel of a Regiment Twelve Shillings.
- A Commission for a Lieutenant Colonel Ten shillings.
- Ditto for a Major eight Shillings.
- Ditto for a Captain of a Company, or Adjutant, six Shillings.
- Ditto for a Lieutenant Five shillings
- Ditto for an Ensign four Shillings
- The Rolls of every Person Sworn one shilling
- Searching the Records the first Book Nine Pence every other Book six pence.
- Licence for an Attorney to practice Twenty Shillings.
- Drawing a Certificate to pass under the Broad Seal or any other Seal, and for engrossing the same per Sheet containing as before, one Shilling
- Attending the Courts or elsewhere, with an Original Will or Record for each Day, six Shillings per Day
- Licence for a Boat or Ferry countersigned by the Secretary, Six Shillings.
-

That the Fees of the Prerogative Office, shall be as follows, *Viz*˚

For

- Engrossing a Will and Probate to be done in Parchment, for each Sheet containing fifteen Lines and six Words in a Line, ten pence ½ Sheet.

For

Taking Depositions to a Will and Recording the Will
each Sheet containing fifteen Lines and Six Words
to a Line seven pence $\frac{7}{8}$ Sheet.

Swearing or Attesting the Witnesses and Executors
for each Nine Pence.

Drawing every Fiat or Order for Administration, and
for Swearing or Attesting the Administrators
three Shillings.

Engrossing the Letters of Administration each Sheet
Containing fifteen Lines and six Words to a Line
ten pence per Sheet.

Recording the same seven pence per Sheet.

Drawing the Administration Bond two Shillings and
sixpence.

Filing the Original Will Nine Pence

Recording the Inventory per Sheet, each Sheet con-
taining fifteen Lines, and Six Words to a Line
seven pence

Filing the Inventory and swearing the Executor
eighteen Pence.

Every Quietus per Sheet as aforesaid seven Pence

Recording the same per Sheet as aforesaid One shilling.

Auditing all the Accounts of Administrators and Ex-
ecutors One Shilling.

Drawing and Setting up Notice in Order to their pass-
ing their Accounts one Shilling.

Every Licence of Marriage Nine Shillings.

Every Bond taken in the Office two Shillings and
six pence.

Entering a Caveat one Shilling

And that the Fees of the Clerk of the Supreme
Court shall be as follows viz^t

For

Every Bond to prosecute two Shillings and Six pence

Making out every Process, Writ, or Capias, if he does
it two Shillings and Sixpence

For

- Sealing every Capias or any other Writ one Shilling.
 Entering every Action Nine Pence
 A Copy of every Indictment, Declaration Plea &c fifteen Lines to a Sheet and six Words to a Line seven pence per Sheet.
 Every Copy of a Plea Replication or other Pleading Seven pence per Sheet as aforesaid
 Entering every Appearance of the Defendant six Pence.
 Entering every Verdict and Judgment one Shilling
 Reading every Evidence Sixpence
 Entering every Rule of Court Nine Pence
 Every Copy thereof Sixpence
 Reading a Petition and entering Order thereon nine pence.
 Every Copy of the Entry sixpence
 Withdrawing an Action Discontinuance, or entering a Noli Prosequi, one Shilling
 Entering every Recognizance taken in Court Eighteen pence.
 Searching the Records Nine pence
 Filing the Roll in every Action, one Shilling.
 Swearing every Jury and Constable, three Shillings
 Discharging by Proclamation one Shilling
 Every Copy of a Writ in the Supreme Court per Sheet, one shilling.
 Filing every Writ, Indictment, or other Paper Nine pence

And that the Fees of Clerk of the Council shall be as follows, Viz^t

For

- Filing a Writ of Error one shilling.
 Entering every Action in Error in the Council Book & taking out the Docket for the Governor Nine Pence.

For

- Examining the Records in Council one Shilling.
 Entering the Plaintiff and Defendants appearance nine pence
 Every Rule made in the Case and Copy, two Shillings.
 Entering Judgment on the Minutes and Copy two Shillings.
 Entering every Noli prosecute, Discontinuance and Retraxit two Shillings.
 Filing the Errors and all other Pleadings each nine pence.
 Filing all other Writs the same Fees as on a Writ of Error.
 Every Petition to the Governor in Council, and order four shillings.
 Reading every private Bill, first Time, second Time and third Time, each Time five shillings.
 Entering the Agreement of the Council to a Bill four Shillings.
 Each Bill Engrossed in Parchment eighteen Shillings.
 Affixing the Seal and Wax for each Bill six Shillings.
 Attending the Committee of Council on a Reference on such Bills Ten Shillings.

And that the Attorney Generals Fees shall be as follows, Viz^t:

For

- All Criminal Cases or Indictments found by the Grand Jury if convicted Fifteen shillings.
 All Capital Cases if convicted Twenty five Shillings.
 All Information preferred according to Law of this Colony, if convicted fifteen shillings.
 Every non vult ulterius prosecute ten Shillings
 All other Services in the Kings Cases to have one fourth more Fees than other Attornies in Civil Cases have for like Services.

And that the Sheriffs Fees in all Courts shall be as follows Viz:

For

Serving a Writ or Capias, taking into Custody without any pretence of Riding ten shillings.

Returning the Writ, Nine pence.

Taking a Prisoner into Custody by Order of the Court or a Justice of the Peace two Shillings.

Discharging the same Nine pence.

Serving a Venire Facias and Return Six Shillings.

Serving every Execution under Fifty Pounds, six shillings, and all above Fifty Pounds three pence per pound, the Poundage to be computed on the true and real Debt only. Executing all Writs, or Orders of Partition of Lands and Tenements, attesting the Jury for any Matter or Thing to be done by him about such Partition, and making return thereof Twenty shillings. But if the Business of the Partition exceed what the Jury can perform in one Day, then the Sheriff for every Day more that he shall attend on the Jury about the said Partition, shall have ten^s shillings per Diem

Every Writ of possession and Return fifteen Shillings.

Every Sciri Facias served and Returned three shillings, if not served one shilling.

Victualing every Prisoner sixpence per Day.

Every Writ of Inquiry and Return fifteen shillings.

Taking every Bail Bond five shillings in the Supreme Court, and two shillings & six Pence in the Inferior Courts.

Travelling Charges upon every Writ or Process to be executed above eight Miles from the Court House of the County, the Sheriff shall be allowed for every Mile above eight Miles two pence, besides his other Fees aforesaid, that is two pence for go-

For

ing and two pence for coming every of the said Miles to be taken only where the Writs shall be served, and so always that the whole Miliage do not exceed Fifteen shillings in any one Case.

Attending a Jury of View Ten shillings per Day.

Producing the List of the Freeholders, Thirty Shillings.

And that the Justices Fees in or out of Sessions shall be as follows.

For

Every Warrant of Appearance one Shilling.

Taking every Recognizance Eighteen pence.

A Pass Ten Pence.

A Mittimus one Shilling

Taking Examinations each Sheet containing fifteen Lines and six Words to a Line, one Shilling

Every Oath or Attestation four pence.

Actions tryed in the Sessions, each Action three Shillings.

And that the Judges and Justices Fees in the Court of Common Pleas shall be as follows. *Viz:*

For

Acknowledging every Deed, and endorsing the same three shillings.

All Actions tryed, to the Bench Three Shillings

Every Action which shall be called, where there is a Rule made, and the Cause not tried eighteen pence.

Taking special Bail to the Judge or other Justice eighteen pence.

Settling and Allowing every Bill of Costs one shilling.

Allowance of every Writ of Error one shilling.

And that the Fees in Actions of Five Pounds and under shall be as follows Viz^t

For

A Summons, Six pence
 A Warrant to take into Custody one shilling.
 A Judgment Nine Pence.
 Administring every Oath or Attestation four Pence
 A Summons for Evidence, six pence.
 Every Execution one shilling.
 Issuing the Venire Facias to summons a Jury one shilling.
 Swearing or Attesting the Jury eighteen pence.
 Every Evidence subpoenaed and attending, two shillings per Day, and so in proportion for a longer or Shorter Time.

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And that the Fees for the Clerk of Sessions and Common Pleas shall be as follows.

For

Every Bond to prosecute, two shillings
 Drawing a Capias or any other Writ if he does it two shillings.
 Sealing every Writ one Shilling.
 Entering every Action Six pence.
 Filing every Declaration plea Rejoinder, and other Pleadings, each sixpence.
 Every Copy of a Declaration or any other Pleadings for each sheet containing fifteen Lines, and six Words to a Line, six pence.
 Sealing every Subpoena, each Writ not exceeding four Names one shilling.
 Entering the Defendants appearance Sixpence
 Entering every Verdict Sixpence.
 Entering the Plea Non Vult sixpence.
 Entering every Judgment sixpence.

For

- Entering every Rule or Order of Court six pence
 Reading every Petition and entering order thereon,
 Nine pence
 Entering every Non Pros. Retraxit, Discontinuance,
 Six pence.
 Calling and Swearing the Jury & Constable Eighteen
 pence.
 Every Evidence sworn or Attested four pence.
 Entering every Allowance of Habeas Corpus, Writ
 of Error or other Writ Requiring an Allowance
 one shilling.
 Entering every Recognizance taken in Court one
 shilling.
 The Copy of every Rule of Court sixpence.
 Searching the Records nine pence.
 Discharging by Proclamation one shilling.
-

And that the fees of the Clerk of Assize or
 other Person executing that Office, in any of
 the Counties shall be as follows.

For

- Entering every Cause or Action nine pence.
 Filing the Nisi Prius Roll one shilling.
 Filing the Distringas and Return Nine Pence.
 Swearing the Jury and Constable three Shillings
 Swearing or Affirming every Witness, Six pence.
 Reading every Evidence Sixpence.
 Entering every Rule of Court nine Pence
 Every Copy thereof six pence.
 Entering every Verdict one shilling.
 Drawing the Postea when a general Verdict is found
 five shillings.
 Returning the Postea, one shilling.

And that the Witnesses Fees shall be as follows, Viz.

For

Attending in the County, two shillings per Day for each.

Attending from other Countys three shillings per Day for each.

And that the Surveyors Fees shall be while on a View Ten Shillings per Day.

And that the Chain Bearers Fees, on a View, shall be five shillings each per Day, and if a Juryman carries the Chain, then he shall have two shillings per Day more than the fees allowed him as a Juryman on the View.

And that the Jury's fees shall be as follows, viz^t

For

All Causes tryed one shilling for each Man that is sworn or affirmed on the Jury.

A Writ of Enquiry executed one shilling per Man.

On a Coroners Inquest the same.

Every Case when summoned and the Cause not tryed, for all that appears sixpence per Man.

Each Juryman attending on a View for himself and Horse four shillings, and for finding himself and Horse two shillings per Day.

Jurors coming out of their County and sworn, for every Day of their attendance each four shillings.

For every Juror so attending & not sworn three shillings per Day.

And that the Constables Fees shall be as follows Viz^t

For

Serving every Warrant or Summons Eighteen pence.
 Serving every Execution eighteen pence.
 Advertising and selling the Goods and Chattels one shilling.
 Summoning a Jury on a Tryal of small Causes, two Shillings and Sixpence.

And that the Cryers fees shall be as follows, viz^t

For

Calling every Action, eight pence
 Calling the Jury in each Case eight pence.
 Calling every Evidence three pence.
 Every one discharged by Proclamation Six pence.

And that the Coroners Fees shall be as follows

For

Viewing a Dead Body, twelve shillings
 A Warrant to summon the Inquest Two shillings.
 Swearing or attesting every Witness four Pence.
 Swearing or attesting the Jury Two Shillings.
 Drawing and returning the Inquisition Six Shillings
 Executing every Process Ten shillings.
 Returning every Writ nine Pence.
 Serving every Venire and Return Six Shillings
 Taking every Bail Bond five shillings in the Supreme Court, and two shillings and six pence in the Inferior Courts.
 Taking Examinations in Writing for every Sheet as aforesaid one Shilling.

For

Taking every Recognizance one Shilling and six pence.

Provided that no Fees shall be allowed where the Inquisition is taken on a View of a Person drowned or otherwise dead by misadventure.

And that the Fees of the Practitioners of the Law shall be as follows Viz.

For

A Retaining Fee in each Cause, six Shillings.

Making out every Process, Writ or Capias if he does it two shillings and sixpence

Drawing every Declaration not exceeding three Sheets five shillings.

Every Copy of a Declaration where necessary two shillings provided the same be not above three Sheets.

Drawing every affidavit one shilling.

Copy of the same when necessary six pence.

Every Common Plea, Replication, Rejoinder one Shilling.

Copy of each when necessary Six pence.

Every Term Fee after Service of the first process in any Cause, and not before Six shillings, Provided, not above three Term fees be allowed in Cases on Bond where Judgment is by Default nor more in any Cause unless when necessary Services are done in any Term after the said three Terms.

Drawing every special Plea Replication, Rejoinder or other necessary pleadings, for each Sheet as aforesaid Ten pence, for as many Sheets as are necessary.

Every Warrant of Attorney nine pence

Copy thereof sixpence.

Drawing every Breviat, three shillings

Copy thereof one Shilling

For

- Drawing Notice of Tryal, two Shilling.
 Copy and Service thereof, one shilling and sixpence.
 Drawing Notice of Exception to the Bail two shillings
 Copy and Service thereof one shilling & six pence.
 Drawing Notice of any Motion, where Notice of such
 Motion is necessary two Shillings.
 Copy and Service thereof one Shilling & sixpence.
 Drawing up the Judgment and Entering the same on
 the Roll five Shillings.
 Every Continuance of a Case after Issue, one Shilling,
 without any Pretence of a Term fee for that
 Service.
 Arguing a Demurrer or special Verdict Fourteen
 Shillings.
 A Fee on every Trial Fourteen Shillings.
 Every special Motion, allowed to be a motion in
 Westminster Hall Six shillings; provided but two
 motions be allowed in a Judgment by Default, and
 not more than three in Causes tryed except in
 Cases where Titles of Land are Concerned or such
 motion appear to the Court or Judge who shall
 tax the Costs to be necessary in the Management
 of the said Cause.
 Service of a Copy of every Rule of Court two Shillings
 and sixpence: Provided that not more than the
 Service of one Rule be allowed in Cases of Judg-
 ment by Default, and not more than three in
 Causes tryed, except in Cases where Titles of Land
 are concerned, or such Rule appear to the Court
 or Judge who shall Tax the Costs, to be necessary
 in the management of the said Cause.
 Drawing every Bail piece and attending the Judge,
 three Shillings.
 Every Ticket for a Subpoena nine pence.
 Entering the Declaration Plea, and other Pleadings
 on the Roll per sheet as before Eight pence.

For

Writ or Declaration in special Cases, exceeding three sheets twelve pence per Sheet.

Drawing Depositions of Witnesses one Shilling per Sheet as aforesaid for so many Sheets as shall be necessary.

Copy thereof per Sheet if Required seven pence.

Every Copy of a special Writ or Declaration exceeding three Sheets, or every special Plea. Replication or other necessary Pleading seven pence per Sheet.

A Copy of the Bill of Costs one Shilling

Drawing every Common Rule in Ejectment Six Shillings

Copy thereof three Shillings

Entering each Warrant on the Roll nine Pence

Entering every Continuance Adjournment, or other necessary Matter on the Roll eight pence per Sheet

Travelling Charges to the Circuit twelve Shillings per Day.

Drawing every Declaration in Ejectment Ten shillings.

Retaining Fee ten shillings

Fee on the Tryal Twenty Shillings for each Council, provided no more than two Council be allowed such Fees.

And to the Speaker of the Assembly for the Time being there shall be paid

For every Private Bill, Twenty Shillings.

And that the Clerk of the Assembly Fees in private Persons affairs shall be as follows Viz:

For

Reading an entering every Petition or other Instrument or Writing Eighteen pence.

Reading every private Bill, first, second and third Time, each Time Eighteen Pence.

For

The Perusal of an Act, or each Day Minutes Eighteen pence.

Entering every Order eighteen pence.

A Copy thereof eighteen pence.

Entering a Report in the Journal of the House eighteen pence

Engrossing every private Bill per Sheet as aforesaid eight pence.

Fees for all private Bills to be taxed by the Speaker Provided no Bill be called a private Bill, which concerns a County Town or Precinct

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And that the Fees for the Serjeant at Arms for the Council and General Assembly shall be as follows, Viz^t

For

Serving every Order seven Shillings.

Taking every Person committed into Custody two Shillings and Sixpence.

Travelling Charges per Mile, three Pence for going and three pence for coming; every Days Attendance on any Person after Commitment Two shillings.

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And that the Collector and Naval Officers Fees shall be as follows viz^t

FOREIGN TRADE.

For

Collector entering any Vessel from Europe or the West Indies fifteen shillings.

Naval Officer for Ditto, Six Shillings.

Collector Clearing to Europe or the West Indies fifteen Shillings.

For

Naval Officer for ditto Six shillings.
 Coasting to New England &c
 Collector entering a Vessel Ten Shillings
 Naval Officer for ditto Three Shillings.
 Collector clearing a Vessel ten Shillings.
 Naval Officer three Shillings.
 Permit to unload Foreign Vessels Eighteen pence
 Register ten Shillings.
 Ditto for a Coaster seven shillings & sixpence.
 Recording ditto two shillings.
 Endorsement of a Register Two Shillings and Sixpence.
 A Cocket three shillings.
 Bill of Store five shillings.
 Bill of Health seven shillings & sixpence
 Bond for enumerated Goods two Shillings & sixpence.
 Certificate to cancell ditto one shilling and Six pence.
 Transives or Permits for Boats or Shallops to and from
 New York or Pennsylvania, for their whole Load
 of Country produce Two shillings & sixpence.

A LIST OF FEES taken in the Court of Chancery
 of the Province of New Jersey as the same
 are established by an Ordinance under the
 Great Seal of the said Province, issued by
 His Excellency Jonathan Belcher Esq late
 Governor and Commander in Chief of the
 said Province the 23^d of November Anno
 Domini 1753.

For

The Governors Fees as Keeper of the Great Seal.
 The Seal to every common Writ, three Shillings
 Every Decree forty Shillings
 Every Opinion or order on a Petition or Motion Con-
 troverted and Argued in Court forty Shillings.
 Every Common motion Ten Shillings.

MASTERS FEES.

For

- Every Summons, three Shillings.
- Copies of all Charges and discharges brought in before the Master, Scheduling Writings and other things, for each Sheet containing fifteen Lines, and Six words to a Line nine pence.
- Every Report or Certificate to be made in pursuance of an Order made upon hearing the Cause Twenty Eight Shillings.
- Every other Certificate or Report made upon Petition or motion only, Twelve Shillings.
- The Clerk's Fees for writing every Report or Certificate one Shilling and sixpence per Sheet.
- Copy thereof nine pence Pr. Sheet.
- Every Affidavit Eighteen pence.
- The Allowance of every Recognizance Affidavit &c to be acknowledged & taken in the Country three shillings
- An Examination Fee, three Shillings.
- The Acknowledgment of every Deed to be Recorded three Shillings.
- Every Exhibit, signed by a Master, every Person shewn to, two shillings.
- Copies of Depositions nine pence per Sheet.
- The Caption of every Recognizance three Shillings.
- The Clerk's Fees for writing the Recognizance as the order directs, three shillings.
- Every Exemplification examined by two Masters to each of the said Masters who shall Examine the same for every Skin of Parchment two shillings and sixpence.
- Every Bill of Costs to be taxed by a Master, for the Plaintiffs not putting in his Bill, or not proceeding to Reply, or for the Defendants not appearing in due time, and all other Costs before hearing three Shillings.

THE REGISTERS FEES

For

- Drawing and Entering all Orders, per Sheet one shilling and Sixpence.
- All Orders not by motion, Petition or Hearing but Consent of Parties, half to be paid by the Complainants and half by the Defendants, one Shilling and Six pence per Sheet.
- Filing every Report, Petition or other Paper one Shilling.
- Copies of all Orders and Reports Nine pence per Sheet.
- Filing and Registering every Affidavit one Shilling.
- Copying every Affidavit nine pence per Sheet.
- The Register or Deputies hand to every Copy of Affidavit Eighteen pence.
- Every Certificate with the Register or Deputies Hand to it two Shillings.
- Entering a Cause for hearing, Eighteen pence.
- Making Notes of the Causes that stand for hearing for grounding the Subpœna to hear Judgments one Shilling.
- Every Decree, seven Shillings.
- Every Dismission seven shillings.
- A Search in the Books for any Order or Decree for every year Sixpence.
- Entry of All Attachments & Proclamation for each Person sixpence.
- All Rules of Court to Answer, Reply, produce Witnesses and for Publication &c for each nine pence.
- Entry of all Rules of the like Nature by Consent Eighteen pence per Sheet.
- Entry of all Amerciaments Eighteen pence.
- Entry of all Appearances in Contempt three shillings.
- All Bills of Costs for want of a Bill filed in Time nine pence.
- Entry of all dismissions for want of Replication by the General Rules eighteen Pence.

For

- All Copies of Attachments, Proclamations, Commissions of Rebellion, Rules &c for each per Sheet nine pence.
Entry of all Demurrers or Pleas, eighteen pence.

THE CLERKS FEES.

- Every Attachment with a Proclamation Eight shillings.
Every Supersedeas for the discharge of any Commission or other Writ, Ten shillings.
Every Supersedeas of Privilege pro Venientibus et Redeuntibus a Cancellaria, Ten shillings.
Every special Certiorari and procedendum, Corpus cum Causa or Habeas Corpus five shillings.
Every Bail upon every Writ of Corpus cum Causa or or matter of Priviledge, three shillings.
All manner of Procedendos or Certioraris of Course three shillings.
All first second and other Copies of all Bills Answers or other pleadings, whatsoever, as also of all Certificates and Examinations made or to be made or taken by vertue of any Commission out this Court, and of the Interrogatories therewith returned, and also of all Declarations or pleadings by English Bill or according to the Course of the Common Law, and for Copies of Records Rolls or Evidences brought to be Copied or remaining in said Court per Sheet nine Pence.
In every Cause, for every Term the Cause is in agitation, the Termly Fee five shillings.
If there be two Plaintiffs in a Bill or more, they all pay but one Fee for one Term, but for every three Defendants accounting the Husband & wife, but for one Person, there is the fee of five shillings. But for every Term afterwards during the Continuance of the same there is only the fee of five Shillings a Term to be paid for all the Defendants in any Term or Vacation before in the same Cause.

For

- Engrossing every Bill where an answer is to be made
by Commission per Sheet nine pence.
- Every Commission of Rebellion Twelve Shillings.
- Every Commission to take an Answer or Examine
Witnesses ten Shillings.
- Every special Commission upon order of the Court
fifteen shillings.
- Every Writ of Execution upon an Order Seven Shil-
lings.
- Drawing and Enrolling of every Decree & Dismission
per Sheet one Shilling.
- Every Writ of Execution upon a Decree per Sheet
Nine pence.
- Drawing and Engrossing every Injunction per Sheet
one Shilling and Sixpence.
- Every Subpœna five Shillings.
- If more than one Person, for every Person more one
Shilling.
- Every Attachment five Shillings.
- Filing every Bill, Answer, Replication, Rejoinder, or
other Pleadings one Shilling and six pence
- Entering Rule to Answer in the Rule Book, Copy
thereof and serving the same on Defendants Clerk
five shillings.
- Every Writ ne exeat Provinciam Nine Shillings
- Every Certificate that pleadings are filed, Costs of
Contempt paid, or other matter necessary to be
certified two Shillings.
- Signing & attending the Governor on Original Writs
of Error three shillings.

THE EXAMINERS FEES.

- Examination of every Deponent six Shillings.
- Certifying of any Deed or other Writing shewn to the
Deponent at his Examination Two Shillings.
- Copies of Depositions per Sheet Nine pence.

For

The Exemplification of Depositions per Sheet Nine pence.

The Examination of every Person abroad ten shillings.

THE COUNCILS FEES.

A Retaining Fee in every Cause, thirty Shillings.

Perusing and signing Bill answer Plea Demurrer or any other special pleadings, Interrogatories or Exceptions Twenty Shillings.

Every motion of Course, Ten Shillings.

Every special Motion Twenty Shillings.

Arguing every Plea Demurrer &c three Pounds.

Arguing before a Master upon Exception or any other Matter, Twenty Shillings.

Arguing before the Chancellor upon Petition Twenty Shillings.

Arguing upon hearing every Cause four Pounds.

Councils Fee upon special Matters where their Advice is necessary & not here in before provided for, to be allowed at the discretion of a Master.

The Attorney General as Kings Council to be allowed one fourth part more than other Council in matters where in the King is Concerned.

THE SOLLICITORS FEES.

Retaining Fee in every Cause Twenty Shillings.

Drawing every Affidavit of Service of Subpœna or Common Affidavit two shillings and six pence.

Every Copy thereof one shilling and three pence.

Drawing every Bill Answer Plea Demurrer, Interrogatories &c per Sheet Eighteen pence.

Every Copy thereof per Sheet nine pence.

Engrossing the same per Sheet nine pence.

Solicitors Fees every three Months ten Shillings.

Drawing every Common Petition three Shillings.

Copy thereof one Shilling and six pence.

For

- Drawing every special Petition per Sheet one Shilling and Sixpence.
 Copy thereof per Sheet Nine pence.
 Drawing every special Affidavit per Sheet one Shilling and sixpence.
 Copy thereof per sheet Nine pence.
 Fee for attending in getting Every Petition Answered ten Shillings.
 Attending upon every hearing upon Petition ten Shillings.
 Attending the Court upon every Common Motion five shillings.
 Upon every Special Motion whereon is an Argument ten shillings.
 Copy of every Order per Sheet Nine pence.
 Serving the same three Shillings.
 Giving Notice of and attending Examination of every Witness, either before Examiner or Master, three Shillings.
 Drawing Instructions to the Examiner or Master per Sheet one Shilling and Sixpence.
 The Abbreviating every Bill, Answer, and all other Proceedings and Depositions per Sheet four pence.
 Drawing Brief for Council per Sheet one Shilling and Sixpence.
 Copy thereof per Sheet Nine pence,
 Attending the Court upon every hearing, upon every Argument or Demurrer Twenty Shillings.
 Attending the Register upon Drawing every Decretal Order, Ten Shillings.
 Copy of every Order upon Reference to a Master per Sheet two shillings and Six pence.
 Serving the Master therewith three Shillings.
 Attending the Master upon every Summons ten Shillings.
 Drawing Charge Discharge or other Matters before the Master per Sheet one Shilling and Sixpence.

For

- Attending the Master to file the same three Shillings.
 Drawing every Bill of Cost to be taxed per Sheet one Shilling and Sixpence.
 Drawing the Masters Report per Sheet one Shilling and Six pence.
 Fee in attending for the Report ten Shillings.
 Drawing Notice of every Motion Copy thereof and Service five Shillings.
 Solicitors fees upon special Matters where Services are necessary and not herein before provided for to be allowed at the discretion of a Master.
 The Solicitor General to have the same as other Solicitors, and one fourth part more in Causes which concern the King.

THE SHERIFFS FEES.

- For all Services done by the Sherriff, the same Fee as for the like Services in the Supreme Court.

THE SERGEANT AT ARMS HIS FEES.

- Taking a Prisoner into Custody Eighteen Shillings.
 Miliage for each Mile going and Coming nine pence.
 Every Day a Prisoner remains in his Custody, four Shillings.
 The Return of an Order One Shilling.
 Notice to the Officers of the Time of the Courts sitting, for every motion then made one shilling.
 Every hearing three Shillings.
 Serving every Summons to attend a Master twelve pence.
 Every Person in Contempt before being discharged of his Contempt shall, besides all other Fees pay the Sergeant at Arms Six Shillings and Eight pence.
 The service of every Subpœna if served by him four shillings.
 For every Mile going and coming Six pence.

A List of Fees taken by the Council of Proprietors.

| | £. | s. | d. |
|--|------|----|----|
| For every Warrant and Seal to Resurvey. | — | 6. | 9 |
| Entering every Rule and Minute | 2. | 0 | |
| Allowing every Survey. | 2.— | | |
| Every Warrant and Seal for Locating Lands | 7. | 6 | |
| Fees to the Council for every hundred Acres in the fifth Dividend | 3.— | | |
| Ditto on the fourth Dividend | 6.— | | |
| Endorsing every Deed where all Warrant is granted | 1.— | | |
| Examining the Council Minutes | 1.— | | |
| Settling the Accounts of any Proprietor | 15.— | | |
| Settling every Dispute where Lands interfere | 5.— | | |
| Examining every Deed, Caveat, Draft or Sur- vey. | 1.— | | |
| Allowing every Deputy Surveyor | 1— | — | — |

A List of Fees taken in the Surveyor Generals Office.

| | £. | s. | d. |
|--|-----|----|----|
| For inspecting, revising & Correcting the Re- turns for the first hundred Acres | 6.— | | |
| for the second ditto | 3.— | | |
| for the third ditto | 2.— | | |
| for the fourth ditto & all others | 1. | 6 | |
| If less than 80 Acres and above 50 Acres | 3. | 6 | |
| If less than 50 Acres, and all other under | 3.— | | |
| For drawing every Certificate of a Survey or Resurvey for each Sheet Containing ninety Words | — | 9 | |
| Recording the same per Sheet | — | 7 | |
| For every Copy from the Records per Sheet. | — | 6 | |
| Endorsing every Survey on the Warrant | 1.— | | |
| For searching each Book of Records | — | 6 | |

The foregoing are all the fees Received by the Officers within the Colony of New Jersey and are Estab-

lished by Law or Ordonnance except those of the Proprietors Offices which were appointed by the Council of Proprietors Antecedent to the Law and have been taken by the Custom of that Board. Nor are there any other perquisites or Gratuitys received by the Officers in New Jersey for Services done by them upon any pretence whatever And the fees are paid in Currency Sixty Per Cent worse than Sterling money of Great Britain.

CHA READ D. Sec^y.

Order in Council approving fourteen Seals for the several Colonies in America, and directing Secretary of State, Earl of Shelburne, to transmit the same to the Governors.

[From P. R. O. America and West Indies, Vol. 106.]



AT THE COURT AT S^T JAMES'S THE 13TH
DAY OF APRIL 1767

PRESENT

The Kings Most Excellent Majesty in Council.

His Majesty in Council having this Day Approved of fourteen new Seals for the following Islands And provinces in America, (viz:)—

| | |
|------------------|----------------|
| Jamaica | New Hampshire |
| Barbadoes | New Jersey |
| Leward Islands | New York |
| Bahama Islands | Virginia |
| Bermuda Islands | North Carolina |
| Nova Scotia | South Carolina |
| Massachusets Bay | Georgia |

Is hereby pleased to Order That the Right Honourable

the Earl of Shelburne, one of His Majesty's Principal Secretaries of State do Cause Warrants to be prepared for his Royal Signature, for Transmitting the said Seals to the Governors of the said Islands and provinces, empowering them to make use thereof, And his Majestys said principal Secretary of State is hereby further Ordered, to Cause the said Warrants and New Seals, to be transmitted accordingly And to require the said Governors respectively to Return the Old Seals to the Council Office at Whitehall, in Order to their being Defaced by His Majesty at this Board.

W. BLAIR.

Report of the Lords of Trade to the Earl of Shelburne, of the establishment of the salaries of Governors, Judges and other officers principally concerned in the administration of Justice in the North American Colonies.

[From P. R. O. B. T. Plantations General, N., No. 41, pp. 147 and 160.]

April 16, 1767.

To the Earl of Shelburne, One of His Majesty's principal Secretaries of State.

My Lord.

In Obedience to His Majestys Commands signified to Us in Your Lordship's Letter of the 9th instant, we herewith inclose to Your Lordship a Report of the Civil Establishment of the Governors, Judges & other Officers principally concerned in the Administration of Justice in the several Colonies of North America, as far as can be collected from the Materials in this Office. We are

My Lords Your Lordship's most obedient
and most humble Servants

CLARE THOMAS ROBINSON
SOAME JENYNS W^m FITZHERBERT.

Report of the Board of Trade of the Establishment of the Salaries of Governors, Judges & other Officers principally concerned in the Administration of Justice in His Majesty's Colonies in North America, as far as can be collected from the Materials in that Department.

* * * * *

NEW JERSEY.

The Establishment in New Jersey consists of a Governor, Lieutenant Governor, Chief Justice, two Associate Judges and an Attorney General.

The Governor, Lieutenant Governor, Chief Justice & Attorney General are appointed from Home, the Associate Judges are appointed by the Governor.

All these Officers are intirely dependent upon the Assembly for their Support, and their Salaries which are voted from Year to Year and are sometimes more sometimes less as the Assembly thinks proper, and are given to the Officer by Name, and not to the Office.

By the last Act for the Support of Government from May 1766 to May 1767, the Salaries are as follow,

| | |
|----------------------------------|-------------------|
| To the Governor | Currency £1200 |
| Chief Justice | 150 |
| Associate Judges, each | 50 |
| Attorney General | 30 |

Letter from the Board of Admiralty to Secretary Lord Shelburne, transmitting an Account of the Establishment of the Admiralty Courts in the several Colonies in America.

[From P. R. O., America and West Indies, Vol. 252 (270).]

ADMIRALTY OFFICE: 30th April 1767

R^t Honble Earl of Shelburne.

My Lord

In obedience to the Kings commands signified to us by your letter of the 28th instant, We herewith trans-

mit to you, for his Majesty's information, an account of the establishment of the Admiralty Courts in the several Colonies of North America; but with respect to the salaries of the officers belonging to those courts, We beg leave to acquaint your Lordship that no salaries are allowed them, excepting eight hundred pounds a year to D^r Spry, Judge of the Vice Admiralty Court of all America We are My Lord

Your Lordships most humble Servants

E^p HAWKE

J BULLER

PEIRCY BRETT

Account of the Establishm^t of Admiralty Courts in North America

In the Lords of the Adm^{ty}s of the 30th April 1767

ADM^{TY} OFFICE 30th April 1767

Account of the Establishment of the Admiralty Courts in his Majesty's several Colonies in North America.

| Officers' Names | Employments, and at what place. |
|---|---------------------------------------|
| Earl of Northumberland | Vice Adm ^l } |
| D ^r W ^m Spry | Judge } Of all America |
| Hon ^{ble} Sp ^r Perceval | Register } |
| Chas Howard | Marshal } |
| Lord Cha ^s Montague | Vice Adm ^l } |
| Egerton Leigh Esq ^r | Judge } Of Sth Carolina |
| W ^m Drayton Esq ^r | Advocate } |
| James Grant J ^r | Vice Adm ^l of East Florida |
| W ^m Franklin Esq ^r | Vice Adm ^l of New Jersey |
| Sir Henry Moore B ^t | Vice Adm ^l } |
| R ^d Morris Esq ^r | Judge } Of New York |
| Rich ^d Nicholls | Register } |
| Lord Will ^m Campbell | Vice Adm ^l } |
| John Collier Esq ^r | Judge } Of Nova Scotia |
| Cha ^s Morris | Register } |
| James Monk | Marshal } |

| Officers Names | Employments, and at what place. | |
|---|--|--|
| Willm. Tryon Esq ^r | Vice Adm ^l | } Of Nth Carolina |
| Will ^m Faris Esq ^r | Judge | |
| Rob ^t Jones Esq ^r | Advocate | |
| Jam ^s Murray Esq ^r | Vice Adm ^l of Quebec | |
| John Eliot Esq ^r | Vice Adm ^l | } Of West Florida |
| Alex ^r Duncan Esq ^r | Judge | |
| Sir Jeffrey Amherst | Vice Adm ^l | } Of Virginia |
| Jn ^o Randolph Esq ^r | Judge | |
| Fra ^s Barnard Esq ^r | Vice Adm ^l of the former only | } Massachu- sets Bay and New Hamp- shire |
| John Wentworth Esq ^r | Vice Adm ^l of the latter only | |
| Chambers Russell Esq ^r | Judge | |
| And ^w Belcher | Register | |
| Cha ^s Paxton | Marshal | |
| Jam ^s Wright Esq ^r | Vice Adm ^l of Georgia | |
| Mich ^l Gill Esq ^r | Judge of the V. Adm ^t y at S ^t Johns Newfoundland | |
| John Andrews Esq ^r | Judge at Rhode Island & Providence | |
| Thos Hopkinson Esq ^r | Vice Adm ^l | } Of Pennsylvania |
| Will ^m Peters | Judge | |

Letter from Mr. Secretary Pownall to Mr. Wilmot, on the Subject of changes in the list of Commissioners for settling the boundary between New York and New Jersey.

[From P. R. O. B. T., New Jersey, Vol. 17, p. 195.]

WHITEHALL May 23^d 1767.

To Henry Wilmot Esq^r

Sir,

The Lords Commissioners for Trade and Plantations having appointed Tuesday next the 26th Ins^t for Taking into Consideration Your Petition to His Majesty; pro-

posing alterations to be made in the List of Commissioners for settling the Boundary Line between that Province and the Province of New York, I am directed by your Lordships to desire your attention at their Board on that Day at eleven O'Clock in the forenoon.

I am, Sir, Your most obedient and humble Servant
J. POWNALL.

Representation from the Lords of Trade approving the alterations proposed for New Jersey in the list of Commissioners for settling the boundary line between that Province and New York.

[From P. R. O. B. T. New Jersey, Vol. 17, p. 196.]

WHITEHALL June 3^d 1767.

To the R^t Hon'ble the Lords of the Committee
of His Majesty's most Hon'ble Privy Council
for Plantation Affairs.

My Lords

Pursuant to Your Lordships Order of the 2^d of April last we have taken into our consideration the humble Petition of Hen: Wilmot Esq^r appointed by the Assembly of New Jersey to Sollicit the Affairs of that Colony, praying, for reasons therein contained, that certain persons recommended by this Board to be Commissioners for the purpose of finally settling the Boundary Line between the Provinces of New York and New Jersey may be omitted in the List annexed to Our Representation to His Majesty dated July 20th 1764 and we having upon this occasion been attended by the Petitioner and also by M^r Charles acting as Agent for the Affairs of New York, we beg leave herewith

to lay before your Lordships a List of the Names of such Commissioners, as, upon Consideration of what is setforth in M^r Wilmots Petition, appears to Us to be proper, and to which both Parties have agreed.

We are, My Lords,

Your Lordships most obedient and
most humble Servants,

CLARE

SOAME JENYNS

JOHN ROBERTS.

W^m FITZHERBERT.

THO^s ROBINSON.

List of Persons to be appointed Commissioners for Deciding the Controversy concerning the Boundary or Partition Line between the Provinces of New York and New Jersey.

John Temple Esq^r Surveyor General of the Customs for the Northern District of America.

Peter Randolph Esq^r Surveyor General of the Customs for the Southern District of America.

Charles Stewart Esq^r Surveyor General of His Majesty's Customs for the District of Quebec.

Andrew Elliott Esq^r Receiver General of His Majesty's Quit Rents in the Province of New York.

Chambers Russel Esq^r Judge of the Court of Vice Admiralty for the province of Massachusetts Bay

William Allen Esq^r Chief Justice of the Province of Pennsylvania

Samuel Holland Esq^r Surveyor General of Lands for the northern District of America.

William De Brahm Esq^r Surveyor General of Lands for the Southern District of America.

Andrew Oliver Esq^r Secretary of the Province of Massachusetts Bay.

Charles Morris Esq^r Surveyor of Lands and one of the Council of the Province of Nova Scotia.

Payton Randolph Esq^r Attorney General and one of the Council of Virginia.

Benjamin Franklin Esq^r of the Province of Pennsylvania

Jare'd Ingersoll Esq^r of the Colony of Connecticut.

Letter from Governor Franklin to Benjamin Franklin.

[From "Letters to Benjamin Franklin, from his Family and Friends, 1751-1790,"
New York, C. Benjamin Richardson, 1859, pp. 32-5.]

BURL'N, June 10, 1767.

Hon'd Father :

I have before me your two favours, of March 19 and April 11, which came by the Packet.

Your remarks on the report of the Board of Trade have been printed, and never anything met with more general approbation. Even the Prop'y party are warm in its praises. Alexander Houston, I am told, has acknowledged that he did not believe that all the writers on his side of the question put together could produce anything equal to it. Our friend Samuel Smith,¹ of this town, says that he thinks all the provinces in North America ought to join to make it worth your while to reside in England as long [as] you live. The people of this province are much pleased with your having mentioned New Jersey as one of the Colonies which have guarded against the excess in paper currency. They have no tidings of any thing's being done by their own agent in this or any other American affair, and the Assembly having some resentment for their being surprised into the appointment of him, will probably remove him at this sessions; but whom they will appoint in his stead, I cannot guess.

¹ The historian of New Jersey.

The clamour in England against the Colonies has alarmed the people here in general. The New York Assembly, I'm told, have voted £3,000 for supplying the King's troops with necessaries, which is to be put into the hands of persons who are to provide the same articles as are required by Act of Parliament, without taking any more notice of that Act than if it had never existed. Our Assembly, which is now sitting, will I believe, act nearly on the same plan. They had, indeed, provided in the last Act all the necessaries mentioned in the Act of Parliament except cider, or rum in lieu thereof; but they at the same time provided some other things which were not required by that Act, and the officers and soldiers quartered in this province have acknowledged themselves well satisfied. There are several letters from England which mention Gov. Moore's impudent letter's being read in the House of Lords, and I hear 'tis likely to occasion some uneasiness between him and the people at New York. I wish, however, that the Assembly there had done at their last sitting what they have now done, as it would have saved their friends in the ministry a great deal of trouble; and they might, too, have done it very consistently, if, as you say, they had considered the Act in the light of a requisition. As to the Boston Assembly, there seems to be no hopes of any temperate proceedings from that quarter, unless Governor Barnard was removed or Otis was to die.

You may depend that your Mahogany Press¹ will not be used, and I fancy they have avoided meddling with the letter,² but I shall inquire. When Mr. Parker³ comes this way I will get him to fix a value on that and the old press.

I am much obliged to you for procuring the Collec-

¹ Evidently a printing press is referred to.

² The type.

³ James Parker, the printer.

torship for my friend Kollock. I have wrote him that it was obtained by a friend of mine to whom I had applied in his behalf; and have taken pains to inculcate among our friends your aversion to engage in such applications while you continue Agent. The reasons you urge for its not being known that you had any hand in the affair are undoubtedly of great weight, and I have contrived it so that it is generally suspected that I obtained it through Mr. Cooper, with whom many here have heard that I was acquainted in England. The David Hall you mention is a Member of the Assembly for Sussex, and had the Prop'y interest to procure the office. As the Proprietor has failed in his application, I suppose the party would, if they thought his want of success was owing to you, make such another outcry as they did when they were disappointed in getting the Collectorship of New Castle for one Morris, in whose behalf they had greatly interested themselves. Morris's friends and the Proprietor wrote over that you had got the office for Walker (I think his name is), and that they were so informed at the Treasury. This was generally believed to be truth, and you were much abused for using your interest for a drunken fellow and a stranger when you might have got it for some man of character on this side of the water, or let the Proprietor have procured it for some such; that your not doing this was making a wanton use of your interest, merely with a view of thwarting the Proprietor, &c., &c. But when the man arrived and heard these reports, he declared that he was not even known to you, and, I have [heard], told many that he owed his place to Mr. Trecothic, as you wrote me. But the Prop'y party, notwithstanding, persevere in declaring that you got it for him, and that they have letters which mention it. I suppose the Proprietor had heard of the application you made for that office in behalf of some friend, and concluded, when the appointment was made, that Walker was the man,

As to the fees which you have paid, or may pay, on account of Mr. Kollock's commission, I will be answerable to you for them, and should be glad you'd acquaint me what they are.

Governor Wentworth visited me on his journey home, and lay a night at my house. I next morning accompanied him as far as Trenton Falls, where we spent the day a-fishing, and supped together. I think him a very sensible, easy, agreeable gentleman.

(The conclusion of this letter is lost.)

Report of the Attorney and Solicitor-General to the Lords of Trade, in relation to "An Act for the preserving of all Such Ships and Goods thereof which shall happen to be forced on Shore or Stranded upon the Coasts of this Kingdom, or any other of her Majesty's dominions."

[From Pennsylvania Archives, Vol. 4, 174.]

JUNE 25th 1767.

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

May it please Your Lordships.

In obedience to your Lordships Commands, Signified to us by Mr. Pownall's Letter of the 12th day of this Instant, June, that we would take into our Consideration an Act of Parliament passed in the 12th of Queen Anne, Stat. 2. Cap. 18. intituled "An Act for the preserving all such Ships and Goods thereof, which shall happen to be forced on shore or stranded upon the Coasts of this Kingdom, or any other of her Majesty's dominions; also one other Act of Parliament, passed the 4th Geo. 1st Cap. 12 intituled "An Act for preserving all such Ships and Goods thereof, which shall happen to be forced on Shore or stranded upon the Coasts

of this Kingdom, or any other of His Majesty's dominions, and for inflicting the Punishment of Death on such as shall wilfully burn or destroy ships"; and that we would give our opinion whether the said Acts do Extend to, and are in force in, His Majesty's Colonies and Plantations in America.

We have taken the same into our Consideration, and are of Opinion that as the Title of the Act of the 12th Anne, Stat. 2, C. 18, expressly imports to be an Act for preserving Ships and Goods forced on Shore or stranded upon the Coasts of this Kingdom "or any other of Her Majesty's dominions," and the Enacting part has words Extending to Her Majesty's dominions in General; the said Act of the 12th Anne, Extends to and is in force in His Majesty's Colonies and Plantations in America, notwithstanding the special Promulgation of the Law and some other provisions in it are Applicable only to this Kingdom.

We are likewise of Opinion that so much of the Act of 4 Geo. I, Chap. 12, as declares the 12th Anne to be perpetual, Extends to America.

But the 3^d clause of that Act, which introduces a new Crime, by a provision altogether independent of the former part of the Act, and made to render an Act of the 1st Anne more Effectual, we are inclined to think does not Extend to His Majesty's Colonies and Plantations in America; that Clause being Expressed in General Terms, without any reference to the Colonies. And the II Geo. 1, C. 29, S. 7, which directs the mode of the prosecution of these offences, when Committed within the Body of any County of this Realm or upon the High Seas, making no mention of the manner of Trial, if such offences should be Committed in any of His Majesty's Plantations or Colonies in America.

All which is submitted to your Lordships Consideration.

WM. DE GREY
E. WILLES.

Order in Council approving the draft of the Commission to settle the Boundary between the Provinces of New York and New Jersey.

[From P. R. O., America and West Indies, Vol. 106.]



AT THE COURT AT ST JAMES THE 26TH
DAY OF JUNE 1767.

PRESENT

The Kings most Excellent Majesty in Council.

Whereas there was this Day read at the Board, a Report from the Right Honourable, the Lords of the Committee of Council for Plantation Affairs, dated the 12th of this Instant, upon considering the Draught of Commission, prepared by his Majestys Attorney and Solicitor General, for appointing Commissioners finally to settle and adjust the Boundary or partition Line, between the provinces of New York and New Jersey, from the Station on Hudsons River, to the Station on Delaware River, and their Lordships having offered it as their Opinion, that the said Draught of a Commission was proper for his Majestys Approbation. His Majesty was thereupon pleased with the advice of his Privy Council (to approve of the said Draught of a Commission (which is hereunto annexed) and to Order as it is hereby Ordered, that the Right Honourable the Earl of Shelburne one of His Majestys principal Secretarys of State do cause a Warrant to be prepared for his Majestys Royal Signature in order to pass the said Commission under the Great Seal of Great Britain.

ROBERT WALPOLE

GEORGE THE THIRD by the Grace of God of Great Britain France and Ireland King Defender of the

Faith &c To our Trusty and well beloved John Temple Esq^r Surveyor General of the Customs for the Northern District of America Peter Randolph Esquire Surveyor General of the Customs for the Southern District of America, Charles Stewart Esquire Surveyor General of the Customs for the District of Quebec Andrew Elliot Esquire Receiver General of our Quit Rents in the Province of New York Chambers Russell Esquire Judge of the Court of Vice Admiralty for the Province of the Massachusetts Bay. William Allen Esquire Chief Justice of the Province of Pensylvania Samuel Holland Esquire Surveyor General of Lands for the Northern District of America William De Brahm Esquire Surveyor General of Lands for the Southern District of America Andrew Oliver Esq^r Secretary of the Province of the Massachusetts Bay, Charles Morris Esquire Surveyor of Lands and one of the Council of the Province of Nova Scotia, Payton Randolph Esquire Attorney General and one of the Council of Virginia, Benjamin Franklin Esquire of the Province of Pensylvania, and Jared Ingersoll Esquire of the Colony of Connecticut Greeting

Whereas the Boundary or Partition Line between our Colonies of New York and Nova Cesaria or New Jersey from the Station on Hudsons River to the Station on Delaware River hath not hitherto been duly ascertained from which unsettled State of the Boundaries of our said two Colonies not only the Extent of their respective Jurisdictions remains uncertain and the Due and Regular administration of Government in both Colonies is by that means greatly Impeded but also frequent and Dangerous Riots have been occasioned and are still likely to arise as well Concerning the Extent of the respective Jurisdiction as the property of the soil to the Great Disturbance of the Publick Peace and the Manifest discouragement of Our Good Subjects in the Settlement and Improve-

ment of that part of Our Dominion *And Whereas* our said Colonies of New York and New Jersey have by acts passed in their respective General Assemblies concurred in Submitting the property of Lands in both Colonies to such a Method of Decision as to us by our Royal Commission or otherwise should seem meet in which Acts they have made provision for defraying the Expence which may attend the Execution of this Salutory Measure and have also appointed agents therein named in behalf of each Colony to manage the said Controversy of which Acts of Assembly laid before us in our Council we have been graciously pleased to Declare our Royal Approbation.

Know Ye therefore that We reposing Special Trust and confidence in your Knowledge Ability and Integrity, have nominated Authorized and appointed and Do by these presents Nominate authorize and appoint you the said John Temple, Peter Randolph, Charles Stewart Andrew Elliot Chambers Russell William Allen, Samuel Holland, William DeBrahm Andrew Oliver Charles Morris Payton Randolph Benjamin Franklin and Jared Ingersoll or any five or more of you to be our Commissioners for ascertaining settling adjusting and Determining the Boundary aforesaid between our said two Colonys of New York and New Jersey in such manner as from sufficient Evidence produced to you shall appear Just and Equitable. Our Will and Pleasure therefore is, that after Notice shall be given to you and each of you or left at your respective places of Abode by any two of the agents named on the part of the Colony of New York and any two of the Agents named on the part of New Jersey jointly (not separately) for Managing the said controversy of this our Royal Commission to you directed and of the Day by the said Agents jointly assigned and appointed for holding the first Meeting at our City of New York within our said Colony being most Con-

veniently situated for that purpose at least one Calendar Month before the Day to be by them so appointed for the said first meeting you do repair to our said city on the Day so appointed and there hold Your first meeting from which Day and any future Days of adjournment you may adjourn to such time and times Place and places as may be most Convenient to you for the furtherance of the Business committed to your Care hereby directing that of the Commissioners present at any Meeting he who is first named in the list of Commissioners shall preside at such meeting and shall Issue out the necessary Summons for such Witnesses as either party shall require and in case five of you shall not be present on the Day of your first Meeting or on any other Day of adjournment then such as shall be present or a Majority of them shall and may adjourn the further Execution of this Commission in manner aforesaid And We do direct that at the first meeting at which five of you shall be present you do make choice of one or more Clerk or Clerks to enter Your Minutes and proceedings, and also make choice of one or more Skilful persons as Surveyors to make and prepare Draughts and plans of the Country or Boundaries as from time to time there shall be occasion and to Discover survey and mark out such River or Rivers Branch or Branches thereof Latitudes Lines or Stations as You shall think Necessary, and that you do Administer to such Clerks Surveyors and other persons as you shall employ an oath, or (if they be of the people called Quakers) an affirmation for the due and faithful Execution of their Trusts which oath or affirmation the Commissioners presiding at your respective meetings are hereby empowered to administer

And our further Will and Pleasure is, that in case either of our said Colonies shall neglect to send to you our said Commissioners at Your first or second Meeting where five of you shall be present a plain and full

state in writing Signed by two or more of the Agents named on each side as aforesaid of the Demand or Pretensions of our said Colonies respectively, Describing where and in what place the Boundaries in Question do begin or Terminate whether that Termination be by a Line or Lines Latitude or Longitude by Rivers or other Waters by Branch or Branches of Rivers and Waters by Hills or Mountains or by any other Mark or Marks whatsoever and to what other Station or Stations the said Boundaries ought to run and in what manner and how far the same ought to run and Extend (to the End that Copies thereof may be mutually Exchanged in order to prevent any unnecessary Delay and that each party may come fully prepared) and in case either of our said Colonies shall neglect to send to you our said Commissioners at your first or second Meeting where five of you shall be present the Names and places of abode of two of the said Agents of each side residing in their respective Colonies on either of whom or at whose place of abode any Notice Summons or Final Judgment of you our said Commissioners may be served or left, that then in each or either of these cases you our said Commissioners or any five of you do proceed Exparte in the execution of this our Commission.

And We do further Direct and command that no Witness or Witnesses be admitted to give Evidence but such as shall be Sworn or being of the people called Quakers shall take a Solemn Affirmation before you in open Court which oath or affirmation, You or any five or more of you are hereby Impowered to administer, and that all Interrogatories and Questions which shall be put to such Witnesses before you shall be set down in Writing and that the whole of what such Witnesses shall depose also be set down in writing by the said Clerk or Clerks in the presence of you and of the respective Witnesses, and that the same be

read over to and signed by the respective Witnesses— And that you shall appoint such time as you shall find reasonable, within which time all the Witnesses on each side shall be produced to be Examined And We do further order and Direct that Entries be made of all Charters Grants Deeds plans and other Written Proofs received by you as Evidence, and also of all your proceedings and Resolutions and that such plans Maps or Draughts of such Boundaries as shall be agreed upon by you with a full description thereof be annexed to Your Determination And our further Will and Pleasure is that when you shall have made Your final Determination and signed the same copies thereof shall be forthwith sent to the two Agents of each of our said respective Colonies whose Names and places of abode have been certified unto you as before mentioned together with notice of another meeting to be held by you at the distance of two Months or at such further reasonable time not exceeding three Calendar Months as you shall appoint at which future meeting the said Colonies or either of them who shall think themselves aggrieved may by two of their Agents as aforesaid enter their appeal to us in our privy Council with a Declaration what parts of the Determination made by you they respectively abide by or appeal from. But if either of our said colonies shall not enter their respective Appeals against such Determination at such last meeting, Our Will is that then no appeal shall be afterwards received or admitted, And in case neither of our said Colonies shall then enter any Appeal the Determination of you (be confirmed by us in Council) shall be final and Conclusive to both our said Colonies. And further our Will is that each of our said Colonies be permitted to take at their own respective Expence Copies of the whole or any part of your proceedings to be attested by five or more of you our Commissioners, And that you do re-

turn this our Commission together with all your proceedings thereto annexed attested by five or more of you to us in Council. And Lastly our Will is that the Charge of this Commission and of Carrying it into Execution and of You our Commissioners Your Clerks Surveyors and Officers be born and paid in equal Moieties by each of our said Colonies as in the aforementioned Acts of their respective General Assemblies is Stipulated to be done and performed In Witness whereof We have caused these our Letters to be made patent

Letter from Secretary Shelburne to Governor Franklin, conveying the King's displeasure with the Assembly of New Jersey for avoiding complete obedience to an Act of Parliament in regard to punishing mutiny and desertion.

[From P. R. O. America and West Indies, Vol. 172 (190).]

WHITEHALL 18th July 1767.

Gov^r Franklin,

Sir, I have had the honour to lay before the King your Letters of the 18th Dec^r 1766, from which it appears that the Assembly of New Jersey have avoided a complete Obedience to an Act of the British Parliament for rendering more effectual in America, an Act for punishing Mutiny and Desertion

The singular Decency and good Order of that Province amidst the Disturbances occasioned by the late Act. imposing Stamp Duties in America, has made this Instance of Disobedience the more to be regretted, whilst it has probably had the Effect of delaying any Marks of Parliamentary Displeasure in the reasonable Expectation that the same just Spirit of Constitutional

Acquiescence would soon induce that Assembly to return to a proper Sense of its Duty.

I have in Command from His Majesty to acquaint you of the displeasure he has unavoidably conceiv'd at the improper Conduct, in a Province, of whose Behaviour he had form'd so favourable an Opinion, and that He expects and requires that the Assembly of New Jersey will render an exact and complete Obedience to the Mutiny Act. You will therefore, Sir, in His Majesty's Name require of the Assembly that they will make those Provisions for the Supply of the Kings Troops, which, by that Act they are directed to do: & I cannot entertain a Doubt but that that Assembly will, upon due Consideration discover a just and proper Sense of their Duty to His Majesty: and of their Obedience to Parliament, who cannot ultimately suffer its Legislative Power over any Part of His Majestys' Subjects to be questioned or disobey'd.

I am &c
SHELBURNE.

Draft of an instruction to the Governors in North America, forbidding any alteration in the number of the Assembly.

[From New York Colonial Documents, Vol. VII., p. 946.]

ST JAMES 24, July 1767.

To Our trusty and Wellbelov'd [naming the
Governors of the Several Colonies and
Plantations]

Whereas Laws have at several times been passed in many of Our Colonies and Plantations in America, by which certain Parishes and Districts have been Em-

powered and Authorized to send Representatives to the General Assemblies of the respective Colonies in which the said Parishes and Districts lie, and Sundry other Regulations have been introduced by those Laws relative to the said Assemblies; It is our Will and Pleasure, and We do hereby require and Command that you do not upon any pretence whatever give your assent to any Law or Laws to be passed in our——¹ under your Government, by which the number of the Assembly shall be enlarged or diminished the duration of it ascertained, the qualification of the Electors, or the Elected, fixed or altered or by which any Regulations shall be established with respect thereto, inconsistent with Our Instructions to you Our Governor, as prejudicial to that Right or Authority which you desire from us by virtue of Our Royal Commission and Instructions.

Order in Council, approving the draft of an additional instruction for the Governor of New Jersey, requiring him not to give his assent to any law touching the number, duration, etc., of the Assembly.

[From P. R. O. America and West Indies, Vol. 106.]

*
L. S.
*

AT THE COURT AT ST JAMES'S, THE 26TH
DAY OF AUGUST 1767.

PRESENT,

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Report from the Lords Commissioners for Trade and Plantations dated the 24th of last Month together with

¹ Colony, Province, Island.

a Draught of an additional Instruction prepared by them in pursuance of His Majesty's Order in Council of the 26th of June last for the Governor of South Carolina requiring him not to give his Assent to any Law or Laws to be passed in the said province by which the Number of the Assembly shall be enlarged or Diminished, the Duration of it ascertained the Qualifications of the Electors or the Elected fixed or altered or by which any Regulations shall be established with respect thereto inconsistent with his Majesty's Instructions to the said Governor, as prejudicial to that Right or Authority which the said Governor derives from His Majesty in virtue of his Royal Commission and Instructions And Whereas there was also read at the Board Draughts of a like circular Additional Instruction to the Governors of the following provinces and Islands in America, they not having as yet received such an Instruction Viz! Nova Scotia, New Hampshire, New York, New Jersey, Virginia, West Florida, Jamaica, Grenada, Bermudas, Leeward Islands Barbadoes, and the Bahama Islands, — His Majesty taking the said Report and Draughts of Additional Instructions into Consideration was pleased with the Advice of his Privy Council to approve of the said Draughts of Additional Instructions (which are hereunto annexed) and to order as it is hereby ordered, that the Right Honourable the Earl of Shelburne, one of His Majesty's Principal Secretarys of State do cause the same to be prepared for His Majesty's Royal Signature—

W. BLAIR.

Letter from Governor Franklin to Secretary Shelburne, acknowledging receipt of the Act for granting certain duties in the British Colonies, and the new Seal of New Jersey.

[From P. R. O., America and West Indies, Vol. 172 (190).]

BURLINGTON, New Jersey, Oct. 6. 1767

The R^t Hon^{ble} Earl of Shelburne

My Lord

Your Lordship's Letter of the 11th of July, enclosing a Copy of the Act for granting certain Duties in the British Colonies, &c. came duely to Hand, as did also the New Seal for the Colony of New-Jersey with His Majesty's Warrant for using the same, I herewith return the old One, agreeable to His Majesty's Commands and am, with the greatest Respect,

My Lord, Your Lordships most obedient
& most humble Servant

W^m FRANKLIN

Letter from Governor Franklin to Benjamin Franklin, in relation to Rumors of an attempt to have the Governor Removed.

[From "Letters to Benjamin Franklin," pp. 38-40.]

BURLINGTON, Oct. 23^d 1767, Friday

Hon'd Father:

* * * I send you enclosed a copy of a letter Mrs. Franklin received last night from Parson Brown¹ of Newark, in which he gives some dark hints of an attempt to have me removed. But I have not the least suspicion of what he alludes to, as no Gov'r ever stood

¹ The Rev. Isaac Brown, Rector of Trinity Episcopal Church at Newark, 1745-76 an ardent Loyalist, who was compelled by the "rebels" to flee to New York in the winter of 1776-7, and at the close of the war to Nova Scotia, where he died 1787.—*The Days of Old, a Centennial Discourse, delivered in Trinity Church, Newark, N. J., February 22, 1846*, by the author, H. Henderson, A. M., Rector; New York, 1846, 18-36.

better with the people in general than I do at present. Some, indeed, suspect that there is a scheme to get Lieut. Col. Skinner, who is [a few words lost] Warren, to apply for the Government, which they say he would stand a good chance of obtaining through the interest of Col. Fitzroy², his brother-in-law, and the Duke of Grafton. But I confess I see no reason for such suspicions. I am at present on a very friendly footing with Cortlandt Skinner; and though he might wish his brother to be Governor here, yet I hardly think he would be guilty of any underhand means to have me removed from this Government, unless I was to have another in exchange. And I much question whether Col. Skinner, now he is married to so great a fortune and has a good chance of rising in the army, would wish to have the Government. Mr. Brown lives near, and is intimate with Capt. Arch'd Keunedy, who, without the least cause in the world, has taken, I'm told, an uncommon prejudice against me. Perhaps he may have thrown out some hints which may have alarmed Mr. Brown, and induced him, out of regard to me, to write my wife on the occasion. At present it is all a mystery to me; but lest any such matter as he apprehends might be in agitation, I thought it prudent to send you a copy of his letter.

* * * * *

I am, hon'd sir, your ever dutiful son

WM. FRANKLIN.

¹ The missing words were probably "lately married Susan Warren, Daughter of Admiral Sir Peter Warren." She was the Admiral's youngest daughter by his wife Susanna, eldest daughter of Stephen DeLancey and Ann Van Cortlandt (b. Feb. 13, 1676), daughter of Col. Stephen Van Cortlandt and Gertrude Schuyler. Lieut.-Col. William Skinner was the third son of the Rev. William Skinner, of Perth Amboy, and Elizabeth Van Cortlandt (born May 24, 1694, daughter of Col. Stephen Van Cortlandt. He served in the French War in 1755-6, being captured in the latter year; he attracted the favorable notice of King George II. in London, in 1757, and was commissioned a Lieutenant in the British army, rising to the rank of Captain in 1759, and Major in 1761, and Lieutenant-Colonel in 1763, and subsequently Colonel. He died in England about 1778.—*Whitehead's Perth Amboy*, 101, 112-119; *N. Y. Gen. and Biog. Rec.*, Oct., 1874, 71-2.

² Col. Fitzroy married a sister of Col. Skinner's wife; he was a brother of the Duke of Grafton. See letter of Col. S., on page 45 of this volume. [W. N.]

Letter from Governor Franklin to Secretary Shelburne relative to the inequality of the expense of quartering troops in the Colonies, and suggesting a plan to obviate it.

[From P. R. O. America & West Indies, Vol. 190.]

BURLINGTON New-Jersey Oct^r 22, 1767

R^t Hon^{ble} E. of Shelburne.

My Lord,

I am honoured with your Lordship's Letter of the 18th of July, signifying His Majesty's Displeasure at the Assembly of this Province, for having avoided a complete Obedience to the Act of the British Parliament for rendering more effectual in America, An Act for punishing Mutiny & Desertion.

By this Time your Lordship has probably receiv'd my Letter of the 22^d of August, in which I acquainted your Lordship with the Assembly's having, by an Act passed in June last, made Provision for Supplying the King's Forces, quartered in this Colony, with all the Necessaries required by Act of Parliament. From that time to the present, the Regiment now station'd here have accordingly been regularly supplied, by the Barrack Masters, with every Article of their Allowance, and I have not receiv'd the least Complaint from the Officers or Soldiers on any Account whatever. So that I doubt not, when this Matter is made Known to His Majesty, that His Royal Displeasure will be remov'd, and that He will be graciously pleased to entertain the same favorable Sentiments of the Assembly of this Province as before.

I hope it will not be thought too presuming, if, on this Occasion, I should take the Liberty to suggest to

your Lordship, That as it is the Inequality of the Expence, more than the Expence itself, which occasions Dissatisfaction to the Colonies on which the King's Troops are quarter'd, Whether it would not be proper, in order to obviate this Objection, to appropriate some of the Monies arising from the Revenues of the Crown in America to the Defraying of those Expences for the future. Their being paid out of the Quit Rents, and Duties on various Commodities consum'd in the several Colonies, will make the Burden nearly equal to the Inhabitants of each; which seems but reasonable, as all must be benefitted by the Protection which the King's Forces in America afford. This Appropriation will besides have a Tendency to make the new Duties the less disagreeable; especially in the Middle Colonies, who are chiefly burden'd with the Expences above mention'd. It is, indeed, sometimes urg'd, That the Colonies who have Troops quarter'd on them, are benefitted by the Money they spend, as much, if not more, than they are hurt by the Expence of furnishing them with Necessaries: But this is denied by the People in general, who alledge, that what with the frequent Quarrels and Riots occasioned by the common Soldiers, their Plunderings, and sometimes refusing to pay their Debts, the Ballance is greatly in Disfavor of the Inhabitants among whom they are quartered, if They are to be at that Expence solely.

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

W^m FRANKLIN

P. S. I am just informed that my Dispatches of Augst 22. did not reach New York till after the Packet had sail'd for England.



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